

Guidance: Who Should Register for Purposes of Compliance & Reporting

June 2025



About LPMA powered by Interchange 360

The Lubricants Packaging Management Association (LPMA) powered by Interchange 360 is a 501(c) nonprofit, created by the producers of petroleum and automotive products with a purpose of providing EPR compliance options for its members and supporting the development of circular material management solutions for their petroleum-based and related products and packaging.

Legal Disclaimer

This publication should be used for informational purposes only and not construed as legal advice. Individual Producers are encouraged to consult with their own legal counsel regarding their specific compliance obligations.

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Overview

Extended Producer Responsibility (EPR) is a policy that requires producers to manage and fund the end-of-life handling of their products and encourages recycling, reuse and design to build a circular system. This is typically done through a process where producers register and report fees to a Producer Responsibility Organization (PRO). These fees are often set based on the type of materials covered and provide incentives for recyclability, reusability, and/or compostability. While it may vary from state to state, the PRO typically pays service providers for the collection and handling of materials, public education and outreach, and other state mandated fees and programs.

Obligated producers, as defined by each state law, are required to register with a PRO or approved compliance organization. However, others within the supply chain may register and report depending on agreements made with the obligated producer.

How to Use This Guidance

The purpose of this document is to help producers determine who should register with LPMA powered by Interchange 360 along their supply chain. It is important to note there are no one-size fits all answers to reporting and registering as each producer has its own business practices and relationships. Each obligated producer must make the determination based on what is best for their own business model.

The document is broken up into two main sections:

The first provides information on who is likely the obligated Producer under EPR laws in each state.

The second is which supply chain participant is the Producer that will register and report data on behalf of the supply chain. The obligated Producer and the reporting Producer are often the same, but the latter is determined by supply chain agreements.

Who is the Obligated Producer by Law

If your company directs the manufacturing of a product covered under an EPR law, it is most likely the obligated producer for the packaging. This includes manufacturing the product itself or through a third party. The obligated Producer could be the Manufacturer, Brand owner, Licensee, Distributor, Wholesaler, Retailer or another supply chain participant. The obligated Producer is most often the “first seller” of the product in each state, and whoever owns the product at this point is the likely target of state enforcement.

However, each state defines what a Producer is slightly differently, so it is necessary to check with your legal counsel and the relevant laws to review your individual situation to determine if you are the obligated Producer (see Appendix A for state-by-state producer definitions).

Also, make sure to check the exemptions for each state. Again, exemptions vary from state to state but can include:

- Type of product (i.e. pesticides, medical, etc.)
- Product use case (i.e. industrial)
- Quantity of product sold in state (there may be a minimum sold needed for qualification)
- Company Revenue (Overall revenue or state specific)
- Producer type (i.e. nonprofit, government entity, etc.)

Who Reports and Remits

Registering, reporting data, and remitting fees are the responsibility of the obligated producer under EPR laws. However, obligated producers may make arrangements with others in their supply chain to report and remit fees on their behalf for efficiency and accuracy purposes.

In cases where the obligated producer, typically the brand owner, has full visibility of its supply chain network and access to state-level distribution data, it usually reports and remits for itself.

However, in cases where distributors are used or similar scenarios where the obligated producer may not have access to state-level sales data, others in the supply chain may report and pay fees on behalf of an obligated producer if a Supply Chain Agreement (see Appendix B for sample Supply Chain Agreement) is reached between each party. The Supply Chain Agreement, therefore, determines who is responsible for reporting and remitting fees, even in cases where that party may not be obligated under the law.

Quite often the brand owner, as it is typically the obligated producer, assumes all the reporting Producer responsibilities for efficiency and accuracy in reporting if it has access to state-level distribution data.

If the brand owner cannot obtain access to the state-level supply data, then the obligated Producer (first seller) in each state would need to comply. Supply Chain Agreements are used to sort out which entity is the reporting Producer in each state. (See Appendix B for sample supply chain agreement) wherein the distributor or other party will be responsible for registering, reporting, and fee remittance.

Who Reports and Remits (cont'd)

Supply Chain Agreements are often used by Producers for several reasons, such as:

- Distributors may have more accurate data in terms of what state a product is being sold in and how much of it is being sold.
- For some producers it may be more efficient compared to collecting data from different distributors, aggregating, and reporting it.
- Distributors may also have the reporting infrastructure in place if already doing it for other producers.

