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NOTE: Due to the holiday season, the December 2025 Legislative and Regulatory Report is being issued early. The next report will be distributed during the last week of January 2026.

December 2025

AT THE FEDERAL LEVEL...

There are no significant federal updates impacting foodservice packaging in the United States and Canada this month.

AT THE STATE/PROVINCIAL LEVEL...

FPI's report of bills that may impact foodservice packaging is available [here](#) in PDF and includes bills as of December 12, 2025.

Below are some highlights of recent and upcoming legislative and regulatory activity

CALIFORNIA: CalRecycle submitted its proposed SB 54 regulations to the [Office of Administrative Law](#) (OAL) on November 24, 2025. OAL has 30 working days (until January 9, 2026), to review the package for compliance with rulemaking requirements. After the review, OAL may approve the regulations and file them with the Secretary of State or return them to CalRecycle for revision. If approved, producers' 2023 supply data reporting deadline will become enforceable 30 days after finalization.

California Attorney General Rob Bonta issued an [enforcement advisory](#) reminding producers that expanded polystyrene (EPS) foam food service ware is currently banned statewide under SB 54. The ban prohibits selling, offering for sale, distributing or importing EPS food service ware such as cups, clamshell containers, plates, and other single-use items. Under SB 54, CalRecycle may impose administrative civil penalties of up to \$50,000 per day per violation. Also per the advisory, the Attorney General may seek additional penalties under California's Unfair Competition Law.

The Department of Toxic Substances Control hosted a webinar on December 11, 2025, to review its [Background Document on Microplastics in Consumer Products Research](#). The document identifies several "food contact articles" for potential regulation, including foodservice packaging. The [public comment period](#) is open until January 30, 2026. Comments can be submitted online using the "Submit a Comment" link [here](#).

COLORADO: On December 10, 2025, the Executive Director of the Colorado Department of Public Health & Environment (CDPHE) approved Circular Action Alliance's Program Plan. Under the state's EPR law the amended plan is now designated as the Final Program Plan and Circular Action Alliance (CAA) must begin implementation within six months.

The Colorado Producer Responsibility Advisory Board met on December 10, 2025. The meeting agenda included an update on CDPHE's approval of CAA's program plan and a presentation regarding waste diversion in the state from the department. The Board is scheduled to meet again on January 14, 2026; registration and past meeting materials are available [here](#).

CAA has released a guidance document concerning eco-modulation factors in Colorado, which is available at this [link](#). Eco-modulation factors are divided into two groups: passive factors, which apply automatically (such as exclusions from the MRL, high recycling performance, or detriments) and active factors, which require proof of implementation (including design or material improvements and post-consumer recycled content).

FLORIDA: Florida's [HB 629](#), prefiled December 3, 2025, would replace existing statutory language with explicit state preemption of regulations on “auxiliary containers,” which include single-use cups, bags and similar packaging. [SB 766](#) filed December 9, 2025, mirrors HB 629 but retains an exemption for municipal polystyrene restrictions enacted before 2016.

Separately, [HB 575](#), a companion to [SB 240](#) prefiled December 2, 2025, would establish statewide rules for auxiliary containers, direct the Department of Environmental Protection to adopt a uniform ordinance by October 2027, preempt most new local regulations, ban single-use polystyrene to the greatest extent possible in state parks and beaches and preserve local ordinances enacted before 2026.

ILLINOIS: The Illinois Statewide Recycling Needs Assessment Advisory Council is scheduled to meet on January 12, 2026. Once available, additional details and supporting documents will be available [here](#).

MARYLAND: The [Maryland EPR Advisory Council](#) met on December 2, 2025, to review the curbside collection list, consider recent stakeholder comments and discuss potential topics for 2026 meetings. The next meeting of the council is set for January 8, 2026.

The Maryland Department of the Environment, in accordance with Chapter 212, Acts of 2019, has invited small businesses and limited stakeholders to review and comment on [draft regulations](#) for the Packaging and Paper Products Producer Responsibility program. This limited consultation will be followed by a broader public stakeholder consultation in 2026.

MASSACHUSETTS: At its final meeting on December 9, 2025, the Massachusetts EPR Commission concluded its work and discussion of all topics and product categories. The Commission voted to recommend that the Massachusetts Department of Environmental Protection establish a subcommittee to further investigate EPR for plastics and other packaging and for the legislature to

appropriate resources to complete a needs assessment within two years of funding. More information is available [here](#).

