

Who does it affect?

- EPR laws affect product producers:
 - Producers would be defined as either the direct manufacturer of a product that sells or distributes in the [member state] under its own name or a brand name;
 - an entity that is not a manufacturer but is the owner or licensee of a trademark or brand name of a product sold or distributed in the [member state] under their own brand;
 - or, an entity that imports the product into [the member state] for sale or distribution.¹⁸
- “Producers” are not considered “manufactures” because the term “manufacturer” is too narrow. For example, many manufacturers are located overseas and work under contract to the brand owner. It is the brand owner who makes design and marketing decisions; therefore, it is the brand owner who is responsible for funding the recovery of their products’ post-consumer packaging waste.¹⁹
- Also, many retailers are producers because they sell products under their own brand. Generally, the producer will be the brand owner.²⁰

¹⁸ “Frequently Asked Questions: Extended Producer Responsibility or Product Stewardship,” *California Board of Integrated Waste Management*, www.calrecycle.ca.gov/EPR/FAQs.html, accessed on 2/22/2010.

¹⁹ *Ibid*, www.calrecycle.ca.gov/EPR/FAQs.html.

²⁰ *Ibid*.