

# Product Packaging

## A Problem of Public Cost and Public Health

In California, plastic pollution is not just an environmental crisis, it is an escalating financial burden that hits taxpayers and local governments hard. Every year, cities and counties are left footing the bill for collecting, sorting, landfilling, and recycling mountains of single-use packaging, all while packaging decisions are made upstream by manufacturers.



CalRecycle's 2024 [Material Characterization Study](#) reveals a staggering **8.46 million tons** of single-use packaging and plastic foodservice ware were dumped in California landfills in 2024 alone, over a third of which was plastic. Much of this waste consists of films and flexible packaging, grocery bags, pallet wrap, and multilayer food wrappers that are nearly impossible to recycle at scale, clogging the waste system.

The toll does not stop at budgets or the environment as plastic pollution is also a mounting public-health threat. As plastics break down, they shed microplastics that infiltrate our air, water, soil, food, and even the dust in our homes. These microplastics can, depending on the size, be inhaled or ingested, and become trapped in our bodies (Nihart et al., 2025), exposing Californians to invisible risks.

Recycling offers only partial relief but does not tackle the real culprits: relentless plastic production, packaging design, and a system that dumps costs onto our communities.

## Shifting the Burden – Extended Producer Responsibility

Extended Producer Responsibility (EPR) is a solution that demands accountability from the top. Instead of letting corporations off the hook, EPR puts the burden of packaging waste squarely on the companies that create and profit from it. Producers must not only pay for, but actively manage, the collection, recycling, and safe disposal of their packaging. This framework forces a rethink of careless designs in favor of packaging that is truly safe and sustainable. Under EPR, producer fees are directly tied to sustainable packaging design, aligning market forces with the urgent need to protect public health and our environment.

The Plastic Pollution Prevention and Packaging Producer Responsibility Act or [SB54 \(Allen, 2022\)](#) established California's Extended Producer Responsibility (EPR) program for packaging. The act requires by 2032:

- 100% of single-use packaging and plastic foodservice ware be recyclable or compostable
- 65% of plastic packaging is recyclable in California
- Overall plastic packaging is reduced by 25% at the source

Producers will be forced to pay eco-modulation fees that hit hardest on the worst offenders and reward real sustainability. These fees, set by the Producer Responsibility Organization (The Circular Action Alliance or CAA), are designed to shake up the status quo of unchecked upstream design and push for smarter, greener packaging. CalRecycle projects SB 54 will generate an estimated \$5 billion over the next decade, slashing pollution and bringing overdue investment to Californian communities suffocating under the weight of waste.

### **CPSC's Role in SB 54 (Allen)**

From the earliest days of SB 54, CPSC has been involved, amplifying the voices of local governments and wielding over a decade of frontline experience in producer responsibility. Today, CPSC is active on the SB 54 Advisory Board, tracking every meeting, delivering technical feedback, and providing guidance for local governments and reuse advocates. As California enters the critical implementation phase of SB 54, CPSC stands ready to drive meaningful change and ensure communities see the benefits they deserve.

### **SB 54 (Allen) 2025 Program Status [updated Jan 18<sup>th</sup> 2026]**

#### ***January 9, 2026:***

CalRecycle withdrew proposed regulations from the Office of Administrative Law's review to make changes to improve clarity and support successful implementation of the law. CalRecycle's focus for these revisions will primarily be applicable to food and agricultural commodities. CalRecycle will conduct an additional 15-day comment period. Statutory deadlines remain unchanged.

#### ***December 31, 2025:***

CalRecycle published an updated [Covered Material Categories List](#) (as required by [PRC 42061 \(e\)](#)), including: updated recyclability and compostability determinations for each covered material category (CMC) and a first-ever recycling rate determination for each CMC ([PRC 42061 \(b\)](#)).

Visit <https://calrecycle.ca.gov/packaging/packaging-epr/> for more up-to-date program updates.

For more on CPSC's stance on proposed regulations, please read our comment letter.

- [CPSC Comment Letter – SB 54 \(Allen\) Regulations](#)

### **Implications for Producers**

Producers should expect eco-modulated design pressure, robust contamination controls, tighter labeling alignment with California's SB 343, the "Truth in Labeling for Recyclable Materials" law (Allen, 2021), and more rigorous proof of responsible end-market recycling.

## Packaging Reuse

Source reduction and reuse are central to SB 54's intent. The 25% plastic reduction requirement explicitly calls for upstream source reduction, including changing packaging formats, eliminating unnecessary components, and shifting to reusable and refillable systems.