A Supply Chain Agreement that clearly shows who is responsible for reporting will be part of the verification process during the compliance review process. If no written agreement is in place, both parties could be determined responsible for reporting and payment. It is ultimately the obligated Producer, as defined by the law, that is responsible for ensuring covered materials are reported.

Best Practices for Supply Chain Agreements

To ensure smooth compliance, producers should adopt the following best practices:

- Clearly define reporting and remitting responsibilities within supply chain agreements.
- Engage with distributors to identify reporting obligations for covered materials sold in EPR states.
- Maintain documentation to confirm third-party reporting arrangements, if applicable.
- Regularly review and update agreements as regulations evolve.
- List all supply chain relationships and upload copies of agreements in LPMA powered by Interchange 360 producer portal (scheduled for launch in Fall 2025).

Reporting Scenarios

The following are scenarios producers may face when determining who in their supply chain is best suited to report data and remit fees for each state to LPMA powered by Interchange 360. In many cases producers may be working under several different individual or combinations of the scenarios listed below.

LPMA does not endorse or recommend any one method. The decision on which scenario works best, including any not listed below or combination of scenarios, should be based on each individual producer/distributor relationship, and any existing legal agreements between the parties.

Note: The reporting party is responsible for the accuracy of data and reporting on time. This is important to consider for parties that choose to request data from others in their supply chain (i.e. Scenario 3).

Scenario 1:

Producer A sells direct to consumer or through retail stores. Producer A registers, reports, and remits to LPMA.

Scenario 2:

Producer B uses a network of distributors and/or retailers. The distributors/retailers sell the products to consumers in various states. Producer B registers with LPMA as is it is the obligated party. Producer B enters into supply chain agreements with each of the distributors to report and remit fees for the products they sell into states covered by EPR laws. Each distributor/retailer must also register. Producer B and each distributor maintain a copy of the supply chain agreement for compliance review.

Scenario 3:

Producer C sells direct to consumers and through retail stores and/or uses a distributor that sells products into EPR states. The distributor reports all relevant data back to Producer C. Producer C registers, reports and remits to LPMA. No supply chain agreement is required unless Producer C would like an agreement with the distributor that outlines details such as when and how the data is reported back to them. The distributor does not need to register or report to LPMA.

Reporting Scenarios (cont'd)

Scenario 4:

Producer D manufactures its own products and sells them into EPR states. Producer/Distributor E manufactures its own products as well as products for Producer D and then sells them both into EPR states. Options include:

1. Producers D and E both register with LPMA. Producer E shares all relevant data with Producer D for the products it manufactures on D's behalf. Both producers D and E report and remit fees to LPMA for their own product lines. No supply chain agreement is required unless Producer D would like an agreement with the E that outline details such as when and how the data is reported back to them.
2. Producers D and E both register with LPMA. Producers D and E have a supply chain agreement whereby Producer E will report and remit to LPMA for the product it manufactures for Producer D. Producer E will also report and remit for its own products. Producer D will report and remit for the products it manufactures. Producers D and E must have a copy of the supply chain agreement for compliance review.

Scenario 6:

