



# Cosmetic Plastic Container Regulations in the U.S. and Next Steps Toward Eco-Friendly Containers



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# U.S. Packaging Laws



Kenisha Cromity



# Key Considerations



## Types of Covered Packaging

- Type of product
- Packaging material



## Covered Producers

- Product brand owner
- Packaging producer



## Obligations

- Material restrictions
- Recycled content
- Recyclability
- Source reduction
- Fees, reporting, registration





# Current Packaging Laws



## States with Packaging Laws

- California
- Colorado
- Maine
- New Jersey
- Oregon
- Washington

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## Categories of Packaging Laws

- Claims and Labeling
- Recycled Content
- Extended Producer Responsibility (EPR) and Stewardship Programs







# Current Packaging Laws





# Claims and Labeling

## California – SB 343 - CHASING ARROWS BAN

**Summary:** This law bans any claims that a product or packaging is recyclable if not approved by California.

**Next Steps:** The law requires the California Department of Resources Recycling and Recovery (CalRecycle) to take steps to evaluate and identify which materials are “recyclable” in the state on or before January 1, 2024. The findings will be finalized in May/April 2024.

**Producer Responsibility:** Producers will have up to 18 months to comply after CalRecycle finalizes its report.





# Current Packaging Laws

**New Jersey S2515**  
PCR requirements for plastics, glass, carryout bags

**Recycled Content/Postconsumer  
Recycled Content (PCR)**

**Washington RCW 70A.245.10**  
PCR requirements for plastics





# Recycled Content



## New Jersey – S2515 – PLASTICS, GLASS, AND CARRYOUT BAGS

**Summary:** This law implements recycled content requirements for rigid plastic containers, glass containers, plastic beverage containers; paper and plastic carryout bags; and trash bags.

**Next Steps:** All postconsumer recycled content (“PCR”) requirements will begin on January 18, 2024. Producers of cosmetics will need to meet the requirements for plastic and paper carryout bags used in retail as applicable.

**Exemptions:** Packaging containing cosmetics, drugs, dietary supplements, or medicals devices are exempted from the rigid plastic requirements and fees; but will still need to do the initial registration and are subject to the annual certification/proof of exemption requirements that begin in 2025. Cosmetics and personal care products are not exempt from plastic and paper carryout bags used in retail.

**Producer Responsibility:** Producers must meet requirements for registrations, annual certifications, compliance reports, and PCR target dates. Producers are also required to submit first-year compliance reports by July 18, 2025, and annually thereafter.





# Recycled Content



## Washington - RCW 70A.245.10 – PLASTICS

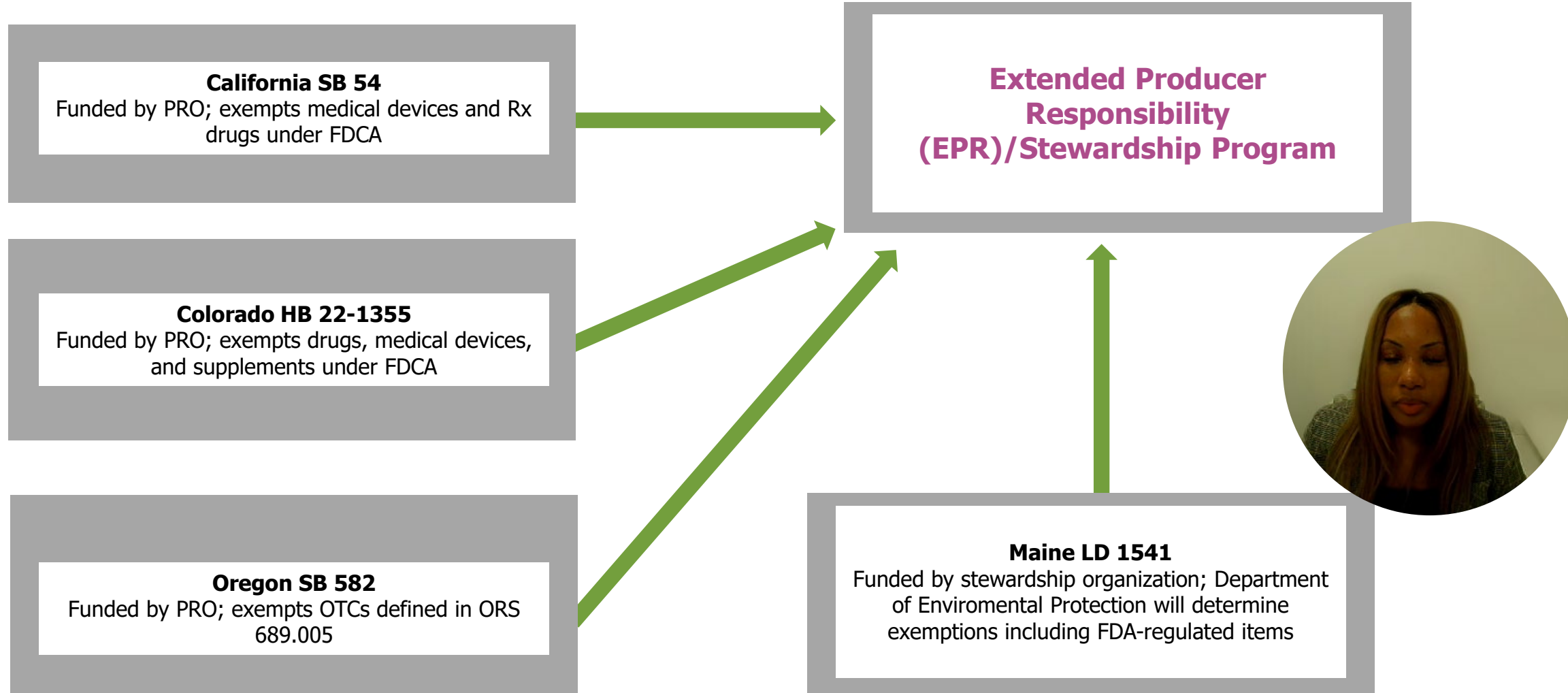
**Summary:** The law requires that during January 2025-December 2027 packaging must contain at least 15% PCR, during January 2028-December 2030 at least 25% PCR, and 50% PCR beginning January 2031.

