

PACKAGING HAS ALWAYS BEEN A BALANCING ACT



New Extended Producer Responsibility (EPR) laws just raised the stakes

By Patrick Boot, chief executive officer (CEO), NNZ North America

New Extended Producer Responsibility (EPR) laws are spreading across the United States, and for potato and vegetable grower-packers, the party on the hook may surprise you. Here is what is changing, why bagged commodities feel it first, and how to think it through without losing sight of packaging's purpose in the first place.

Ask anyone who has spent time around a packing line, and they will

tell you the same thing: packaging is a series of trade-offs. A bag needs to protect the product and let it breathe. It must run on the line, survive the truck, sit well on the shelf, and still come in at a price that works on margins the produce industry can sustain.

Now a new factor is entering the equation in North America, and it comes with a bill attached: Extended Producer Responsibility, or EPR.

Working with growers and packers across the United States and Canada, I hear many of the same questions that packaging regulation has been raising in Europe for years. Can we use less material? Can we improve recyclability? Is another format an option, and what happens to performance if we change it?

EPR is now forcing those questions into the open for a lot of operations that had not needed to ask them before.

WHAT IS EPR?

In plain terms, EPR shifts the cost of managing packaging waste away from municipalities and taxpayers and to the companies that put packaged goods into a state's market.

Above: Common produce formats such as ventilated mesh protect and showcase the crop, but they also tend to fall into the highest EPR fee tiers, where the cost of packaging waste is now being passed back to producers.



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While each state is introducing slightly different versions of these laws, they all generally require a covered producer to register with a state-designated Producer Responsibility Organization. In most states, that is the Circular Action Alliance.

Then, a producer must report the packaging it supplies by material and weight, and finally pay fees scaled to the recyclability and recoverability of the packaging.

As of 2026, seven states have enacted packaging EPR laws: Maine, Oregon, Colorado, California, Minnesota, Maryland and Washington. There is no federal framework, so what we have is a state-by-state patchwork with different timelines, definitions and fee schedules.

Oregon has been charging fees since mid-2025 and Colorado since January



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2026. The other states are still in registration and reporting phases, with California's full program fees arriving in 2027.

WHY GROWERS CARE

Here is the part that matters most for our customers: under every enacted

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state law, the obligated “producer” is the company that brands and sells the packed product into the state. For most commercial volume, that is the grower-packer-shipper.

If you pack your potatoes or onions in your own bag and sell them into one of these states, you are very likely the producer on the hook. For private-label product, it generally shifts to the retailer, and for imported product, to the U.S. importer. But for most, it lands at home.

Fees are charged on packaging weight and material, not on the value of the product inside the bag.

That is why low-value, high-packaging commodities feel EPR more than anyone else. A pound of film around a premium electronic device can be chalked up as a mathematical rounding error. A pound of mesh and poly around a commodity vegetable, sold on thin margins, cannot be so easily written off.

The fee tracks the packaging, so the crops that rely on inexpensive, protective bagging carry a heavier relative burden than higher-value goods. And there is no clean produce exemption on the books. The relief that exists is mostly small-producer thresholds and narrow on-farm carve-outs, not a categorical pass for fruit and vegetable packaging.

THE MATERIAL TRAP

The instinct, once the fees show up, is to switch to whatever carries the lowest fee. If only it were that simple. Fee systems use “eco-modulation.” Flexible films, multi-layer laminates and non-collected formats sit in the highest tiers, and many common produce formats such as ventilated mesh nets and poly bags trend that way.

So, you can end up paying the most for the very packaging that protects and showcases the product.

But chasing a low fee by jumping to

Above: Good packaging, as it always has been, is about finding the balance that works for your product, your line and your market.

fiber often backfires. Fiber clamshells and boxes can cost two to three times more to buy, and they may not deliver the ventilation, moisture management and stack strength that perishable produce needs.

Poly-coated paperboard is itself a high-fee material. The lesson we keep coming back to with customers is to evaluate purchase price, fee and performance together, and never the headline fee alone. A format that looks cheap on the fee schedule can be the most expensive choice once you count spoilage and shrink.

The right place to start is not studying the potential fee schedule or a predetermined “green” format, but with the job the package must do.

What type of packaging does the product need to arrive in good condition? How is it packed and transported today? What is the customer trying to accomplish or improve?

YOUR OPTIONS

Once you can answer those questions, the options, such as less material here, better recyclability there, or a different format altogether, start to sort themselves out.

Sometimes the honest answer is that the current packaging already strikes the right balance, and the smartest move is better data rather than a redesign.

Because EPR fees are driven by packaging weight and material type, capturing accurate packaging weight and composition for each SKU (Stock Keeping Unit) is often the single most useful thing an operation can do right now. It is the foundation of every report you will file and the main lever you have for managing what you pay.

EPR is not a reason to panic, and it is not a reason to tear up a bag that works. It is one more weight on a scale growers and packers have always had to balance.

The goal has not changed: Reduce environmental impact while preserving the performance that products and supply chains depend on. There is rarely a single right answer, and good packaging, as it always has been, is about finding the balance that works for your product, your line and your market.

Patrick Boot is CEO of NNZ North America. NNZ is an independent fresh-produce packaging advisor with more than a century of experience in fruit and vegetable packaging. This article is informational and not legal advice; specific EPR obligations should be confirmed with counsel and the relevant state agency or Producer Responsibility Organization. BCT

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– Patrick Boot,
CEO, NNZ North America



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