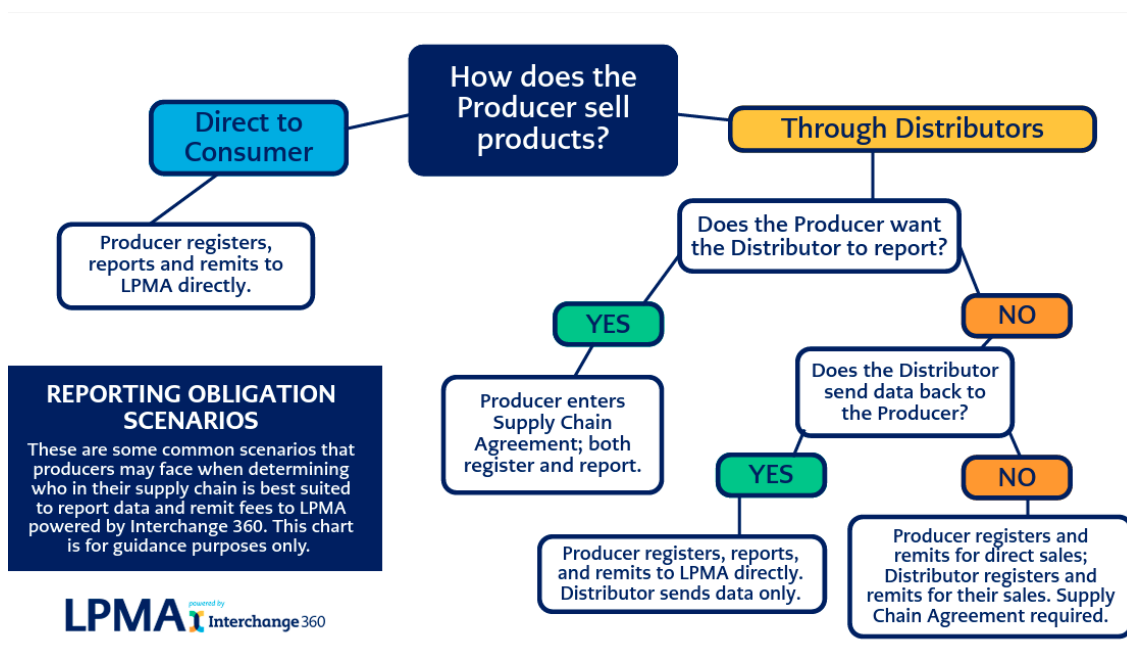
Producer F sells to a distributor. The distributor warehouses the product in an EPR state before selling it in a non-EPR state. Therefore, the product does not fall under EPR laws and does not need to be reported. However, Producer F may or may not be aware in which state the product was sold by the distributor. The following options are available to Producer F:

1. Producer F registers, reports, and remits fees to LPMA for all products sold into an EPR state. The distributor reports all relevant data back to Producer F about what state the products were sold in. Producer F does not include any products sold into non-EPR states on its report. No supply chain agreement is required unless Producer F would like an agreement with the distributor that outlines details such as when and how the data is reported back to them.

Reporting Scenarios (cont'd)

2. Producer F registers with LPMA. Producer F enters into a supply chain agreement with the distributor. The distributor registers, reports, and remits fees to LPMA for all products sold into EPR states.
3. Producer F registers, reports, and remits fees to LPMA for all products sold into the EPR state. The producer charges the fees to the distributor. The distributor registers, reports, and remits fees for any of its own products sold into the EPR state and products it moves from warehouses in non-EPR states to EPR states. The distributor also deducts the products it moved from EPR states to non-EPR states to balance out the reporting and fees of Producer F.

Reporting Obligation Scenarios



Registration Process

The process of registering, reporting data, and remitting fees is the same for all states. Producers, distributors, and retailers need to sign state-specific participation agreements with LPMA powered by Interchange 360, report products sold into the state monthly and pay the corresponding fees.

The Participation Agreements and reporting information can be found on our Producer page: interchange360.com/producers.

Frequently Asked Questions

Is there a cost to join LPMA?

Members are responsible for paying back to the start of the Planning Fee phase in each state that join. There is also a \$200 membership fee for new members.

Why are producers required to pay retroactive fees back to the start of the program even if they were not participating?

The fee rates were based on the cost of program operations and the estimated amount of covered products being sold into the state for all producers. To keep fees down and pay for the program, all producers need to pay a full share.

What do I do if I report and pay fees for a product that is either a) returned or b) warehoused by a distributor in an EPR state but later sold in a non-EPR state so no longer covered?

You can either submit a corrected Remittance Form or account for it by deducting it from the remittance form you file in the month it was returned or sold into another state.

How do I ensure I'm reporting correctly and accurately as possible?

Included as part of your LPMA membership is a compliance review process. While the reviews are included as part of EPR laws, LPMA powered by Interchange 360 has designed them specifically as a service to members to help with any compliance issues.

What if I missed a registration or reporting deadline?

Contact LPMA at memberservices@interchange360.com as soon as possible and they can help you with next steps.

Why do the LPMA programs and requirements vary from state to state?

Each state program is customized based on the requirements of each state law. LPMA does try to create harmonization from state-to-state wherever possible.

