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**May 2026**

**AT THE FEDERAL LEVEL...**

**UNITED STATES**

On May 21, 2026, the U.S. House Energy and Commerce Committee unanimously passed the Recycling Infrastructure and Accessibility Act ([H.R. 2145](#)), which was amended during committee consideration to incorporate provisions from the Recycling and Composting Accountability Act (H.R. 4109). The legislation will next be considered by the full House.

**CANADA**

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There are no significant federal updates impacting foodservice packaging in 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 May 22, 2026.

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

**ALASKA:** Alaska's [HB 25](#) passed the legislature on May 19, 2026, and is awaiting transmittal to the Governor. The bill, carried over from 2025, would prohibit foam polystyrene foodservice ware and authorize the department to adopt regulations allowing customers to use their own containers at restaurants, with an effective date of January 1, 2027. Also, HB 25 allows for the use of foam polystyrene foodservice ware in foodservice establishments where permitted by local ordinance.

**CALIFORNIA:** On May 11, 2026, CalRecycle published new resources on its [Producer Guidance webpage](#), including a situational screening tool for producer determination, guidance for identifying covered materials and information related to submitting applications for categorical exclusions to the department.

A reminder that with an effective date for the SB 54 regulations of May 1, 2026, several regulatory deadlines now apply. **Obligated producers have until June 1, 2026, to do one of the following:**

- If participating in the approved producer responsibility organization (PRO), register with Circular Action Alliance (CAA) and submit supply data to CAA.
- If complying individually, register with CalRecycle and apply to be an Independent Producer.
- If qualifying for an exemption for a small producer, register with CalRecycle and apply for the Small Producer Exemption.

On June 5, 2026, CAA is hosting a California Individual Source Reduction Plan

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webinar. Registration for registered producers may be completed [here](#).

The SB 54 Packaging Producer Responsibility Advisory Board is tentatively scheduled to meet June 26, 2026. Once scheduled, details regarding the meeting will be available [here](#).

During the month of May, several bills with potential impacts for foodservice packaging advanced.

First, [AB 1812](#) and [SB 1031](#) relating to compostable products both saw activity.

[AB 1812](#) would change California’s requirements for labeling products as “compostable” or “home compostable.” The bill would limit the use of these terms to products that meet a state-approved compostability standard or hold OK compost HOME certification and prohibit their use on any product made wholly or partially of plastic (as defined) beginning January 1, 2027. The bill passed out of the Assembly Appropriations Committee and awaits floor action.

[SB 1031](#) would require compostable products to be labeled in a manner that clearly distinguishes them from non-compostable products, including requirements for the size, color and placement of the term “compostable.” The bill would also direct the Office of Environmental Health Hazard Assessment to study the potential health effects of degraded compostable plastics and related additives. As amended, the bill no longer prohibits the use of the phrase “compostable except in California.” The bill passed the Senate Appropriations Committee and now advances to the Senate floor.

Next, [AB 2253](#) passed out of the Assembly Appropriations Committee. The proposal would expand existing requirements for substantiating recycled content claims from plastic food container products to all products. The bill would require manufacturers and suppliers making recycled content claims to maintain documentation demonstrating compliance with the Federal Trade Commission’s Guides for the Use of Environmental Marketing Claims. It would also require recycled content claims to be based on actual physical recycled content, prohibit the use of certain accounting methods and define “postconsumer” recycled content.

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Additionally, [SB 1180](#) would clarify how funds collected under the SB 54 Plastic Pollution Mitigation Fund are allocated. The bill was considered on the Senate Appropriations suspense file on May 14, 2026, and reported favorably, with amendments clarifying the scope and purpose of the fund. It subsequently passed the Senate on May 19, 2026, and advances to the Assembly for concurrence.

**COLORADO:** Colorado [SB26-146](#) would restrict the distribution of single-use food serviceware by requiring retail food establishments and third-party delivery services to provide such items only upon customer request or confirmation, effective January 1, 2027. The bill passed the legislature and was sent to the Governor on May 19, 2026.

