



# Composting and Compostable Packaging in State EPR Laws

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RESOURCE



POLICY

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The Sustainable Packaging Coalition (SPC) is a membership-based collaborative that believes in the power of industry to make packaging more sustainable. We are the leading voice on sustainable packaging and we are passionate about the creation of packaging that is good for people and the environment. Our mission is to bring packaging sustainability stakeholders together to catalyze actionable improvements to packaging systems and lend an authoritative voice on issues related to packaging sustainability.

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This resource is an effort of SPC's Packaging EPR Collaborative and was produced thanks to the participation of the Collaborative's members.  
SPC Collaboratives are working groups where members can come together from across the value supply chain to advance specific sustainable packaging solutions.

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# 1. Resource & EPR Overview

## What is Extended Producer Responsibility (EPR)?

Extended Producer Responsibility (EPR) for packaging and paper products is a policy approach that assigns producers (brands, manufacturers, etc.) responsibility for the end-of-life of their products. The responsibility part can be financial, operational, or a combination of both.

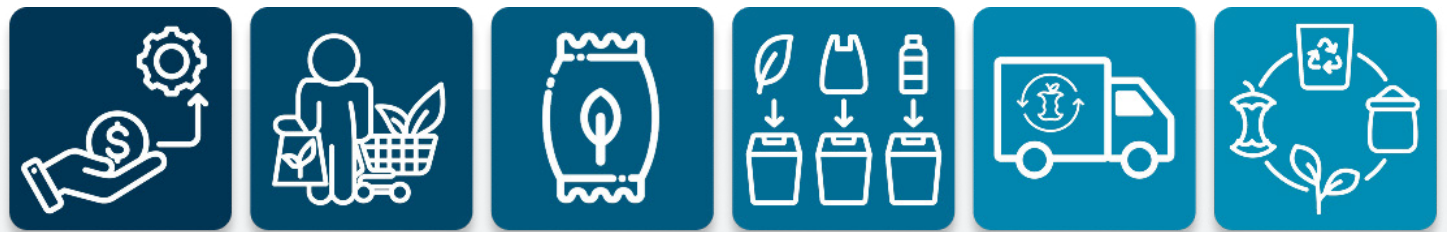
In this resource, we will dig into some common questions about compostable packaging in EPR programs and provide an overview of industrial composting and compostables in the EPR programs across the five states that had passed Packaging EPR programs by 2025.

## How does EPR work? Where does composting come in?

In the U.S., our current recycling system operates under a model where taxpayers and municipalities are responsible for paying for the collection, transport, and processing of waste and recycling. As taxpayers or citizens we pay for curbside collection or drop-off through utility bills and taxes.

Under Extended Producer Responsibility, the model shifts so those entities that produce the packaging that enters our recycling and waste streams are paying for the collection, transportation, sortation, and processing. Depending on the program, the taxpayer burden is reduced for these services. In this example, the companies who create the packaging, food serviceware and/or paper initially and sell it on the market are responsible. Sitting at the intersection of policy, economics, and environmental protection, EPR fundamentally changes the way communities interact with recycling.

In this resource, we will explore the compostable packaging targets and definitions across the first five EPR states; and in an addendum, we examine the two newest EPR states, Maryland and Washington, as they address compostable packaging in their EPR laws.



When EPR programs fund composting systems, education, and collection, compostable packaging can be recovered and reprocessed into compost.



## What is compostable packaging?

Compostable packaging is a specific type of biodegradable packaging that is degradable by biological processes to yield carbon dioxide, water, inorganic compounds, and biomass. Compostable packaging should leave no visually distinguishable remnants or unacceptable levels of toxic residues.

Compostable packaging's primary value is when it is used to capture food waste and deliver it to the composting bin.



## 2. Industrial Composting and Compostable Packaging in EPR

While EPR may have originally been conceived to apply the “polluter pays” principle only to recycling and collection programs, the proliferation of compostable packaging and industrial composting is changing the traditional recovery pathways for packaging. This shift has impacted modern EPR programs, raising the question: Should composting be included in EPR?

In the U.S., compostable packaging is being considered in EPR programs as this packaging continues to become more prevalent in homes, stores, restaurants, and, subsequently, in our waste streams. As a testament to the growing prevalence of compostables, global packaging commitments now include language around compostability. For example, the U.S. Plastics Pact signatories commit that, “100% of plastic packaging will be reusable, recyclable, or compostable.”

