

The logo for 'horizon futures' is located in the top left corner. It consists of a white circle containing a yellow and orange arc above the text 'horizon' and 'futures' stacked vertically. The background of the entire page is a collage of national flags: the USA flag (stars and stripes), the Mexican flag (green, white, and red with the national emblem), the European Union flag (blue with yellow stars), and the UK flag (Union Jack). A pattern of white circles of varying sizes is overlaid on the top half of the image.

horizon  
futures

# 2023 ROUND UP

Your guide to the most recent packaging legislation changes, legal updates and EPR across Europe, Australia, Mexico and the USA

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## Summary

Reflecting on 2023, there has been significant activity from new legislation, evolving policies and changing targets and timelines. There is an obvious desire to protect our environment and improve sustainability globally and this will only continue to grow as we get closer to The Paris Agreement's target date. Legislation is developing at pace and the need for detailed information on packaging is becoming more and more prevalent. Iminently, 'averages' will not be sufficient to avoid penalties.

We have pulled together a few highlights across 13 markets, that demonstrate how 2023 has been challenging for those tasked with monitoring global packaging legislation, but also a positive year for the progression of packaging legislation. Although packaging legislation is ever changing and increasing in stringency, it is being implemented for good reason. Legislation is a country's / state's commitment to improve sustainability and promote a circular economy.

### Headlines

- 4 US states now with approved EPR and an increasing amount with proposed EPR legislation
- Huge reform to EU packaging directives due to continue into 2024
- UK EPR drawing ever closer – reporting requirements have already started from Jan 2023
- UK introduced a ban on certain single use plastic items from October 2023
- Ireland welcomed a year of change with amendments to EPR obligations for major producers of packaging
- The Australian fashion industry may face regulation in 2024 if they fail to cut waste through the current voluntary levy
- New obligations imposed on PROs in Slovenia since 2023 under amends to the Environmental Protection Act (EPA)
- Several draft EPR systems are at proposal stage in Mexico at both federal and state level

## United States of America

The US, over the past year has accelerated in the field of packaging legislation, despite the lengthy process of passing legislation at federal level.

The concept of packaging EPR in the US is not as well established as it is within other markets. The Federal **Break Free From Plastic Pollution Act**, proposes to make producers responsible for collecting, managing and recycling or composting the products after consumer use.

A new Federal EPR Bill was proposed in October 2023 to amend the Solid Waste Disposal Act, with the aim of reducing the production and use of certain single-use plastic products and packaging. The Bill covers Packaging, amongst other products and stipulates that producers must pay an annual fee and join a PRO. The Bill also outlines several other proposals including recycling rate targets and a ban on plastic bags at a federal level.

On 1st April 2023, The Environmental Protection Agency (EPA) published a draft '**National Strategy to Prevent Plastic Pollution**' in order to provide a voluntary framework for stakeholders in the US, to reduce and prevent plastic waste from polluting the environment by 2040.

On 19th September 2023, **The Reduce Act** was proposed in the US. The Act aims to review, address and reduce the pollution impacts from single-use plastic products, in a bid to incentivise reuse and recycling. Amongst other things, the Act proposes to establish a tax on virgin plastic resin, and a Plastic Waste Reduction Fund.

As of January 2023, **Washington's Post Consumer Recycled Content Law (70A.245)** requires producers of certain products sold in plastic packaging to include a minimum amount of recycled plastic in their plastic product packaging.

Since December 2022, several States have enacted laws and regulations **restricting the use of PFAS in food packaging applications.**

Although the vast majority of packaging legislation at Federal level is at draft stage at the moment, 114 pieces of legislation have been introduced to date over 23 US states. All of this is in an effort to address plastic pollution around the following:

- EPR
- Single-use plastic bans/fees
- Bottle Bills
- Polystyrene bans
- EOL labelling

## California

California has made some progress in the field of packaging legislation in 2023, adding to a stream of newly proposed and enacted packaging legislation in California over the past few years.

Targets were released during 2023 under the **Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB54)**, for California's highly ambitious EPR Framework which became law in 2022. The law applies to not only manufacturers, but sellers of all goods sold in California. Key targets and dates of this Bill were released recently.

California's Governor Newsom signed the **Right to Repair Act (SB 244)** in October 2023, expanding access for consumers and independent repair shops to materials and information needed to fix electronics and appliances.

