

Extended Producer Responsibility (EPR) for Hazardous Products and Packaging

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Iva Lea Aurer



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01 | EPR Overview

What is Extended Producer Responsibility?

Extended Producer Responsibility (EPR) is an environmental policy approach that holds Producers accountable for the environmental impact of the full lifecycle of their products

- Originated in 90s in Europe with Packaging
- Extension of “polluter pays” principle
- EPR fees = financial dues corresponding to the cost of waste disposal of a particular material
 - The less environmentally friendly to dispose, the higher the fee – and vice versa

Country	Packaging EPR	Hazardous household waste EPR	Used oil EPR
United States	7	1	1
Canada	9	7	11
Mexico	1	1	1

What is Packaging EPR?

Packaging EPR is a policy approach that makes producers responsible for the end-of-life management of packaging.



(Specialty) Packaging

EPR requires the **Producer to pay the cost of managing waste** generated by use of their products

- The more cumbersome on the waste management system or if less fit to be recycled or reused, the higher the cost
- **Specialty packaging**
 - Packaging containing products which are considered **hazardous for environment or health, or which contain contaminants, or are hard to recycle**, require special end-of-life management
 - Can be an exemption
 - Can be a separate EPR system
 - Can be an alternative EPR system
 - Can be part of the generic packaging EPR system



PETROLEUM AND AUTOMOTIVE PRODUCTS
PESTICIDES
CLEANING PRODUCTS
MEDICAL PRODUCTS
OTHER

03 | Specialty Packaging: Hazardous and/or Automotive Oil

Packaging and Specialty Packaging: Hazardous and/or Automotive Oil

Landbell
H2 Compliance
by Landbell Group

	UNITED STATES	CANADA	EUROPEAN UNION
PACKAGING EPR	<p>Jurisdictional, no framework</p> <p>Patchwork. Packaging EPR laws and program maturity vary by state; no federal packaging mandate.</p>	<p>Jurisdictional, no framework</p> <p>Patchwork. Packaging EPR laws and program maturity vary by state; no federal packaging mandate.</p>	<p>EU rules + national execution</p> <p>Harmonized direction. PPWR sets the rules enforced by Member States without transposition.</p>
SPECIALTY PACKAGING: Hazardous and/or Automotive oil	<p>Scope. Hazardous and/or oil packaging included in packaging EPR regulation or stand-alone obligation.</p> <p>Hazardous products. Stand-alone stream in in Vermont (Household Hazardous Products – HHP). Exemption under certain conditions.</p> <p>Automotive oil products. Makes part of VT HHP stream, If not under hazardous exemption, either part of EPR specialty packaging (CA, CO, OR, WA) or part of a stewardship (CA).</p>	<p>Scope. Hazardous and/or oil packaging usually of stand-alone stream/regulation.</p> <p>Hazardous products Stand-alone stream in provinces (AB, BC, MB, NB, ON, SK, YT) including toxic, corrosive or flammable products' containers. Exemption under certain conditions.</p> <p>Automotive oil products. Common stand-alone stream including oil containers and filters, antifreeze or DEF. Certain categories can be part of HSP stream.</p>	<p>Scope. All packaging included, regardless of type or material or end-user.</p> <p>Hazardous products. Phasing out hazardous or harmful substances in packaging: PFAS Restrictions (article 5), refers to Waste and Dangerous Goods' Transport Directive.</p> <p>Automotive oil products. Under waste management directive, 12 states developed own EPR programs but no EU-wide EPR regulation.</p>

Specialty Packaging: Hazardous exemption

Packaging exclusion reason	Jurisdiction
Product under Federal insecticide, fungicide, and rodenticide act (7 U.S.C. Sec. 136 et seq.)	WA, CO, OR (agricultural chemicals of restricted use), MD, MN, CA
Liquified petroleum gas designed to be refilled	WA, OR, MD, MN,
Products used to contain hazardous or flammable products classified by OSHA 2021 communication standard	CA, CO, MD, WA, MN
Packaging of products under Poison Prevention Packaging Act of 1970 (15 U.S.C. SEC. 1471 ET SEQ)	CO (limited to marijuana-product packaging)
Consumer products required to display labels under Federal Hazardous Substances Act	OR
Refillable pressured cylinders	OR CA
Plastic packaging containers that are used to contain and ship products that are classified for transportation as dangerous goods or hazardous materials Part 178 of Title 49 of the Code of Federal Regulations	

Specialty Packaging: Hazardous Exemption

Packaging exclusion reason	Jurisdiction
Packaging that is unsafe or unsanitary or could become unsafe or unsanitary by virtue of its anticipated use, and is not suitable to be recycled.	NB, NS, ON, YT
Packaging designed to contain pressurized gas or a hazardous product	NS, QC (separate EPR stream)
Products designated as flammable or toxic or corrosive under Consumer Chemicals and/or relevant regulation of province and territory	ON, MB, BC, SK
Products under Pest Control Products Act	MB, SK, BC (when show label)
Products under HSP or Lubricating/Automotive Oil Acts	AB, BC, MB, ON, SK, YT, NB

04 | Packaging Compliance Pathways

EPR Compliance Starts with Three Questions

Questions asked per jurisdiction and stream

WHAT

is covered?