Industrial composting is one of the many tools in EPR programs that can advance waste reduction and increase recovery rates.

EPR for packaging is nascent in the U.S., which provides opportunity for novel solutions and ideas to be explored. Select states are going beyond the traditional programs that focus solely on recycling facilities and municipal recycling programs by developing EPR programs that support and expand composting and compostable packaging. It is important to note, in packaging EPR programs where recycling is the focus, compostable packaging is still paying into the system; however, with no pathways for recovery, compostable packaging is not put to its best and highest use: feedstock for compost. EPR that supports composting and recycling provides robust end-of-life options for all packaging.

Compostable packaging already exists in our waste systems, and has a proper end-of-life solution: composting. For example, if an EPR program covers food serviceware, many of those package options are compostable, and composting is the most environmentally preferred recovery path for food soiled packaging, especially in closed loop settings.



**Why is compostable packaging useful?** When food waste is landfilled it generates methane, which is 25 times more potent than carbon dioxide. Compostable packaging can help reduce food waste from being landfilled by making it easier to divert both packaging and food scraps together. When consumers can toss their entire takeout container, utensils, and leftovers into one compost bin — no sorting or washing required — it simplifies the process.



### So, what does it mean to have compostable packaging “included” in an EPR program? This can look like:

Needs Assessment		Compostable packaging and composting are considered in any Needs Assessment or data collection
Covered Material		Compostable packaging is listed as a covered material within EPR programs
Reimbursements		Composters are reimbursed for their services, similar to how Material Recovery Facilities (MRFs) receive funds
Education and Outreach		Education and outreach efforts, funded by collected fees, include information about composting and compostables
“Look Alike” Education		Labeling, education, and outreach designed to prevent “look-alike” issues, or confusion over formats that look similar but are designed for different end-of-life streams
Convenience Standards		Convenience standards for residents that apply to compost collection just as they do to recycling bins



### 3. Compostable Packaging Across U.S. State EPR Programs

**Which states address composting and compostables in their EPR programs?**

In early 2025, California, Colorado, and Minnesota — three of the then-five states with EPR laws — had explicit considerations for composting and compostable packaging. These states are explored in more detail on the next page. We now have seven states with EPR as Maryland and Washington passed bills in late spring 2025. These latest two states do include composting and compostable considerations in their laws, and an addendum has been added to this resource to cover Maryland and Washington.

Although Oregon and Maine’s EPR programs do not have a focus on composting or compostable packaging, it’s important to note that:

- In Oregon**, all packaging is covered (with some exemptions) under Oregon’s EPR law. This means that these packages will need to be reported on, and fees or dues will still be required regardless of the recyclability or compostability of said package.
- In Maine**, there are no specific provisions for composting or compostable packaging as well. However, according to the Maine Department of Environmental Protection, the state is allowed to designate materials on the Packaging Material Types List as “compostable.” The department is using a definition of compostable packaging material that “is designed for direct food contact and is capable of undergoing composting as shown by third-party certifications to ASTM D6400, ASTM D6868, and ASTM D8410.” So, while the Maine DEP is using a commonly accepted definition of compostable packaging, they have not currently designated any packaging on the statewide list as such. As the program implementation rolls out, we will learn more about what this means for compostable packaging and composting in the Maine program.

Overall, compostable packaging is packaging, regardless of end-of-life designation. Therefore, compostable packaging falls into the category of a covered product regulated in EPR laws (with some exemptions) and triggers both reporting and fee payments.

**What are we seeing in EPR program implementation?**

Not all states cover compostables or composting in EPR. Three main states address industrial composting and compostable packaging — California, Colorado, and Minnesota. While each program varies, they have many similarities as outlined in the tables on the following pages.

Conceptually, they share principles like requiring composting in the Needs Assessment, education and outreach materials, representation in the PRO, reimbursement for the composters and service providers, and eco-modulation of fees. Despite their commonalities, text within the laws varies state-by-state. The table below explores more of the statutory text, with a summary of what we’re seeing with composting and compostable packaging in these three EPR programs.

