

Wasting No Time: California Joins Europe in the Push for EPR in Fashion

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In California, "they don't throw their garbage away, they turn it into television shows." So said [Woody Allen](#) in "Annie Hall." But when Governor Gavin Newsom signed [Senate Bill 707](#) into law last September, the Golden State created an incentive for a different sort of recycling: the Responsible Textile Recovery Act of 2024 is the first [extended producer responsibility](#) (EPR) law of its kind in the United States, shifting the cost of textile waste onto producers to promote environmentally friendly business practices.

In sum, all producers of covered products in California must join the state-selected Producer Responsibility Organization (PRO) by July 1, 2026, and achieve the PRO's quantifiable performance standards and metrics for waste sorting and management.

The legislation arrives on the heels of a related push in Europe to reduce fashion and textile waste. Here, we review some key aspects of the California legislation in the context of a broader international movement that is at the top of many fashion executives' agendas.

Defined Terms: "Apparel," "Textile Articles" and "Producer"

[The new law](#) broadly defines apparel as "clothing and accessory items intended for regular wear or formal occasions and outdoor activities," including "undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school uniforms, leisurewear, athletic wear, sports uniforms, swimwear, formal wear, onesies, bibs, footwear, handbags, backpacks, knitted and woven accessories, jackets, coats, snow pants, ski pants and everyday uniforms for workwear."

Meanwhile, textile articles are defined as items "customarily used in households or businesses that are made entirely or primarily from a natural, artificial, or synthetic fiber, yarn, or fabric." Examples include "blankets, curtains, fabric window coverings, knitted and woven accessories, towels, tapestries, bedding, tablecloths, napkins, linens, and pillows," but excludes single-use products such as paper towels and facial tissues.

In addition, the law specifies that a producer "means a person who manufactures a covered product and who owns or is the licensee of the brand or trademark under which that covered product is sold, offered for sale, or distributed for sale in or into the state." If there is no such person, then the producer "is the owner of a brand or trademark or, if the owner is not in the state, the exclusive licensee of a brand or trademark under which the covered product is sold, imported for sale, offered for sale, or distributed for sale in or into the state, regardless of whether the trademark is registered. For purposes of this subdivision, an exclusive licensee is a person holding the exclusive right to use a trademark or brand in the state in connection with the manufacture, sale, or distribution for sale in or into the state of the covered product." Failing that, the producer is "the person that imports the covered product into the state for sale or distribution," or, as a final option, "the distributor, retailer, or wholesaler who sells the product in or into the state."

If an apparel or textile product is delivered to a consumer in California, then the sale of the product is deemed to have occurred within the state for purposes of the law. The law provides a carve-out for entities (including affiliates) with under \$1 million in annual global turnover and for exclusive sellers of secondhand apparel or textiles. Online marketplaces are within the scope of the new law through, for instance, a requirement to alert the California Department of Resources Recycle and Recovery (CalRecycle) of any sellers who processed over \$1 million in apparel and textile sales through the marketplace during the previous year (unless no such sales were in California).

The PRO

[CalRecycle](#) will select a PRO by March 1, 2026, to oversee the collection, sorting, transport, repair and recycling of used apparel and textiles. CalRecycle may consider additional PROs after 2035.

Monitoring Compliance

CalRecycle will periodically post and update a list of all producers that comply with the Responsible Textile Recovery Act of 2024 on its website. Producers and the PRO are subject to audit. Administrative civil penalties for noncompliance can reach \$10,000 per day or five times that if CalRecycle finds that a violation is intentional.

The Bigger Picture

EPR is in vogue among international legislators, who [have asserted](#) that low-priced, low-quality fashion products fail to absorb environmental externalities in cost, driving consumers to wasteful purchase habits.

The European Apparel and Textile Confederation ([EURATEX](#)), published a [position paper on EPR](#) in 2020, emphasizing the importance of a circular economy, the need for a "level playing field" of shared responsibilities for manufacturers, distributors and retailers, and the risk of contradictory requirements at the national level that would impact the single market.

As of January 1, European Union member states are required to enforce the collection of used textiles such as clothing, blankets, bed linens, carpets and footwear for sorting, repurposing and recycling. Under the revised [Waste Framework Directive](#), in [trilogue negotiations](#) with the Council and European Commission as of October 22, 2024, member states must have established EPR schemes within 18 months of the date that the updated law comes into force.

In response, on January 23, EURATEX and [Refashion](#), a waste management association assisting textiles, household linens and footwear companies, announced the creation of the Textile PRO Forum, which aims to facilitate the sharing of EPR strategies and best practices, thereby reducing the administrative burden of compliance.

"As Europe prepares for the mandatory separate collection of textile waste and with the revision of the Waste Framework Directive entering its final stage, the EPR schemes have become a cornerstone of the European strategy for sustainability and circularity of textiles," EURATEX and Refashion said in a [joint press statement](#), which highlighted the difficulty of complying with the EPR schemes implemented in each EU Member State. "While this diversity reflects local features, it also presents a challenge for efficiency and for businesses which will face the complexity of up to 27 different EPR models for textiles. The Textile PRO Forum addresses this need by bringing together experienced PROs and national business associations engaged in the implementation of the Textile EPRs," the associations said.

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