Identify the products and packaging.

Know your Scope.

Know your Exclusions.



WHO

is responsible?

Know who the Statutory Producer is.

Know your route to market.

Determine if your revenue is below threshold.



HOW

must the producer comply?

Register with the correct PRO and/or authority.

Prepare data and submit report.

Know which records to keep.

EPR Compliance Maintains with Three Questions

Compliance is maintained per jurisdiction and stream

WHAT

must I do to comply?

Identify the entities to register with.

Register in full.

Ensure data is full and complete.

Submit reports on time.



HOW

do I ensure a quality report?

Include only that what is in scope.

Find the level of detail requested.

Develop a sound methodology.

Categorize correctly.



WHY

does it matter?

Non-compliance is sanctionable.

Good data means good cost allocation.

EPR is a development opportunity.

EPR Compliance 3 most common struggles

Compliance is maintained per jurisdiction and stream

WHICH

EPR applies to me?

Multiple concurring but not uniform EPR programs and regulations make tracking and understanding which apply to you, and to which extent, difficult.

Each EPR regulation should be considered **independently from same stream regulations in different jurisdictions, and relationally to different EPR regulations in the same jurisdiction.**

WHO

Is the Producer?

Producer hierarchy differs per EPR regulation even if the verbiage is the same. To correctly determine the Producer, you might need consult additional legal sources.

Do not assume a Producer under one EPR program is a Producer under multiple ones.

Pay attention if additional information is needed from non-brand owner Producers.

WHAT

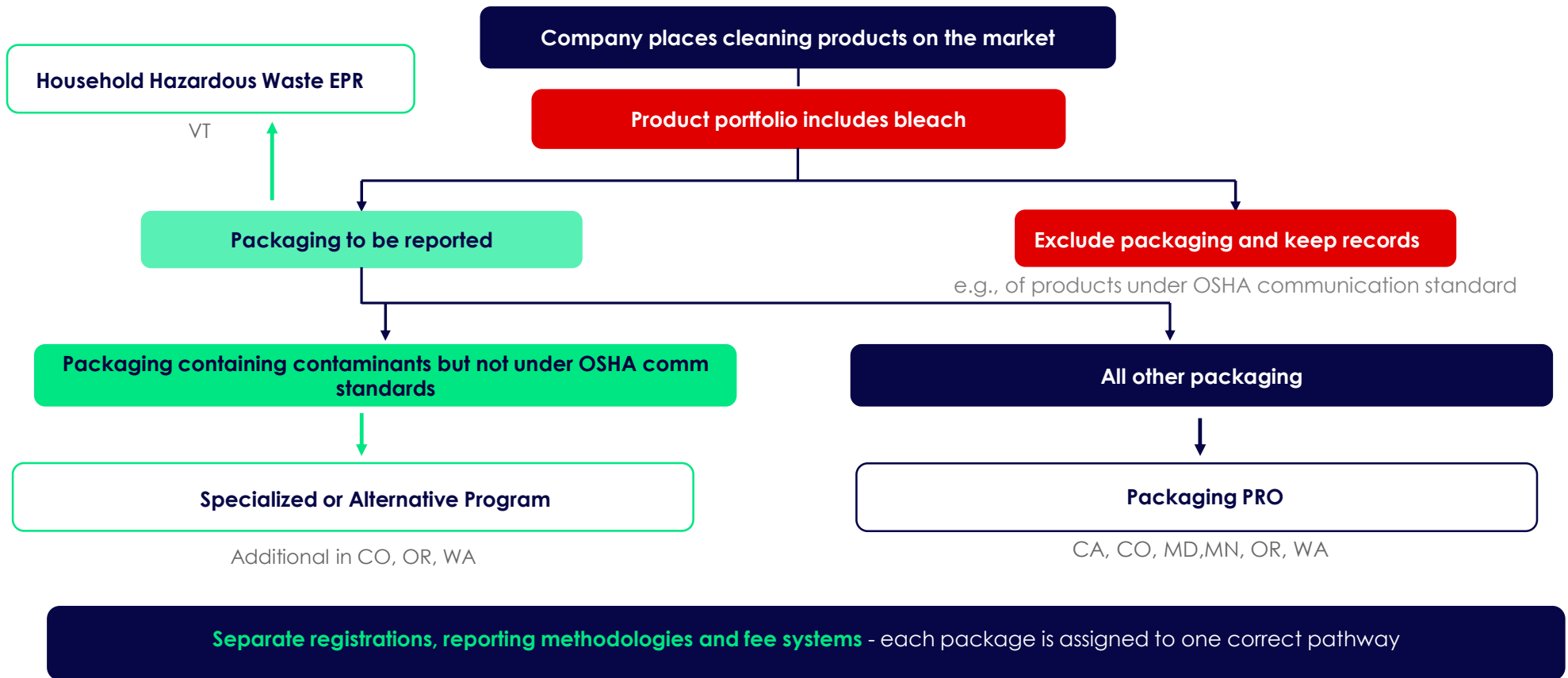
Data do I need and have?