**Compostable packaging is packaging, regardless of end-of-life designation. Therefore, compostable packaging falls into the category of a covered product regulated by EPR laws.**



**What are the ASTM standards mentioned in these laws?**

- ASTM is a third-party standard for composting that focuses on defining and testing the compostability of materials, specifically plastics or products containing plastics, in municipal and industrial composting facilities.
- ASTM D6400 is the standard used for defining the characteristics of and labeling compostable plastics.
  - ASTM D6868 is the standard used for labeling items that incorporate plastics and polymers as coatings or additive with paper and other substrates.
  - ASTM D8410 is the standard used to evaluate the compostability of cellulosic-fiber-based packaging materials and products.





Focus Areas for Composting or Compostable Packaging in EPR Programs

The table below covers the three (of the first five) EPR states with compostable packaging provisions in their EPR laws.

FOCUS AREAS	CALIFORNIA	MINNESOTA	COLORADO
TARGETS FOR COMPOSTING OR COMPOSTABLES	100% recyclable or compostable by 2032.	PRO sets targets for composting recovery rate.	PRO's goal is to improve processing of compostable covered materials.
COMPOSTING IN NEEDS ASSESSMENT	Needs Assessment covers the current composting collection and hauling systems to explore the options needed to enhance and expand access, as well as the existing access to on-premise composting for multifamily residences.		Needs Assessment covers what is needed to provide funding to compost facilities for managing contamination as well as processing and recovering compostable packaging materials.
ADVISORY BOARD REPRESENTATION	Representative from the composting industry operating in California.  Representative of a covered material manufacturer who produces third-party certified compostable covered material.	Representative from a waste facility that receives compostable materials for composting or a statewide trade association.	Representative from a compost facility.
FUNDING FOR COMPOSTERS	Composters are eligible for funding under the program.	Composters are eligible for funding under the program.	Composters are eligible for funding under the program.
EDUCATION AND OUTREACH	Education and outreach includes promotion of proper composting collection and behaviors.	Education and outreach includes assisting producers to improve product labels to inform consumers about composting, increasing public awareness and how to access composting services, and encouraging behavior change to increase participation in composting programs.	Education and outreach includes a program to reduce levels of contamination at compost facilities.
ECO-MODULATION	Certified compostable covered materials that do not contain toxic additives shall be subject to a reduced fee, as determined by the PRO. The fee structure includes incentives for covered materials that are easier and less expensive to compost.	Fees incentivize materials and design attributes that reduce the environmental impacts and human health impacts of covered materials by enhancing compostability of a covered material.	Fees discourage designs and practices that increase the costs of composting covered materials.
STATEWIDE LIST OR COLLECTION	A list of covered material categories that are deemed compostable shall be published. "Covered material is deemed compostable if it meets the requirements to be labeled as compostable pursuant to Chapter 5.7 (commencing with Section 42355)."	A list of covered materials determined to be compostable statewide through systems where covered materials are commingled into a separate compostable stream will be published.	
INFRASTRUCTURE INVESTMENTS	Enhancements to composting collection and infrastructure must be considered.	Infrastructure investments can be made as investments in equipment and facilities for composting.	
RESPONSIBLE END MARKETS FOR COMPOST	Responsible end markets include composting.	Responsible end markets include composting.	
EXPANSION OF COVERED SERVICES		The program will provide funding to expand and increase the convenience of composting services to covered entities.	

State EPR Composting and Compostable Definitions

Minnesota and Colorado also have different definitions for terms like compost, compostable, compostable material, and composting. ASTM standards are prevalent here, which provides some harmonization, but the phrasing is often inconsistent.



DEFINITIONS IN LAW	MINNESOTA	COLORADO
COMPOSTABLE MATERIAL	<p>“Compostable material” means a covered material that:</p> <p>(1) meets, and is labeled to reflect that it meets, the American Society for Testing and Materials Standard Specification for Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities (D6400) or its successor</p> <p>(2) meets, and is labeled to reflect that it meets, the American Society for Testing and Materials Standard Specification for Labeling of End Items that Incorporate Plastics and Polymers as Coatings or Additives with Paper and Other Substrates Designed to be Aerobically Composted in Municipal or Industrial Facilities (D6868) or its successor</p> <p>(3) is comprised of only wood without any coatings or additives; or (4) is comprised of only paper without any coatings or additives.</p>	<p>“Compostable” means a covered material associated with organic waste streams that is capable of undergoing aerobic biological decomposition in a controlled composting system as demonstrated by meeting ASTM D6400 or ASTM D6868, or any successor standards.</p>
COMPOSTING	<p>“Composting” means the controlled microbial degradation of source-separated compostable materials to yield a humus-like product.</p>	
COMPOST		<p>“Compost” means the material or product that is developed under controlled conditions and that results from biological degradation processes by which organic wastes decompose.</p>
COMPOST FACILITY		<p>“Compost facility” includes only those compost facilities that readily accept and process packaging material collected from consumers.</p>



