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US packaging update: state divergence and emerging priorities

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Key topics

- Packaging EPR
- Recyclability requirements
- PFAS and chemical restrictions
- Recycled content mandates
- Emerging FDA priorities
- Potential end of self-GRAS determinations

The regulatory challenge has changed

Historical model

One federal framework

Limited state differences

Current reality

Multiple state packaging regimes

Different timelines

Different definitions

Different reporting systems

Emerging federal oversight initiatives



Why states are leading

Limited Federal Packaging Policy

States are increasingly acting on:

Waste reduction

Circular economy objectives

Recycling infrastructure funding

Plastic pollution concerns

Environmental justice priorities

Result

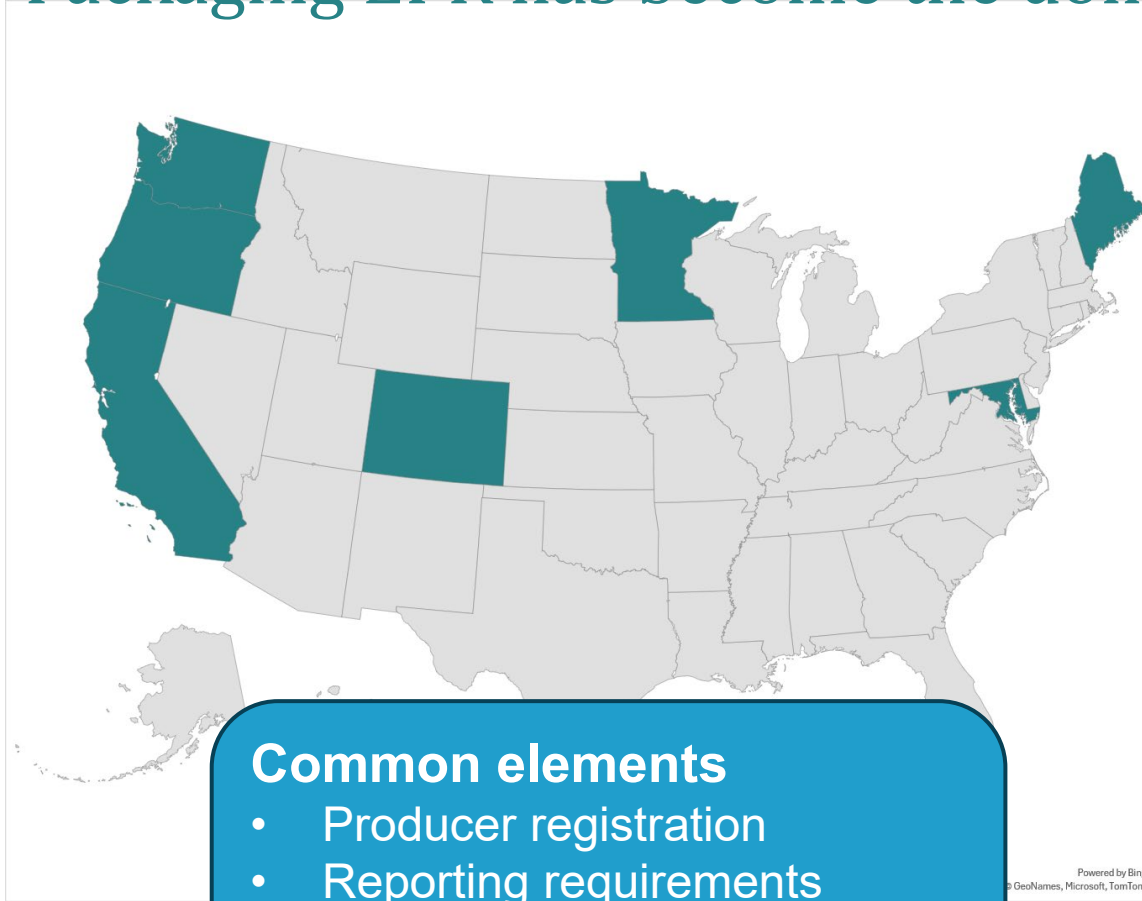
A growing patchwork of packaging requirements

Key policy theme

“If FDA won't act quickly, states will”



Packaging EPR has become the dominant policy model



Common elements

- Producer registration
- Reporting requirements
- Fee obligations
- Recycling investments

States with packaging EPR laws

- California
- Colorado
- Maine
- Maryland
- Minnesota
- Oregon
- Washington

Differences include:

- Producer definitions
- Covered materials
- Exemptions
- Reporting frequencies
- Fee methodologies
- Performance targets