Many local governments, such as [Napa County](#), have adopted reusable foodware and waste reduction ordinances that require dine-in reusables and phase out specified single-use items. These ordinances complement SB 54 by reducing the volume of single-use packaging entering the waste stream in the first place, and by normalizing reuse for both businesses and customers.

CPSC is working with a number of partners in Napa, the Bay Area, and throughout California to better understand how reuse-in-retail systems can be implemented at scale in real-world settings. Our research supports the following:

1. **Reuse systems are gearing up:** Early infrastructure is either ready, or in development in some of California's major metropolitan areas, and several brands are engaged.
2. **Retailer engagement needed:** Retailer engagement is a crucial next step to ensure that reuse systems are put front-and-center in the consumer landscape.
3. **Local political support needed:** Local ordinances and voluntary initiatives are crucial in pushing the reuse movement beyond what's codified in SB54.
4. **Education needed:** Point-of-sale outreach for consumers, vendor training, and design education for packaging professionals are crucial for mainstreaming reuse.

## Department of Toxic Substances Control (DTSC) Safer Consumer Products

DTSC's Safer Consumer Products (SCP) program identifies products that contain harmful chemicals and drives regulatory action to address these threats. DTSC is now advancing new rules that would extend oversight to plastic packaging.

On June 6, 2025, it announced a Notice of Proposed Action to implement SB 502, expanding DTSC's authority to act quickly on high-risk products, including packaging, without requiring lengthy [Alternatives Analyses](#). On June 20, 2025, DTSC proposed adding microplastics to its [Candidate Chemicals List](#), setting the stage for regulating products that release microplastics.

Now, DTSC is actively exploring adding certain types of packaging, among other product types, to the Priority Products list, specifically because of its role as a source of microplastic pollution. This growing focus on microplastics is driven by mounting concerns over microplastics impact on public health. As evidence of microplastics' persistence and [health risks](#) grows, California's approach, targeting packaging for regulation, integrating safer product design, and demanding producer accountability through EPR, ensures the state remains at the forefront of efforts to reduce toxic exposures and plastic pollution.

- [Coalition Letter of Support for DTSC Listing Foodware as a Priority Product](#)
- [Coalition Letter of Support for DTSC PFAS in Fiber Food Packaging](#)
- [Coalition Letter of Support for Listing Microplastics as a Candidate Chemical](#)
- [CPSC Comment – DTSC listing of Microplastics](#)
- [CPSC Comment Letter – DTSC Microplastics in Consumer Products](#)

## Research & Relevant Articles

- [Packaging Policy Roundup](#) – Sustainable Packaging Coalition, 10/21/2025
- [California lawsuit says makers of plastic bags lied about products being recyclable](#) – AP News, 10/17/2025
- [California takes action against plastic bag makers over recycling claims](#) – Reuters, 10/17/2025
- [California EPR stakeholders keep pushing through regulatory gray area](#) – Packaging Dive, 10/7/2025
- [US States with Packaging EPR Laws: What Businesses Need to Know in 2025](#) – Landbell H2 Compliance, 7/31/2025
- [California Updates EPR Program for Packaging and Food Service Ware](#) – Packaginglaw.com, 7/30/2025
- [Multi-State EPR Compliance: Packaging Design Under Pressure](#) – Plastics Engineering, 7/17/2025
- [Policy pathways utilizing extended producer responsibility and eco-modulation frameworks for sustainable food packaging waste management in India: A review](#) – Science Direct, 6/26/2025
- [Addressing Favorable and Challenging Flexible Plastic Packaging Waste Flows: A Material Flow Analysis](#) – Aiche Wiley, 6/5/2025
- [California takes action against plastic bag makers over recycling claims](#)
- [Will 2025 EPR laws pave the way for more packaging policy?](#) – Packaging Dive, 5/28/2025
- [2025 U.S. Packaging EPR Deadlines and Developments: What Producers Need to Know](#) – Sustainable Markets, 5/20/2025
- [California Takes Decisive Action to Reduce Microplastics Pollution: State Adopts a First-in-Nation Approach to Protecting Ocean and Human Health](#) – CAOPC, 5/13/2025
- [High levels of toxic chemicals found in paper receipts used by US retailers](#) –Guardian, 4/14/2025
- [Bioaccumulation of microplastics in decedent human brains](#) – nature medicine, 2/3/2025

## Links

- [Packaging Materials Management](#)
- [Plastic Pollution Prevention and Packaging Regulations](#)
- [Closed Loop Fund](#)
- [Ameripen](#)
- [UPSTREAM](#)