California Contingency:

Of note, California does not have any statutory definitions for composting or compost, but these terms will likely be clarified throughout the state’s EPR rulemaking process.

# 4. Compostable Packaging in Newest EPR States: Maryland and Washington

Maryland and Washington are statewide EPR laws No. 6 and No. 7, respectively, in the U.S. and are in very early EPR stages. Currently, the laws as written are the closest thing we have to information on how the laws will impact compost and compostable packaging, as rulemaking will take place later in 2025 into 2026. Below, we cover insights into how each state law is covering compostable packaging and recovery.

## Focus Areas for Composting or Compostable Packaging in EPR Laws

FOCUS AREAS	MARYLAND	WASHINGTON
TARGETS FOR COMPOSTING OR COMPOSTABLES	Yes composting rates are included in the goals outlined in the law.	Yes composting rates are included in the goals outlined in the law.
COMPOSTING IN NEEDS ASSESSMENT	Yes compostables and composting are included in Needs Assessment.	Yes compostables and composting are included in Needs Assessment.
ADVISORY BOARD REPRESENTATION	Representatives of recyclables and compostable materials collectors from both the public and private sectors.	One member representing entities that own or operate a waste facility that accepts and processes compostable materials for composting or a statewide trade association that represents those facilities.
FUNDING FOR COMPOSTERS	Yes, composting included.	Yes, composting included.
EDUCATION AND OUTREACH	Yes, composting included.	Yes, composting included.
ECO-MODULATION		Yes, composting included.
STATEWIDE LIST OR COLLECTION	Yes, composting included.	Yes, composting included.
INFRASTRUCTURE INVESTMENTS	Yes, composting included.	Yes, composting included.
RESPONSIBLE END MARKETS FOR COMPOST		Yes, composting included.
EXPANSION OF COVERED SERVICES	Yes, composting included.	Yes, composting included.



### When did Maryland and Washington pass EPR?

In May 2025, governors from Maryland and Washington signed state EPR bills into law. With the passage of both bills, now 1 in 5 Americans lives in a state with a packaging EPR law.



# Maryland and Washington (Continued)

## State EPR Composting and Compostable Definitions

Below, we cover the definitions in Maryland and Washington’s EPR laws that are relevant to compostable packaging and recovery.

DEFINITIONS IN LAW	MARYLAND	WASHINGTON
COMPOSTABLE MATERIAL		“Compostable” means a product that is capable of composting in a composting system and is in compliance with the requirements for a product labeled as compostable under chapter 70A.455 RCW.
COMPOSTING	“Composting” means the controlled aerobic biological decomposition of organic waste material in accordance with the standards established by the Secretary under this title.	“Composting” means the controlled microbial degradation of source separated compostable materials to yield a humus-like product.
COMPOST	“Compost” means the product of composting in accordance with the standards established by the Secretary of Agriculture under § 6-221 of the Agriculture Article.	
COMPOST FACILITY	“Composting facility” means a facility where composting takes place.	
COMPOSTING RATE		“Composting rate” means the amount of compostable covered material that is managed through composting, divided by the total amount of compostable covered material introduced by the relevant unit of measurement.
COMPOSTING SYSTEM		“Composting system” means a system meeting the requirements of chapter 70A.205 RCW applicable to facilities that treat solid waste for composting.

# Conclusion

Overall, incorporating compostables into EPR programs is a new undertaking in the U.S. Compostable packaging manufacturers and brands want to see their products be composted, and if they are paying into the system, they believe that system costs should support composting collection and infrastructure.

It will be up to the PRO to determine the fees or dues for compostable packaging and where interventions in the physical composting systems can be implemented, but we don’t see composting and compostable packaging being forgotten in EPR programs any time soon.

With pathways for recovery, compostable packaging is put to its best and highest use: feedstock for compost.



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