Resources

LPMA powered by Interchange 360

Interchange360.com

MemberServices@interchange360.com

[Producer Resource Center](#)

State Resources

California

Regulatory Agency Page: [CalRecycle: Plastic Pollution Prevention and Packaging Producer Responsibility Act](#)

Legislative Text: [Plastic Pollution Prevention and Packaging Producer Responsibility Act \(SB 54\)](#)

Colorado

Regulatory Agency Page: [Producer Responsibility Program](#)

Legislative Text: [House Bill 22-1355](#)

[Producer Determination Flow Chart](#)

Oregon

Regulatory Agency Page: [Plastic Pollution and Recycling Modernization Act](#)

Legislative Text: [Senate Bill 582](#)

Vermont

Regulatory Agency Page: [Household Hazardous Waste EPR](#)

Legislative Text: [Act 58](#)

Appendix A: 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 may be unique and there may be other elements of each law that determine where the 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> <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>	https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=30.&title=&part=3.&chapter=3.&article=1

Appendix A: State-by-State Producer Definitions

State	Producer Definition	Source
Colorado	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.	https://oitco.hylandcloud.com/cdpthermpop/docpop/docpop.aspx
Maine	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.	https://www.maine.gov/dep/waste/recycle/epr.html

Appendix A: State-by-State Producer Definitions

State	Producer Definition	Source
Maryland	<p>For items sold in or with packaging at a physical retail location in the state:</p> <ol style="list-style-type: none"> 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; 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; 3. If there is no person described in items 1 and 2 of this item, the producer is the brand owner of the item; 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 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>For items sold or distributed in packaging in or into the state via e-commerce, remote sale, or online distribution:</p> <ol style="list-style-type: none"> 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 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. 	https://mgaleg.maryland.gov/2025RS/bills/sb/sb0901E.pdf

Appendix A: State-by-State Producer Definitions

State	Producer Definition	Source
Minnesota	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 by paying annual fees that are eco-modulated to incentivize more sustainable design of their covered materials.	https://www.pc.state.mn.us/sites/default/files/w-ps1-05b%20.pdf
Oregon	<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>	https://www.oregon.gov/deq/recycling/Documents/RMAProducerObligationsSummary.pdf
Vermont	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.	https://dec.vermont.gov/sites/dec/files/documents/FAQ.HHW_EPR_Law_Jan_2025.pdf

Appendix B: Sample Supply Chain Agreement

[INSERT DATE]

This is to inform you that XXX Company (LPMA#) is a registered Member of LPMA. For confirmation, please consult the list of Members posted on the LPMA website (interchange360.com) under Members. XXX Company agrees to report on and remit EPR Fees to LPMA on all quantities of applicable products sold to YYY Company. This agreement is effective as of *DATE*.

I, the undersigned, authorized representative of XXX Company (LPMA#) accept the conditions present in this Agreement. _____.

Name

Title

Email

I, the undersigned, authorized representative of YYY Company accept the conditions present in this Agreement _____.

Name

Title

Email

Appendix C: Sample Email to Value Chain Participant

Dear [INSERT NAME],

As you may be aware, new regulations are taking effect in states across the U.S. related to our petroleum and automotive products. These regulations are coming in the form of extended producer responsibility (EPR) or household hazardous waste (HHW) laws.

In most cases, these laws require the producer of these products to register and pay fees to a nonprofit, producer responsibility organization (PRO) that is then charged with managing the end-of-life of these products including collection and responsible recycling. Noncompliance of these laws could result in significant fines and/or restrictions on sales in a state.

To better achieve compliance and ensure our products are recycled in a responsible way, we have joined LPMA powered by Interchange 360. LPMA is a compliance organization specific to the petroleum and automotive industry dedicated to providing EPR compliance options.

As a distributor of our products, we have determined that you are better positioned to directly report sales data in each state as required each month and the corresponding remittance fee. To do so, you will need to complete the relevant state Participation Agreements to register with LPMA. I have also attached a supply chain agreement to formalize this arrangement with us. Once completed, this agreement will need to be filed with LPMA.

If you have questions about registration or require additional information about the organization, you may contact LPMA powered by Interchange 360 directly at MemberServices@interchange360.com.

Sincerely,

[INSERT NAME]

Questions? We're Here to Help.



interchange360.com



MemberServices@interchange360.com



[@interchange360](https://www.linkedin.com/company/interchange360)