On 15th February 2023 the **Prohibiting Plastic Packaging Containing Certain Substances, Assembly Bill 1290** was also proposed. This Bill proposed to prohibit the sale of certain types of PET plastic bottles and plastic packaging that contained certain chemicals, pigments or additives.

The Prohibition of Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) in Food Packaging, and Cookware Labelling, **Assembly Bill 1200** came into force in January 2022. The Law prohibited the sale of food packaging that contains certain substances from January 2023. The Law will also oblige cookware manufacturers to label their product if it contains an intentionally added chemical on specified lists.<sup>1</sup>

The most recent Bill to be introduced in California this year was **Assembly Bill 1526**, which amends the Plastic Pollution Prevention and Producer Responsibility Act (SB54). This Bill requires a producer responsibility plan to include arrangements with processors or recyclers to ensure that covered materials that are not collected through a curbside collection program or other local collection program are collected and recycled at a suitable end destination. The Bill also states that a PRO must pay a hefty fee each year from 2027 to 2037.

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<sup>1</sup> [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB1200](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1200)

## Colorado

Colorado has been fairly stagnant throughout 2023, in the field of packaging legislation, this may in part be due to the high activity seen in 2022 in the state, particularly around EPR.

However, regulations approved over the past few years in Colorado has set in motion activity due to take place over the next few years in the field of **EPR** and plastics in particular.

Colorado's EPR framework was introduced under House Bill 22-1355 on a **Producer Responsibility Program** for state-wide Recycling in August 2022. The Bill enforces companies to pay for recycling programs for their containers, packaging, and printed paper. The Bill outlines several key deadlines for producers.

**The Management of Plastic Products, House Bill 21-1162** entered into force in Colorado in June 2021. As well as lifting the ban on jurisdictions restricting the use of single-use materials, the law introduces several other obligations including bans and levys on plastic bags.

Colorado also mandated the **restriction of Perfluoroalkyl and Polyfluoroalkyl (PFAS)** in Household Products, Food Packaging and Fuels in June 2022. The Bill states that from 2024, certain products will be prohibited from being sold, offered for sale, distributed for sale, or distributed for use in the state, if the product contains intentionally added PFAS chemicals:<sup>2</sup>

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<sup>2</sup> <https://leg.colorado.gov/bills/hb22-1345>

## Maine

2023 started off strong for Maine with several Bills proposed, however this diminished in the second half of the year as activity surrounding packaging legislation dropped.

In October 2021, we saw Maine enforce the **first US State-level packaging EPR Program** which established a stewardship programme for packaging. Next steps were for rulemaking to be initiated by the end of 2023.

An amendment to the law banning **single use carrier bags** in Maine was proposed early in 2023 in an effort to repeal the ban on single-use plastic bags. A further amendment was proposed in **February 2023** calling to abolish the fee currently charged to consumers.

Two laws were passed in 2023 to **update Maine's bottle bill program**: LD 134 was passed in April 2023 and LD 1909 in July 2023. These laws enacted an increase in the handling fee. LD 1909 also shifts brand-level sorting of beverage containers to material-type sorting, along with mandating the creation of a new "commingling cooperative".

2024 is set to be a significant year for Maine as it is anticipated that technical rules for the state's EPR programme will be adopted in Summer, though no official date has been given.