The Colorado Producer Responsibility Advisory Board met on May 13, 2026, and the agenda included implementation updates from the Colorado Department of Public Health and Environment, the Attorney General’s Office and CAA. Access to materials is available [here](#) under “past meeting materials.” The Advisory Board is scheduled to meet again on June 10, 2026, with registration details [here](#) under “upcoming board meetings.”

**ILLINOIS:** The Illinois Statewide Recycling Needs Assessment Advisory Council met on May 11, 2026. The meeting included an update from the Illinois EPA, the state’s needs assessment contractor and a presentation from the Carton Council. The next meeting of the advisory council is scheduled for June 8, 2026. Details and supporting documents for past and future meetings are available [here](#).

**MARYLAND:** The Maryland Secretary of the Environment adopted final regulations on May 5, 2026, under COMAR 26.04.14 (Producer Responsibility – Packaging and Paper Products), following the proposed rule issued February 6, 2026. The Notice of Final Action was published in the May 15, 2026, issue of the [Maryland Register](#) (Volume 53, Issue 10), and the regulations became effective May 25, 2026.

The Maryland Department of the Environment (MDE) has posted the final rulemaking materials, including the Notice of Final Action and responses to public comments, on the Maryland Register and agency [website](#).

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The statute requires the PRO to submit producer registrations to MDE by July 1, 2026. In advance of this deadline, the PRO (CAA) will be responsible for collecting required producer data. MDE has clarified that any submission processes or interim deadlines established by CAA are operational requirements of the PRO and not regulatory requirements imposed by the Department.

The next [Maryland EPR Advisory Council](#) meeting is scheduled for May 28, 2026, to discuss program planning. Details for joining the meeting are accessible [here](#). Previous meeting videos and slides may be accessed [here](#).

**MINNESOTA:** On May 26, 2026, the Minnesota Pollution Control Agency (MPCA) issued a Request for Comments (RFC) in the [State Register](#) (page 1360) to begin rulemaking to implement the state's Packaging Waste and Cost Reduction Act. The [public comment period](#) is open through July 24, 2026. For more information on this rulemaking, visit the rule-specific webpage [here](#).

The [Minnesota Packaging EPR Advisory Board](#) met on May 20, 2026. The meeting included reports from the various Board sub-committees and a review of the needs assessment covered materials lists as proposed by the contractor. The full meeting packet may be accessed [here](#). The advisory council is scheduled to meet again on June 17, 2026, with more information [here](#).

**NEW YORK:** New York's extended producer responsibility proposals, [AB 1749](#) (Glick) and [SB 1464](#) (Harckham), were amended, with "A" prints released in late April. While the amendments make some revisions to the producer definition, implementation timelines and toxics elements, several significant concerns remain, including provisions related to source reduction requirements, producer responsibility designation and covered costs.

[SB 1464A](#) was reported by the Senate Environmental Conservation Committee on May 5, 2026, and referred to the Finance Committee. The bill was subsequently reported from the Finance Committee on May 19, 2026, and, as of May 21, 2026, has advanced to third reading and is on the Senate calendar.

Also in May, SB 3911A was considered by the Senate Environmental Conservation Committee and amended to [SB 3911B](#). The legislation would limit the automatic

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distribution of foodservice items by public food service establishments, requiring that single use items including utensils, condiments, napkins, and additional containers only be provided upon a customer's request. Following adoption of the amendment, the bill was recommitted to the Senate Environmental Conservation Committee, where it remains.

**OREGON:** The [Oregon Recycling System Advisory Council \(ORSAC\)](#) met on May 20, 2026. Topics for the meeting included council discussions related to accomplishments and future priorities, glass collection and a report out from the infrastructure committee as well as updates from the department and CAA. The next ORSAC meeting is set for July 15, 2026, with a link to join the meeting via Teams available [here](#) under "upcoming meetings."

The Oregon Rulemaking Advisory Committee is scheduled to meet May 27, 2026. The meeting agenda includes updates from the Department of Environmental Quality (DEQ) as well as a review of rule concepts relating to recycling acceptance lists, glass, responsible end markets, covered product exemptions and producer definitions. The full meeting agenda and links to access meeting documents are available [here](#) under "Meeting schedule".

