



LEGISLATIVE & REGULATORY **REPORT**



FOODSERVICE PACKAGING
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January 2026

AT THE FEDERAL LEVEL...

UNITED STATES

The [Packaging and Claims Knowledge \(PACK\) Act](#) was introduced by Representative Weber in December. This federal bill seeks to nationally harmonize labeling standards for recyclable, compostable and reusable packaging claims. Upon introduction, the bill was referred to the House Committee on Energy and Commerce.

CANADA

Environment and Climate Change Canada launched a [consultation](#) on [proposed](#)

[amendments to the *Single-use Plastics Prohibitions Regulations*](#), published in the *Canada Gazette, Part 1* on December 20, 2025. The proposed amendments seek to remove the export ban currently included in the regulations, which came into effect on December 20, 2025. This 70-day consultation period runs until February 28, 2026.

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 January 23, 2026.

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

CALIFORNIA: On January 9, 2026, CalRecycle withdrew the proposed regulations for implementing the Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54) from the Office of Administrative Law review. Per their [announcement](#) this action is intended to allow CalRecycle to make revisions aimed at improving clarity and supporting successful implementation, with a primary focus on food and agricultural commodities. Further, given the planned revisions, the department will conduct a 15-comment period with details to be released in the near future. Note that SB 54 statutory deadlines remain unchanged.

Under SB 54, CalRecycle is required to annually update and publish the Covered Materials Categories (CMC) List. As such, CalRecycle published an updated CMC list on December 31, 2025. The list defines covered material categories and indicates which meet requirements to be considered recyclable or eligible for compostable labeling for the purposes of SB 54. The CMCs remain the same as those that were published as part of CalRecycle's September update. Additionally, the most recent list includes recycling rates, as required by law. Guidance on categorizing materials and the updated list is available on the [SB 54 Covered Material Categories List webpage](#). More details also available in the announcement [here](#).

Additionally, pursuant to PRC Section 42061(a)(2)-(3) under SB 54, CalRecycle

conducted a material characterization study to estimate the amount of covered material categories disposed of in California landfills. CalRecycle published its [final findings report](#) on December 30, 2025. The report includes estimates of the amount of covered materials landfilled in California, along with a description of data limitations and the statistical analysis used in this study compared to previous characterization studies

The [SB 54 Advisory Board](#) met on January 23, 2026. The agenda included an update from CalRecycle on the status of SB 54 implementation and next steps, including an update on the SB 54 regulations and recent supporting publications noted above as well as an update from Circular Action Alliance (CAA). The meeting also included a presentation from panelists regarding the SB 54 plastic pollution mitigation fund. The full meeting agenda is posted [here](#).

At its meeting on January 13, 2026, the USDA's National Organic Standards Board (NOSB) voted unanimously to reject adding synthetic compostable polymers to the National List of substances allowed as compost feedstocks in organic production. The board concluded that broad categories of compostable plastics did not meet criteria related to necessity, environmental or human health impacts, or sustainable agriculture. This decision concludes a multiyear review process and carries significant implications for [California's AB 1201](#), which ties compostable labeling to National Organic Program rules.

COLORADO: The Colorado Producer Responsibility Advisory Board met on January 14, 2026. The meeting agenda included updates from CAA concerning education and outreach efforts, an administrative update from the Colorado Department of Public Health and Environment, as well as planning for future meetings. The Board is scheduled to meet again on February 11, 2026, with registration and past meeting materials available [here](#).

FLORIDA: In Florida, [SB 958](#) and [HB 865](#), both prefiled in December 2025 for the 2026 legislative session, would require that any local ordinances or regulations on straws and stirrers allow products that meet specified compostability standards. SB 958 was heard in the Environment and Natural Resources Committee on January 15, 2026, where it was reported favorably and advanced to the Community Affairs Committee. These measures add to a growing list of auxiliary

container proposals in the state, including [HB 629](#), [SB 766](#), [HB 575](#), and [SB 240](#) as previously reported.

HAWAII: Hawaii's [SB 2361](#) would prohibit the sale and distribution of "single-use plastic service ware", including spoons, forks, knives and stirrers, but does not include straws. As of January 21, 2026, the bill was introduced and passed first reading.

Also in Hawaii, [HB 644](#), which has carried over from the 2025 session, is scheduled for a hearing in the House Energy and Environmental Protection Committee on January 29, 2026. The bill would ban businesses where food or beverages are packaged and sold on the premises from using, selling, or distributing certain disposable or single-use foodware and beverage service items, as well as those that contain PFAS.

ILLINOIS: The Illinois Statewide Recycling Needs Assessment Advisory Council met on January 12, 2026. The meeting included updates from the state's needs assessment contractors concerning municipal, hauler and facility survey efforts. The next meeting of the advisory council is scheduled for February 9, 2026. Details and supporting documents for past and future meetings are available [here](#).

KENTUCKY: Introduced on January 16, 2026, Kentucky [HB 287](#) would ban foam polystyrene food and beverage containers, limit plastic straws to customer request only and prohibit retailers from providing plastic carryout bags at the point of sale. The bill currently sits in the Natural Resources and Energy Committee.