**Next Steps/Producer Responsibility:** Beginning January 1, 2025, personal care product producers will need to meet minimum postconsumer recycled content ("PCR") milestones on average for the total quantity of plastic containers, by weight, sold or distributed in the state. All producers must register annually with the Washington Department of Ecology.





# Current Packaging Laws





# Extended Producer Responsibility (EPR)



## California – SB 54

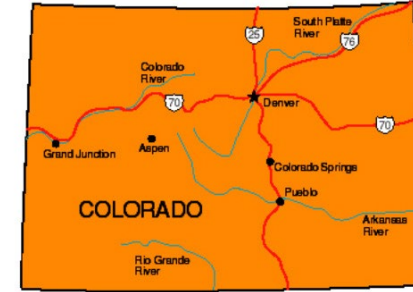
**Summary:** The law creates an EPR program for single-use packaging and foodservice ware to increasing recycling and composability. Limited exemptions from covered products and materials are provided, including for medical products, devices, and prescription drugs; infant formula, medical food, and certain supplements; and long-term packaging for storage with a five-year lifespan.

**Next Steps:** California is currently developing rules for implementing the law and will have open comments periods for interested parties to submit feedback.

**Producer Responsibility:** All producers will need to join the approved PRO, or participate individually, by January 1, 2027, or when the PRO plan is approved, whichever is earlier. Producers are also required to fund the PRO and meet plastic packaging recycling rates.



# Extended Producer Responsibility (EPR)



## Colorado – HB 22-1355

**Summary:** Producers will coordinate, fund, and manage the selected PRO, Circular Action Alliance, which will be overseen by the Colorado Department of Public Health and Environment. A producer cannot sell or distribute products in packaging, paper products, and food serviceware in Colorado unless they participate in the PRO.

**Next Steps:** Colorado is currently developing rules for implementing the law and will have open comments periods for interested parties to submit feedback.

**Producer Responsibility:** By June 1, 2025, producers are required to join Circular Action Alliance, unless such producer opted to participate individually by the January 2024 deadline. Producers are required participate in the PRO, or participate individually, fund the PRO, and meet packaging collection rates, recycling rates, and PCR rates. Producers will pay annual dues to Circular Action Alliance starting January 1, 2026; fees will be based on the amount and type of packaging sold in the state.



# Extended Producer Responsibility (EPR)



## Oregon – SB 582

**Summary:** The law requires producers of packaging, paper products, and food service ware to support the improvement and expansion of recycling programs and infrastructure statewide. Each PRO will also establish a producer fee schedule that includes a material-specific base fee rate.

**Next Steps:** Oregon is currently developing rules for implementing the law and will have open comments periods for interested parties to submit feedback.

**Producer Responsibility:** Producers will need to join a PRO by March 31, 2024, and pay fees. Producers are required participate in the PRO, or participate individually, and fund the PRO.





# Stewardship Program

## Maine – LD 1541

**Summary:** The law establishes a stewardship program in Maine for packaging material. Producers who sell or import products into Maine pay into a fund. These funds will be used to reimburse municipalities for eligible recycling and waste management costs, make investments in recycling infrastructure, and help Maine citizens understand how to recycle. This law excludes beverages, already covered under another law, and certain low-volume producers.

**Next Steps:** Rulemaking process to begin on or before December 31, 2023.

**Producer Responsibility:** Costs to fund the Stewardship Organization and Department of Environmental Protection oversight will be funded by producer payments. Producers can wholly or partially offset this payment obligation by implementing independent programs.



# Next Steps for Eco-Friendly Containers

Improve Infrastructure of Facilities

Increase Collection

Reduce Contamination in Different  
Streams

Improve the Collection of Data





**Kenisha Cromity**

Staff Counsel

[cromityk@personalcarecouncil.org](mailto:cromityk@personalcarecouncil.org)



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[personalcarecouncil.org](http://personalcarecouncil.org)