## Oregon

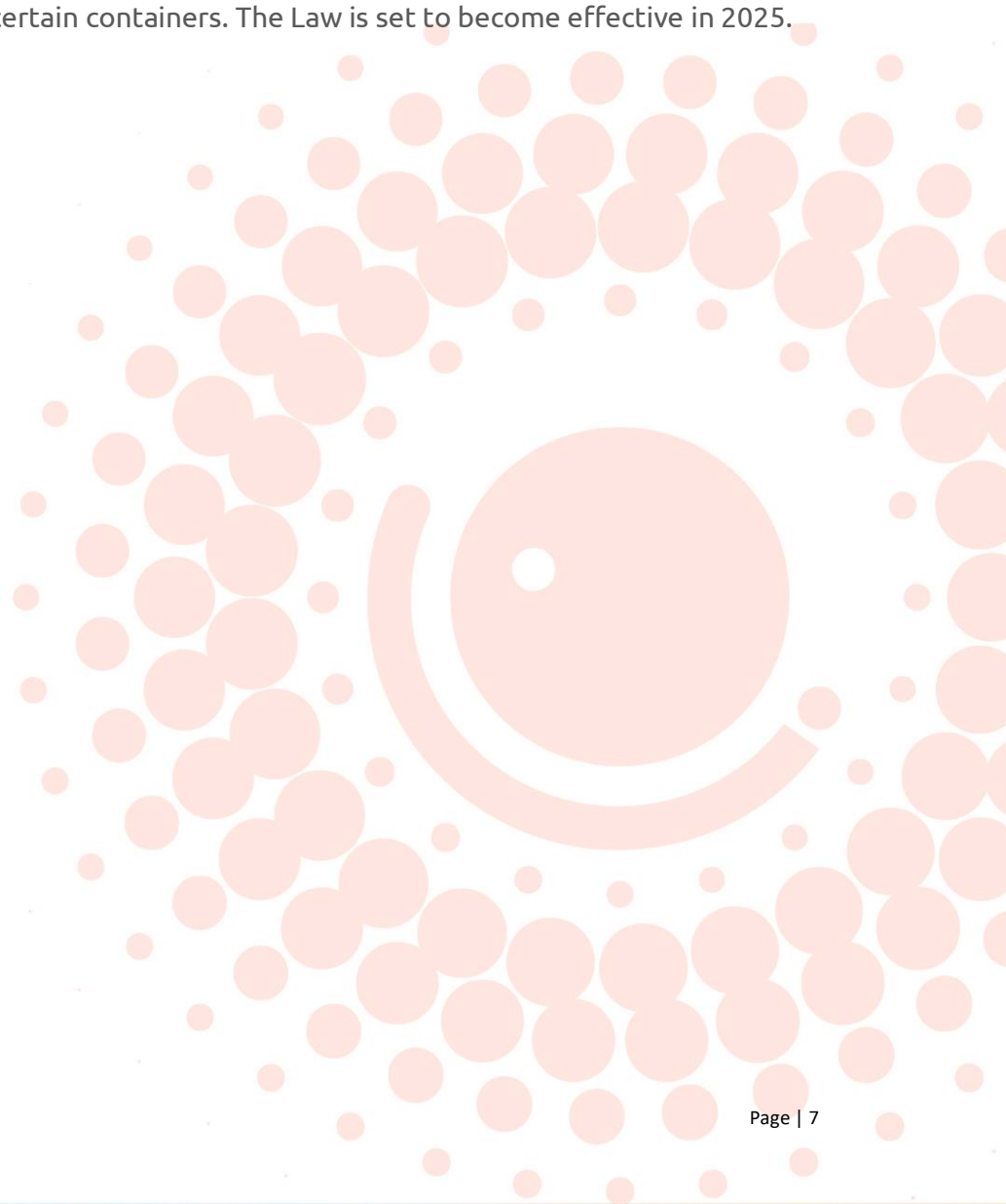
Following on from Oregon's approval of its first EPR Scheme in 2022 (although not due to be implemented until July 2025), the state has had a relatively slow 2023, with only one Bill being enacted and one proposed during the first half of the year, and no activity being seen during the second half.

Oregon's **Senate Bill 554** was proposed in **January 2023** with the aim of establishing a program to reduce single-use plastic food ware and single-use packaging and achieve source reductions by 2030 (compared to 2023 levels).

The programme outlines several reduction targets to be met by producers.

**Senate Bill 543** was enacted in **May 2023**, prohibiting the sale, offer for sale, or distribution in the state, of foodware containers containing intentionally added perfluoroalkyl or polyfluoroalkyl substances. The Law also prohibits anyone from selling, offering for sale or distributing certain containers.

In addition, this Law prohibits food vendors from selling, offering for sale, serving or dispensing prepared food to a consumer in certain containers. The Law is set to become effective in 2025.





## New Jersey

New Jersey has seen a slow year in terms of packaging legislation, with little to no new laws being introduced in 2023.

Several laws were proposed in 2022, however no movement has been seen this year.

New Jersey **Bill 1444**, proposed in 2022, intends to introduce state specific legislation and the concept of EPR. Although it is still in proposal stage, if approved, the Bill will set forth several minimum targets for all single-use products and packaging. If this Bill is passed, producers will be required to implement a stewardship plan within 90 days after the date of entry into force.

**Assembly Bill 5592** was proposed in June 2023 to eliminate the prohibition on the provision of single-use paper bags by grocery stores, for groceries bagged for delivery. This Bill proposes to permit single-use paper bags to be provided or sold for a fee by grocery stores solely for delivery orders. The Bill also requires grocery stores and third-party grocery delivery services that provide reusable bags for home delivery, to establish a program for the return, sanitation, and reuse of the reusable bags.<sup>3</sup>

New Jersey's **Recycled Content Law (P.L. 2021, c. 391)** obligates manufacturers to meet minimum recycled content standards for the sale or distribution of certain containers and bags. The Law includes post-consumer recycled content targets to be met in 2024.