Originally introduced in February 2025, HB 457 would prohibit misleading or deceptive recyclability claims on packaging and in advertising. The bill was amended on December 8, 2025, to also cover claims of biodegradability and compostability as well as clarify that the use of the “chasing arrows” symbol is not considered misleading if it follows Federal Trade Commission guidelines. The bill has been renumbered as [HB 4810](#) and reported favorably to the House Ways and Means Committee.

MINNESOTA: The Minnesota EPR Advisory Board meeting on December 3, 2025, included a review of the outreach and engagement plan for the Needs Assessment and began evaluating the draft Preliminary Assessment to determine areas for feedback. The board will meet again December 17, 2025, to finalize its comments on the preliminary assessment. More information is available [here](#).

A reminder that the Minnesota Pollution Control Agency will host an information session on the [draft preliminary assessment](#) on December 18, 2025, and the draft is open to public comment until December 22, 2025. Additional details on the draft assessment and registration for the information session are available at this [link](#).

NEW JERSEY: The Senate Budget and Appropriations Committee amended and passed [S. 3195](#), which would restrict food service businesses from providing single-use utensils or condiments except upon customer request. Additionally, full-service restaurants with on-site seating for 10 or more customers must offer easy access to reusable utensils.

OREGON: The [Oregon Recycling System Advisory Council](#) (ORSAC) Materials Subcommittee met on December 8, 2025, to review practicability reports for pressurized cylinders and metal aerosol cans. Next, the ORSAC PRO Budget & Fees Subcommittee will meet on December 18, 2025, to discuss covered product exemption requests. Interested parties may join this subcommittee meeting via Teams (link may be found [here](#) under "upcoming meetings"). The next regular ORSAC meeting is scheduled for January 27, 2026. More information will be posted on the council [website](#) when available.

The Oregon Department of Environmental Quality has established a Recycling Acceptance List Technical Workgroup. Workgroup meetings were held on

December 11 and 15, 2025. Details about the workgroup and its efforts may be reviewed [here](#).

WASHINGTON: The Washington Department of Ecology announced the initial members of the [Recycling Reform Act Advisor Council](#). The first advisory council meeting will be scheduled in early 2026, with more information to be released when the date is selected.

A reminder that under Washington's [Recycling Reform Act](#), producers must appoint a Producer Responsibility Organization (PRO) by January 1, 2026, to manage their covered materials. Producers wishing to designate CAA as their PRO should have registered through the CAA Producer Portal under "State Registration" by December 15, 2025. CAA will register with the Washington Department of Ecology by March 1, 2026, on behalf of all producers who met the deadline. Guidance from CAA on the definition of a producer in Washington is available [here](#).

WISCONSIN: Two bills of interest have been prefiled in Wisconsin for the 2026 legislative session. First, [SB 778](#) would establish a packaging reduction and recycling program administered by the Department of Natural Resources and has been referred to the Committee on Natural Resources, Veteran and Military Affairs. Secondly, [SB 779](#) would prohibit food and beverages from being served in foam polystyrene packaging. This bill has been referred to the Committee on Licensing, Regulatory Reform, State and Federal Affairs.

PRODUCER RESPONSIBILITY ORGANIZATION (PRO) UPDATE

Please refer to [CAA's Producer Resource Center](#), [CAA's Producer Policies](#) and [CAA's Upcoming Events webpage](#) to stay informed.

AT THE LOCAL LEVEL...

Under Consideration

HAWAII COUNTY, HI: On December 4, 2025, the Hawai'i County Council approved [Bill 83 \(Draft 2\)](#). The bill prohibits disposable plastic and polystyrene

foodware and serviceware at food providers, county facilities and county-funded events, requiring reusable or certified compostable alternatives. Bill 83 will now go to the mayor for approval or veto.


FPI Enacted Legislation and Ordinance/Bylaw Tracker


[FPI's enacted legislation and ordinance/bylaw tracker](#) provides information on known enacted legislation and local mandates relating to foodservice packaging. Any changes from the previous month will be highlighted.

Please note that the contents of this file have been developed for general informational purposes and should not be considered as professional advice, including legal opinion, or as a substitute for seeking professional guidance. Further, this confidential guidance is for FPI members only. Please do not distribute outside of your organization.

Please contact [Carol Patterson](#) with any feedback or questions. Thank you.



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