Insights: Alerts

Minnesota's Extended Producer Responsibility (EPR) Law: Key Registration Deadline is July 1, 2025; Specifically Includes Boat Wrap Producers

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Minnesota was the fifth state to enact an Extended Producer Responsibility ("EPR") law, following California, Colorado, Oregon, and Maine. Sharing many foundational principles with the EPR laws in these other states, your business may be required to register **by today, July 1, 2025,** under this law if you are a brand owner that controls the manufacturing of its products, operates in the packaged goods space, or influences the retail or shipping packaging of products going into Minnesota.

As with other state EPR laws, Minnesota's EPR law requires a "producer responsibility organization" (a "PRO") to administer the state's EPR program, including setting the timeline, requirements, and other details of what a company must do to comply with Minnesota's law. Also, as with other state EPR laws, Minnesota designated the Circular Action Alliance ("CAA") as the PRO for the state.

First and foremost, producers, manufacturers, and importers of packaging and paper products must now register with CAA by July 1, 2025. Exemption from registration exists for *de minimis* producers, which is defined under Minnesota's EPR law as companies that annually sell or distribute less than one ton of covered material into Minnesota or earned global revenues of less than $2,000,000.

Minnesota's law does have a few distinguishing characteristics. One favorable aspect of the Minnesota law is that it allows companies to privately agree by contract to designate compliance obligations under the law. Specifically, the law permits companies to assign "producer" compliance responsibilities for a given product. Because a key pain point for companies in complying with the new state-specific EPR laws is that it is often difficult to discern if your company is even subject to each law at all, Minnesota's allowance to privately contract with vendors removes this uncertainty. If your company has not updated its vendor agreements yet to clarify who the producer is under Minnesota's law, inclusion of such a term in future contracts may greatly assist in clarifying prospective legal obligations.

Minnesota's law also is unique in that it is the first state to establish a product stewardship program for "boat wrap"—that is, the plastic film used to wrap boats for transport, winterizing, or general storage. If your company manufactures, imports, or owns or licenses a brand of boat wrap that is distributed in Minnesota, Minnesota's law requires you to register with the CAA *and* with the state's boat wrap stewardship program. Penalties for not joining the stewardship organization include a prohibition on the use, sale, or offering for sale of boat wrap materials in or into Minnesota as of September 1, 2025.

Penalties for failing to register with the CAA also exist. A producer that violates Minnesota's EPR law may be liable for a civil penalty of up to $25,000 per day. That penalty jumps to up to $50,000 per day for a second violation, and up to $100,000 per day for a third violation. A producer may also be removed from the CAA for violations of the act, ultimately resulting in a company's inability to use or sell covered materials in Minnesota, which could have devastating effects on certain businesses.

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