Despite a slow year for New Jersey, implementation of key targets from existing Laws are due to be introduced from next year and 2024 may also see New Jersey's proposed EPR Bill approved.

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<sup>3</sup> [https://pub.njleg.state.nj.us/Bills/2022/A6000/5592\\_11.PDF](https://pub.njleg.state.nj.us/Bills/2022/A6000/5592_11.PDF)

## New York

New York has had a busy year in the field of packaging legislation with several laws being proposed, making New York the state to watch for future compliance.

Two key EPR Bills have been proposed this year, adding to the already lengthy list of the state's un-approved EPR laws. In addition, a Bill proposing to ban certain single use plastics in the state was proposed in 2023.

**Senate Bill S1064** was proposed in **January 2023** to establish an EPR programme for packaging, focusing on improved recycling practices and establishing the packaging responsibility fund. This Bill requires producers, participating either individually or collectively, to make changes to their product design to reduce packaging consumption and increase waste reduction. The Bill lists several packaging materials covered under the EPR programme.

The most recent EPR Bill to be proposed in New York is **Senate Bill 4246A**, the Packaging Reduction and Recycling Infrastructure Act, proposed in **February 2023**. The Bill proposes to oblige companies selling, offering for sale, or distributing packaging materials and products, to register with a packaging reduction organization to develop a packaging reduction and recycling plan.

It is expected at least one of the bills currently at proposal stage in New York will progress. Although they differ slightly, the two EPR bills introduced this year, along with the several other EPR bills proposed in the state prior to 2023, introduce the concept of packaging EPR and there are similarities in the content including establishing a fund, setting up a PRO, fee and reporting requirements, eco-modulation, recycled content etc.

In January 2023, **Bill No. 2089** was proposed to prohibit a 'packager' to use any packaging that is not 'environmentally sound packaging' after 2026. This Bill has passed Senate and Assembly so stands a good chance of being approved.

**Senate Bill 1400** was also proposed In **January 2023** aiming to prohibit the sale or distribution of any product or packaging with a deceptive or misleading claim about the product or packaging recyclability.

**Another Senate Bill to be proposed in 2023 was SB S7345**, proposed in May 2023 to enact the 'NY plastic free act' (SB5888). The Bill proposes to ban certain Single-Use Plastic items in the state of New York including plastic bags and straws, along with several other items.

## United Kingdom

The UK has seen stagnation in many areas this year, with multiple consultations continuing to experience further delays and lack of clarity.

With the upcoming EPR legislation being further delayed to 2025, a separate **Data Reporting SI** has been developed and came into force at the beginning of **2023. 1st January 2023** also marked the start of **accurate packaging data** being required from all UK organizations that handle and supply packaging to consumers and businesses.

The fee structure for EPR has not yet been confirmed and will be clarified ahead of implementation in 2025. In September 2023, Defra proposed that 13 packaging categories will be subject to higher modulated fees. The proposed list was open for industry feedback and closed on **7<sup>th</sup> November 2023**.

After analysing the scope of the **Deposit Return Scheme** covering England, Wales and Northern Ireland, the target operational date has now been pushed back. Scotland's DRS Scheme for single-use drink containers was due go live in August 2023 but has since been cancelled and rescheduled as part of a UK-wide approach.

In January 2023 it was confirmed that certain **single-use plastic products** will be banned in England from **October 2023**. Businesses like shops, restaurants and takeaways will no longer be able to supply, sell or offer these items in England.

## European Union

2023 saw some movement in EU overarching regulation and Directives in the field of packaging, though not as much as expected. Several outstanding regulations that we anticipated movement on this year may now run into 2024.

Member States are free to interpret and implement EU Directives as they see fit. For example, implementation of EU EPR requirements already varies hugely between Member States, with some having much more stringent and complex requirements than others based on their individual infrastructure and commitments.

Since the last updates to the Directives in 2018, the EU has tracked progress against intended targets whilst also taking into account Member States' individual efforts so far in implementing the 2018 package.

Following this analysis, both the **Waste Framework Directive (WFD)** and the **Packaging and Packaging Waste Directive (PPWD)** were expected to release proposed revisions this year, however as it stands, progress has only been seen to the PPWD.

