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May 9, 2025

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Oregon Begins Notifying Brands of Potential Enforcement Actions for Packaging Disposal Fees Under New State Law

Oregon is one of a growing number of states that seek to recover waste disposal costs for consumer product packaging from the companies that sell products into the state. Often the company whose brand is on the package is ultimately responsible for the cost of disposal even if that company didn't directly sell the product into Oregon.

The first fee assessments will take place in July 2025 based on data collected for calendar year 2024. Covered producers were required to report data for 2024 packaging shipped into Oregon no later than March 31, 2025. That deadline was extended to April 30, 2025. The collected data is being used by the Oregon Department of Environmental Quality (Oregon DEQ) and Circular Action Alliance (CAA), Oregon DEQ's outside program manager, to set fees for the 2025 program year.

Oregon DEQ is now directly contacting companies that it has identified as potential covered producers that failed to report data before the April 30 deadline. The notice warns of potential enforcement action by the State for failing to comply, including civil penalties and a compliance order. The Oregon law provides for damages up to \$25,000 per day of ongoing noncompliance.

Companies that did not comply by the April 30 reporting deadline still may become compliant by filing the required reports in May or early June. Due to the amount of data collection and analysis required to complete the required reporting, it is recommended to start as soon as possible.

Other states are close behind Oregon. Covered producers already should be registered with the State of Colorado and be preparing to meet a preliminary reporting deadline of July 31. Minnesota's producer registration deadline is July 1, 2025.

If you have questions about whether your company is subject to the Oregon law or other state Extended Producer Responsibility (EPR) laws and what to do to comply, please contact your Kutak Rock attorney or [Kutak Rock's International Trade and Tariffs group](#).

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