MARYLAND: The next meeting of the [Maryland EPR Advisory Council](#) is scheduled for January 30, 2026, at 2:00pm ET. Details about the council and the link to join the meeting may be accessed [here](#).

MASSACHUSETTS: The Massachusetts EPR Commission has submitted their final report to the Legislature. With respect to the plastics and packaging category, the group does not currently recommend implementing an EPR program. Instead, it recommends additional study, stakeholder engagement and a formal needs assessment to determine whether a future packaging EPR program would be effective and appropriate for the state. The report and materials from all meetings

are available on the commission's website [here](#).

MINNESOTA: The [Minnesota Packaging EPR Advisory Board](#) met on January 21, 2026. The meeting included updates from both the Minnesota Pollution Control Agency and CAA, followed by an overview of the ongoing Needs Assessment work. CAA also shared its perspective on the Needs Assessments and highlighted areas of alignment and concern for producers. Full meeting agenda is available [here](#). The advisory council is scheduled to meet again on February 18, 2026, with information [here](#).

NEW HAMPSHIRE: In New Hampshire, [HB 1789](#) would establish a broad packaging EPR program requiring all producers to join a state-selected nonprofit PRO and meet unworkable reduction and recycling targets. The bill also includes restrictions on certain toxic substances and a ban on polystyrene. The bill was heard in the House Environment and Agriculture Committee on January 20, 2026, and placed on the work session agenda for January 27, 2026.

NEW JERSEY: New Jersey Governor Murphy signed [S. 3195](#) into law this month, establishing new rules for foodservice items. The law prohibits food service businesses from providing single-use utensils or condiments unless requested by the customer and requires full-service restaurants with seating for 10 or more to make reusable utensils easily accessible. Single-use utensils and condiments may also no longer be bundled together. The law takes effect seven months after enactment, with an additional 12-month period for businesses to use up existing bundled inventory.

Governor Murphy also signed into law [S. 1042](#), which prohibits the sale of certain products, including food packaging, containing intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS). The prohibition takes effect in 2 years.

Next, as the 2026-2027 legislative session begins in New Jersey, many of the new bills are reintroductions of those from previous sessions.

With respect to EPR, Senator Smith's proposals from last session have been reintroduced. SB 3398 has been reintroduced as [S. 673](#), and [S. 614](#) concerning packaging product stewardship plans is a refile of last session's S. 208.

Introduced January 13, 2026, [S. 630](#) from Senator Smith would restrict recyclability claims unless the state Department of Environmental Protection has determined that products are in fact widely recycled. This is a refile of S. 224.

Also from Senator Smith, [S. 670](#) requires producers of plastic packaging and certain other plastic products to reduce quantity of plastic sold and restricts additional substances under the "Toxic Packaging Reduction Act." This is a refile of S. 3135 from the 2024-2025 session.

OREGON: The [Oregon Recycling System Advisory Council](#) (ORSAC) met on January 27, 2026. The [agenda](#) included Department of Environmental Quality (DEQ) and CAA informational updates, discussions concerning the responsible end markets plan amendments and a presentation from CAA regarding their proposal to on-ramp new materials to the universal statewide collection list. Starting in March, the new ORSAC meeting schedule begins. Regular council meetings will be held on the third Wednesday every two months.

The Recycling Modernization Act Rulemaking #3 [Recycling Acceptance Lists Technical Workgroup](#) met on January 21, 2026, to review draft rule concepts and discuss how to resolve conflicting objectives related to Oregon's recycling acceptance lists. The group also considered potential revisions to the definition of "tub" under OAR 340-090-0630(2)(j)(B).

DEQ has also established the Effectively Composted technical workgroup as part of the third rulemaking process. This group met on January 26, 2026, with the agenda and white paper available [here](#) under "technical workgroups". The workgroup's next meeting will be held February 17, 2026.

WASHINGTON: The first meeting of the [Recycling Reform Act Advisory Council](#) is scheduled for February 5, 2026. The agenda includes member introductions, the election of a chair and co-chair, presentations on the Recycling Reform Act and recent recycling refund reports, and an overview of upcoming work. Registration can be completed [here](#).

Also, CAA has informed the Department of Ecology that they intend to register as a

producer responsibility organization (PRO) in Washington. The deadline for PRO registration is March 1, 2026.

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...

Approved

DEL MAR, CA: Del Mar has adopted an expanded single-use plastics [ordinance](#) that broadens its previous restrictions to all single-use, non-compostable foodservice ware, requiring operators to use only materials that are fully compatible with the local anaerobic digester. As a result, PLA and other compostable bioplastics are no longer permitted. The ordinance will take effect on February 6, 2026, followed by a six-month grace period for businesses to use existing inventory. The policy also includes a provision allowing operators to request an undue-hardship exemption.

HAWAII COUNTY, HI: Hawai'i County Council approved [Bill 83 \(Draft 3\)](#). 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. The measure will take effect in December 2026.

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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