Companies **struggle to understand and obtain data at the level of the requested detail.** This can be particularly burdensome in case of overdue, historic reports.

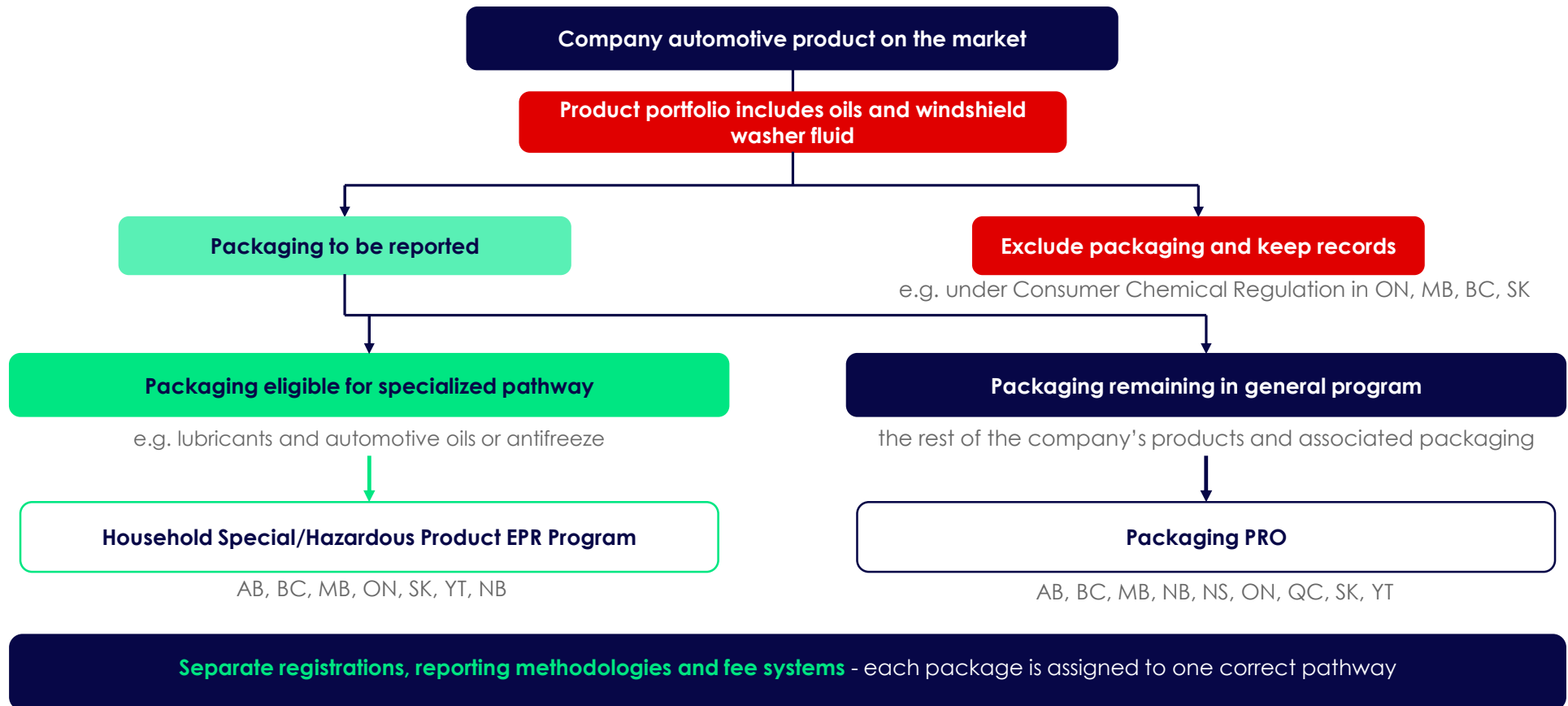
Identify the correct data sources.

Different jurisdictional EPR systems' requirements, create confusion on what needs to be reported where, when, and in what way. **Thorough grasp on EPR logic and structures is crucial for clear and sustainable EPR compliance.**

Successful Compliance Pathway- Chemicals (US)



Successful Compliance Pathway – Automotive Oils (CA)



05 | Questions?

[Iva Lea Aurer](#)

i.aurer@h2compliance.com

EPRAmericas@h2compliance.com