

## State-by-State Producer Definitions

The table below contains the general definition for producer under each state law along with the source. In most cases, the obligated producer will be the brand owner. However, please note that each producer's situation is unique and there may be other elements of each law that determine where a producer falls within the hierarchy of obligation. In addition, several states are still going through rulemaking which could alter the definitions provided below. Producers should consult their own legal counsels before determining their obligations under EPR laws.

State	Producer Definition	Source
California	<p>(1) "Producer" means a person who manufactures a product that uses covered material and who owns or is the licensee of the brand or trademark under which the product is used in a commercial enterprise, sold, offered for sale, or distributed in the state.</p> <p>(2) If there is no person in the state who is the producer for purposes of paragraph (1), the producer of the covered material is the owner or, if the owner is not in the state, the exclusive licensee of a brand or trademark under which the product using the covered material is used in a commercial enterprise, sold, offered for sale, or distributed in the state. For purposes of this subdivision, a licensee is a person holding the exclusive right to use a trademark or brand in the state in connection with the manufacture, sale, or distribution of the product packaged in or made from the covered material.</p> <p>(3) If there is no person in the state who is the producer for purposes of paragraph (1) or (2), the producer of the covered material is the person who sells, offers for sale, or distributes the product that uses the covered material in or into the state.</p>	<a href="https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&amp;division=30.&amp;title=&amp;part=3.&amp;chapter=3.&amp;article=1">https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&amp;division=30.&amp;title=&amp;part=3.&amp;chapter=3.&amp;article=1</a>

	<p>(4) “Producer” does not include a person who produces, harvests, and packages an agricultural commodity on the site where the agricultural commodity was grown or raised.</p> <p>(5) For purposes of this chapter, the sale of covered materials shall be deemed to occur in the state if the covered materials are delivered to the purchaser in the state.</p>	
<b>Colorado</b>	<p>A producer of packaging materials is defined in the Act as the entity that manufactures a product (“manufacturer”) and is subject to compliance with the Act if 1) the product is sold or distributed in Colorado using packaging materials under a manufacturer’s own brand; or 2) the product is sold or distributed in Colorado using unbranded packaging materials. If the product is not manufactured by the brand owner, the producer is the person who licenses (“licensee”) the brand or trademark under which a product is sold or distributed, regardless of whether the trademark is registered in Colorado. If a manufacturer or licensee is not located within the U.S., the producer is the person that imports the product. For a more detailed breakdown of the order of obligation for producers, please see proposed rules in Section 18.2.3.</p>	<p><a href="https://cdphe.colorado.gov/hm/epr-program">https://cdphe.colorado.gov/hm/epr-program</a></p>
<b>Maine</b>	<p>The law defines a producer of packaging material as the brand owner of the packaged product or, if the brand owner has no U.S. presence, the producer can be a sole importer of the product into Maine.</p>	<p><a href="https://www.maine.gov/dep/waste/recycle/epr.html">https://www.maine.gov/dep/waste/recycle/epr.html</a></p>
<b>Maryland</b>	<p>For items sold in or with packaging at a physical retail location in the state:</p> <p>1. If the item is sold in or with packaging under the brand of the item manufacturer or is sold in packaging without brand identification, the producer is the item manufacturer;</p>	<p><a href="https://mgaleg.maryland.gov/2025RS/bills/sb/sb0901E.pdf">https://mgaleg.maryland.gov/2025RS/bills/sb/sb0901E.pdf</a></p>

	<p>2. If there is no person described in item 1 of this item, the producer is the person that is licensed to manufacture and sell or offer for sale to consumers in the state an item with packaging under the brand or trademark of another manufacturer or person;</p> <p>3. If there is no person described in items 1 and 2 of this item, the producer is the brand owner of the item;</p> <p>4. If there is no person described in items 1 through 3 of this item within the united states, the producer is the person that imports the product into the united states for use in a commercial enterprise that sells, offers for sale, or distributes the item in the state; or</p> <p>5. If there is no person described in items 1 through 4 of this item, the producer is the person that first distributes the item in or into the state.</p> <p>For items sold or distributed in packaging in or into the state via e-commerce, remote sale, or online distribution:</p> <p>1. For packaging used directly to protect or contain the item, the producer of the packaging is a producer under item (i) of this paragraph; and</p> <p>2. For packaging used to ship the item to a consumer, the producer of the packaging is the person that packages the item to be shipped to the consumer.</p>	
<b>Minnesota</b>	Producers – generally the product brand owner, manufacturer, or importer (the MPCA [Minnesota Pollution Control Agency] will provide additional guidance on the definition and applicability) – will become members of a Producer Responsibility Organization (PRO) and collectively cover the costs of the program	<a href="https://www.pca.state.mn.us/sites/default/files/w-ps1-05b%20.pdf">https://www.pca.state.mn.us/sites/default/files/w-ps1-05b%20.pdf</a>

	by paying annual fees that are eco-modulated to incentivize more sustainable design of their covered materials.	
<b>Oregon</b>	<p>For packaged items sold via physical retail sale: The obligated producer is typically the brand-owning manufacturer of the packaged item. Manufacturing encompasses directing manufacturing by simple contract. If the brandowner rather confers rights to the brand to a manufacturer by a licensing agreement, the manufacturer is obligated. If no such entity is located in the U.S., then the obligated producer is the entity that imports the packaged item into the country.</p> <p>For packaging or packaged items sold via remote sale: The person that packages and ships the item for sale into Oregon is the obligated producer of the packaging used in shipping. The producer of the original packaging of the sold product is the same as if the item were sold via physical retail sale.</p>	<a href="https://www.oregon.gov/deq/recycling/Documents/RMAProducerObligationsSummary.pdf">https://www.oregon.gov/deq/recycling/Documents/RMAProducerObligationsSummary.pdf</a>
<b>Vermont</b>	The brand manufacturer is the entity that the Agency primarily looks to for compliance with the requirements of the HHW EPR law. The Agency would look to that manufacturer to ensuring that HHW product is not sold, offered for sale, or delivered to a retailer for subsequent sale unless the conditions of the stewardship organization are met under 10 V.S.A. §7182 for the covered HHW. 10 V.S.A. s.7181(6)(A) does not contain a responsibility hierarchy.	<a href="https://dec.vermont.gov/sites/dec/files/documents/FAQ.HHW_EPR_Law_Jan_2025.pdf">https://dec.vermont.gov/sites/dec/files/documents/FAQ.HHW_EPR_Law_Jan_2025.pdf</a>