In May, DEQ approved CAA's program plan amendment on responsible end markets (REM), establishing a framework for verifying that recyclable materials are sent to responsible downstream facilities. The amendment defines how facilities can demonstrate compliance with REM requirements, incorporates use of existing third-party certifications where applicable, and provides an interim verification approach while a more formal, standardized certification system is developed. The updated program plan with the approved REM amendment is accessible [here](#).

**RHODE ISLAND:** In Rhode Island, [HB 7910](#) and [HB 7911](#), which both would establish a statewide extended producer responsibility program for packaging and paper, are scheduled to be heard in the House Environment and Natural Resources Committee on May 27, 2026.

**WASHINGTON:** The Washington Department of Ecology has initiated [rulemaking for chapter 173-950 WAC](#) to implement the state's [Recycling Reform Act \(RRA\)](#), which establishes a packaging and paper products EPR program. A public

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rulemaking committee meeting will be held on May 27, 2026, at 2:00 p.m. PT to provide an overview of the law, outline the rulemaking process and timeline, and present draft rule language while soliciting stakeholder input. Please register [here](#) to join this meeting. The public comment period on the draft rule is open from May 14 through June 24, 2026. Public comments may be submitted [here](#).

The first Advisory Council Needs Assessment Subcommittee was held May 20, 2026. Topics for the meeting included a review of the needs assessment timeline, survey and RFI responses to date, along with a discussion regarding broader council engagement and next steps. Find the agenda for the meeting on the [Recycling Reform Act Advisory Council website](#) on the needs assessment subcommittee tab under past meetings.

The next convening of the full RRA Advisory Council is scheduled for June 11, 2026, with information to join the meeting under “Upcoming Meetings” [here](#). Additionally, the Statewide List Subcommittee is set to meet next on July 22, 2026, with meeting information also available under “Upcoming Meetings” [here](#).

Also in May, the Department of Ecology opened registration for its “Safer Products for Washington” webinar series. On July 15, 2026, the topic for the webinar is set to be “Plastic Packaging, Artificial Turf, Printing Inks, and an opportunity to ask questions about our process or engagement.” Full list of webinar topics and registration links provided below:

- June 10: Cosmetics, Nail products, and Firefighting PPE ([Register to attend](#))
- June 16: Jewelry and Accessories, Motor Vehicle Tires, and Cookware and Kitchen Supplies ([Register to attend](#))
- June 24: Architectural Paints, Sealants, Caulks, and Adhesives, and Hard Surface Sealers ([Register to attend](#))
- July 8: Insulation, Solid Deodorizers, and Floor Waxes and Polishes ([Register to attend](#))
- July 15: Plastic Packaging, Artificial Turf, Printing Inks, and other input ([Register to attend](#))

## **PRODUCER RESPONSIBILITY ORGANIZATION (PRO) UPDATE**

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CAA has opened a public comment period on its [draft Certification Standard for Responsible Markets: For Recycling of Paper, Packaging and Food Serviceware](#) (REM Standard). The draft standard is being developed in collaboration with SCS Standards and Assurance Systems to support implementation of REM requirements established under U.S. EPR laws.

As part of this process, CAA hosted a [webinar](#) to introduce the draft REM Standard, highlight its core components, and explain how interested parties can review and submit comments.

The [public comment period](#) is open from May 5 through July 7, 2026.

CAA continues to post updated resources for registered producers in the Producer Portal. Please refer to the guidance and tools in the portal frequently.

Please also 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**

**WATERTOWN, MA:** In late April, the Watertown City Council approved a “Skip the Stuff” ordinance that prohibits restaurants from automatically including plastic utensils, straws, condiment packets and similar items with takeout or delivery orders, requiring that these items only be provided upon customer request. The ordinance also requires online ordering platforms to allow customers to opt in to specific items and prohibits prepackaged utensil bundles that include multiple unnecessary items. Customers may still request utensils as needed. Additionally, full-service food establishments may only utilize reusable food and beverage serviceware for dine-in customers. The measure includes a six-month grace period before enforcement, during which the city will provide outreach and

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education to businesses. Ordinance may be reviewed [here](#).

## **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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