The targeted amendment to the WFD was due in late 2023 though it is looking likely that it will now be delayed further as focus is currently on the proposed amends to the PPWD. Since submission of the Draft PPWD in November 2022, there have been numerous amendments suggested, including a Draft Report on proposed amendments and an additional Compromised Amendments report.

In **October, 2023**, despite strong industry lobbying against the reforms, the EU's Committee on Environment, Food Safety and Public Health voted to approve a number of these proposed amendments to the Draft PPWD.

In **January 2023**, a proposed plan to ban the production and use of **PFAS** was put forward by the environmental agencies in Denmark, Germany, The Netherlands, Norway and Sweden. The proposal was submitted to the (ECHA) European Chemicals Agency's Committee for Socio-Economic Analysis (SEAC) for assessment. Consultations on the proposal closed in September 2023.

With so much change imminent for EU Member States and individual country legislation already varying hugely, it will be interesting to see how current proposals are interpreted and implemented in 2024 and beyond.

## Ireland

Ireland welcomed a year of change in 2023 with amendments to EPR obligations for major producers of packaging as well as the introduction of a new EPR scheme for tobacco products containing plastic.

An amendment to Ireland's Packaging Regulations in December 2022 changed the management of **EPR obligations** for major producers of packaging. The option of self-compliance local authority oversight was removed and to comply with obligations under the packaging regulations, 'major producers' are now required to become a member of the approved body.

From the first half of 2023 there will be no fee associated with data reported at the distributor stage. The removal of the 'self-compliance' option for 'major producers' is seen as a key step in achieving Ireland's 2025 and 2030 targets for individual packaging streams.

As Ireland is aligned with the EU Packaging Regulations, the **EU's packaging targets** have been adopted to 2025.

From **the beginning of 2026**, any producer who imports packaged products or puts products into packaging must take steps to ensure that a minimum percentage of weight of all packaging waste is recycled. Minimum targets for recycling by material by weight must be met no later than 31st December 2030.

From **January 2023**, in addition to existing EPR obligations associated with packaging, producers of plastic packaging in Ireland are required to cover the costs of **litter clean-up** for certain single use plastic items.

Further stipulations in the EU Directive have also been adopted in Ireland. Certain beverage containers will be banned from the Irish market from **July 2024**. Beverage producers will also be prohibited from placing any SUP polyethylene terephthalate (PET) bottle up to 3 litres in volume on the Irish market in the near future.

From **January 2023**, an **EPR scheme** was introduced in Ireland for tobacco products containing plastic. Restrictions will also apply from December 31st 2024, for producers of balloons and wet wipes.<sup>4</sup>

In **February 2024** a DRS will be introduced in Ireland that will include certain specifications of PET plastic bottles and aluminium and steel cans.

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<sup>4</sup> <https://www.gov.ie/en/publication/ef24a-single-use-plastics/>

## Slovenia

2023 was a disappointing year for Slovenia with no new laws being passed in the field of packaging legislation and none proposed.

2023 saw the introduction of new obligations imposed on PROs under the 2022 amends to the **Environmental Protection Act (EPA)**. These amends were introduced to transpose several **EU Directives** into Slovenian Law. The amendments predominantly address the management of waste, in particular packaging waste. Under the new Act producers are obliged to finance the collection of waste products (even if collection of the waste is mandatory for municipalities).

In **May 2022**, the Constitutional Court suspended the implementation of most of the new sanctions under this Act due to push-back from existing PROs in Slovenia. The existing PROs stated that the new reform would strip them of their PRO status immediately and argued that the change of PRO activity from commercial to not-for-profit constitutes the highest possible degree of market restriction.

The court must decide whether the reform is constitutional, only then will the suspension be lifted or rendered permanent. There has been no further update.<sup>5</sup>

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<sup>5</sup> <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2022-01-0873?sop=2022-01-0873>

## Australia

Australia hasn't seen much movement in the field of packaging legislation in 2023, however several updates have been made to existing/proposed laws.

New **mandatory packaging rules** were approved in June **2023** for manufacturers and retailers in an effort to shift the country towards a circular economy. The new scheme will enforce mandatory packaging design rules based on international best practice and chemicals and contaminants will also be regulated. In addition, a roadmap will be developed to "harmonise" kerbside waste collection across Australia and a framework for recycled content traceability will be introduced to encourage businesses to use recycled materials.