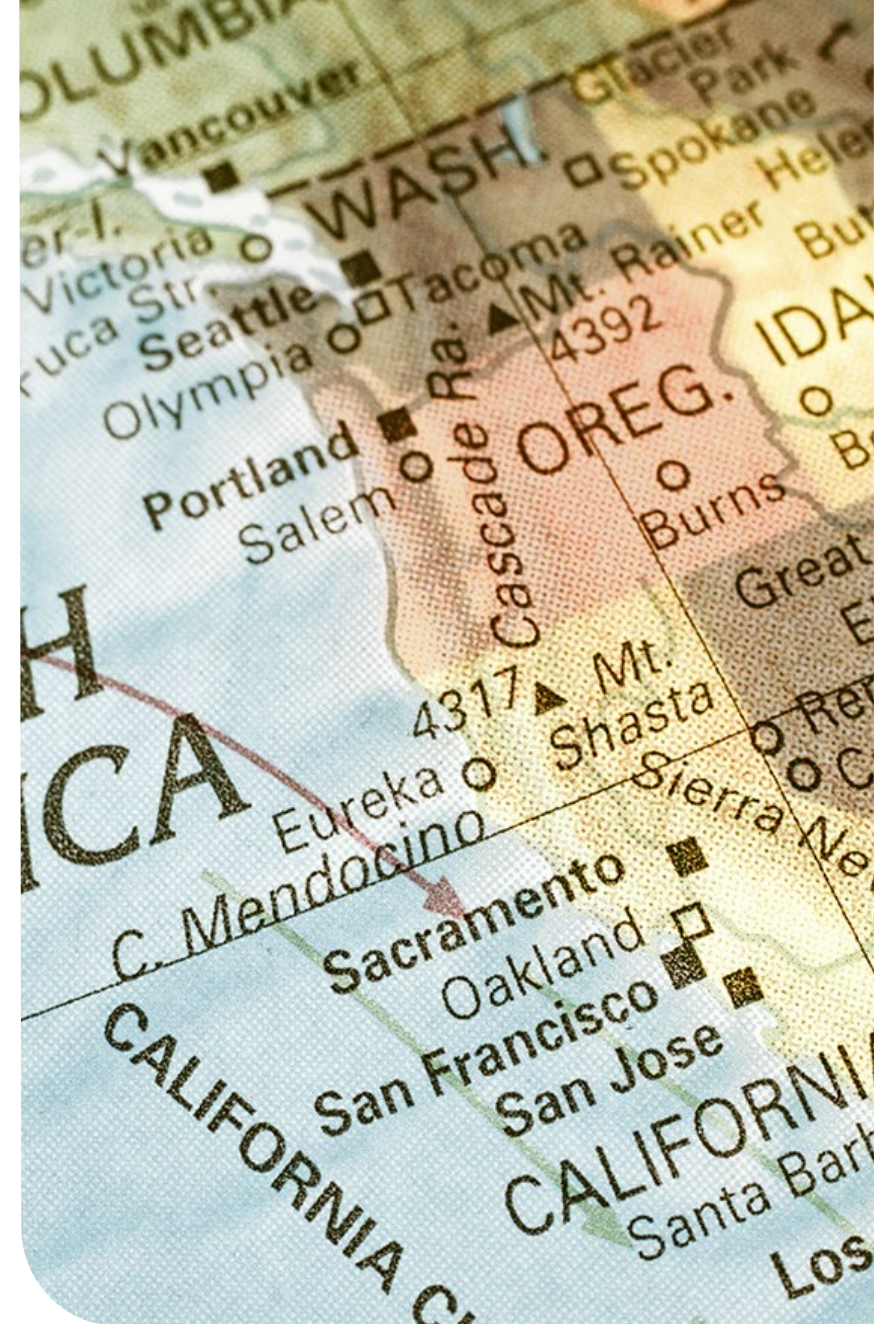
California continues to set the pace

SB 54 - Key 2032 goals include:

- Recyclable or compostable packaging
- Increased recycling rates
- Source reduction targets

Practical impact

- Many companies make nationwide packaging decisions rather than create California-specific formats



Beyond EPR: other areas of divergence

States are also regulating:

PFAS in food packaging

Recycled content

Labeling claims

Compostability claims

Material restrictions



PFAS remains a major packaging priority

State trends

Restrictions on intentionally added PFAS

Expansion beyond paper-based food packaging

Greater scrutiny of fluorinated materials

Questions companies must answer

What is present?

Why is it present?

Can it be replaced?



Emerging priority: packaging data

Regulatory expectations, companies increasingly need data on:

Material composition

Recycled content

Recyclability

Supplier certifications

Chemical inventories



FDA is re-entering the conversation

Recent signal from HHS and FDA

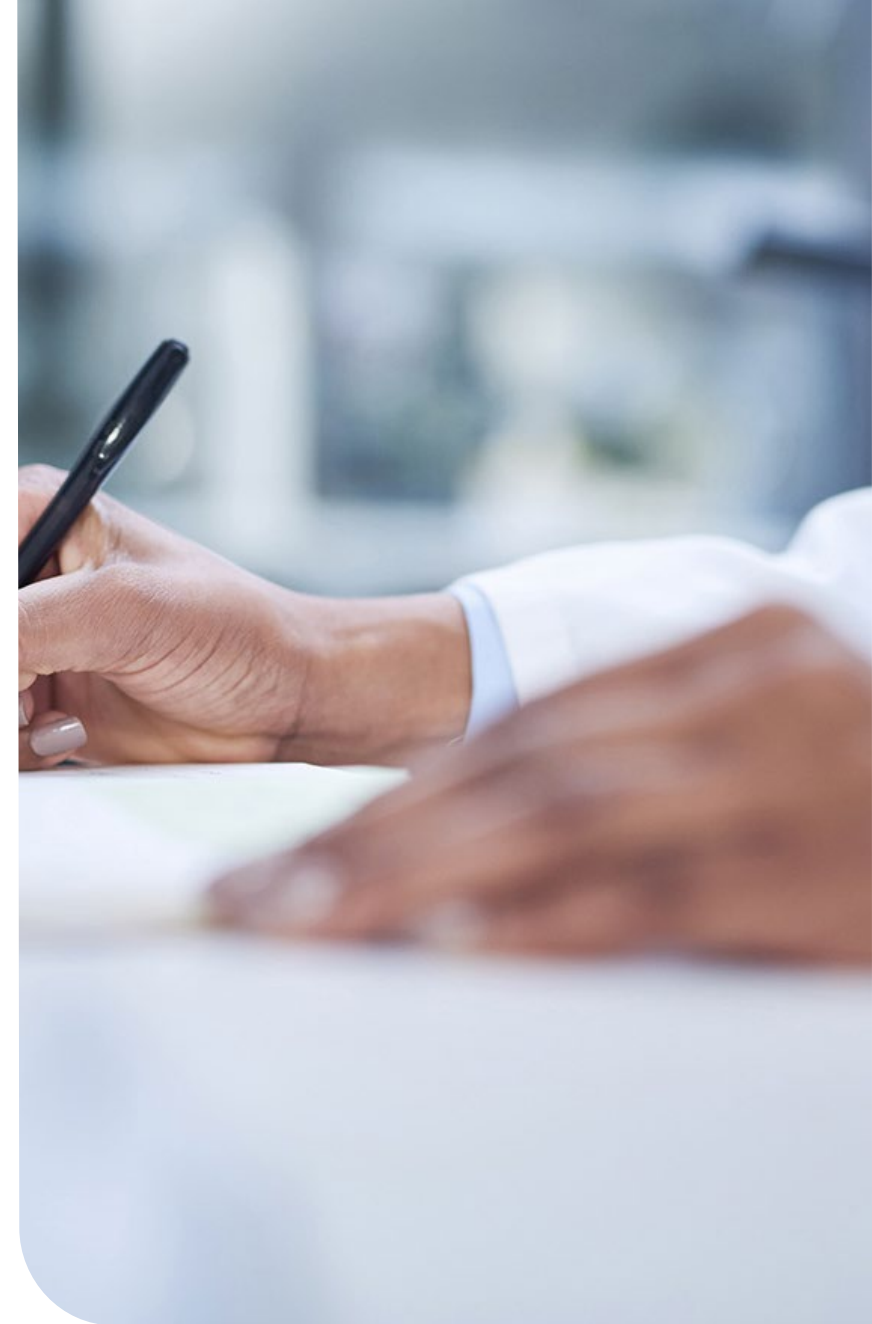
FDA was directed to explore eliminating self-affirmed GRAS determinations and requiring notification of GRAS conclusions

Why it matters

Increased transparency

Increased FDA visibility

Potential additional review expectations



Why food producers should care about GRAS

FDA's proposed shift could change how new food contact technologies reach the market

Increased scrutiny of supporting safety data

Potential for longer timelines when introducing novel materials and technologies

Packaging innovation increasingly relies on:

New barrier technologies

Alternative coatings

Sustainable material substitutions

Recycled-content incorporation

Novel processing aids and additives

Changes to the GRAS framework could affect how companies evaluate and document the safety of these innovations before commercialization.



A new regulatory dynamic

State activity

Circularity

Waste

Producer responsibility

FDA activity

Substance safety

Scientific review

Transparency



Looking ahead: what comes next?

Expect more activity in:

- Additional EPR states
- Recycled content requirements
- Packaging chemical restrictions
- Recyclability standards
- FDA ingredient oversight
- Supply-chain transparency



Strategies for industry

Build a scalable compliance program

Create packaging material inventories

Improve supplier data collection

Monitor state legislation continuously

Evaluate alternative materials early

Integrate packaging and toxicology reviews

Track FDA developments closely



Key takeaways

1. State divergence is now the defining characteristic of U.S. packaging regulation
2. Packaging policy is expanding beyond waste management to include chemical safety and transparency
3. FDA's efforts to eliminate self-GRAS determinations signal increased federal oversight of substances entering the food supply
4. Data-driven compliance programs will be essential for future success



Questions?