It was announced this year that the **Australian fashion industry** may also face regulation in 2024 if they fail to cut waste through the current voluntary levy. If the fashion industry don't take responsibility for their waste by mid 2024, Australian governments will regulate, as they are now doing for packaging.

Since the publication of **Australia's National Plastics Plan**, certain plastics have been phased out in Australia, however no official ban has been enforced. Following publication of the Plan, the Government has recently released a timeline detailing key future targets.

Although there is currently no enforced regulation on **single-use plastics** on a national level, many state, territory, and local governments have already banned certain problematic, unnecessary and single-use plastics and plastic packaging.

## Mexico

There was high expectation for increased packaging legislation in Mexico in 2023, to date this has not been delivered, however there are several draft laws which is a very positive sign.

Draft Laws proposed over the past two years in Mexico include an amendment to the **General Law, EPR framework legislation, Circular Economy Law, Single Use Plastic laws and end of life labelling**, all of which remain at proposal stage.

Currently, EPR is only implemented in Mexico through voluntary initiatives run by individual companies. Reluctance to enforce a formal EPR system exists throughout the business sector, based on a belief that Mexico is not prepared for such a plan, that it would be economically unfeasible and that the government would potentially misuse the collected levies from such a system.

Despite there being no official EPR Law currently in place, there have been several **draft EPR systems** proposed over the past few years at both federal and state level.

Several **plastics laws** have also been proposed over the past few years in a bid to regulate single use plastics at federal level. The most recent of which was in September 2019, a Draft Law was proposed to adapt the General Law on the Prevention and Management of Waste, to address growing concerns regarding the use and waste generated by single use plastic products.



## Final Thoughts

These are just some examples of the global acceleration of packaging legislation in the drive for a net zero future. Although 2023 as a little disappointing with limited approved new legislation, there is still a significant momentum with the sheer volume of proposed and revised legislation in 2023, 2024 is inevitably going to be a significant year.

In the UK, producers should already be collecting and reporting on accurate packaging data ahead of EPR implementation, now postponed to 2025. Detail on fee structure and eco-modulation is expected to be published soon following DEFRA's proposal for modulated fees. On a positive note, from October 2023, England introduced a ban on certain single-use plastic products, a step in the right direction in what has felt like a disappointing year for the UK.

In Europe, big change is expected for 2024 with the overhaul of the WFD and further clarification of the PPWD updates eagerly anticipated. While this will mean different things to each Member State, the overall objective is to tackle poorer than anticipated recycling rates and deliver better consistency and alignment across Europe. This could have a huge impact on businesses, with greater transparency and accuracy required in data submissions, reporting requirements, end-of-life labelling and claims.

In the US, an increasing number of states are implementing packaging legislation to improve recycling rates and infrastructure to drive towards a circular economy, including EPR, Bottle Bills and recycled content requirements. If we compare this to just a few years ago, there was barely any legislation in this area, and this momentum can only continue into 2024 and beyond.

"Although many find changing legislation challenging, especially where there is lack of clarity, this is even more testing for global brands and retailers selling products across several territories. However, it is important to remember legislation is a significant step towards reducing the environmental impact on our planet. In order to make sustainable choices attractive to organizations, penalties / fees are being added to less sustainable solutions, therefore legislation becomes a key decision making tool for total cost of goods. In order to comply with legislation, granular packaging data is needed and organizations across the globe need to start now, if they haven't started already" Gillian Garside-Wight, Consultancy Director, Aura.

Keep an eye out for Horizon Futures to see how legislation continues to progress in 2024, including essential insight into upcoming regulatory changes which will affect your business. Please don't hesitate to get in touch to understand the crucial role that data will play in ensuring your business is future-proofed.



# Appendix

## Introducing aura

### About Us

At the heart of our business is a sheer fascination with packaging and the impact it has on our world. Packaging's relationship with the environment is complex and we work with true ethical partners to educate, unite like-minded thinkers and share knowledge.

A global business, the reference point for packaging sustainability, utilising knowledge and data to provide the justification required to drive positive change.

### Services

Our expertise falls into three categories designed to deliver a strategic programme focused on the sustainability goals of our clients. These services are supported by a multi-disciplinary team made up of packaging, sustainability, technology and retail experts committed to making a measurable difference every day.

#### Consulting – Pioneering Packaging Strategy

We are packaging sustainability pioneers committed to true partnerships, focused on the delivery of mutual goals.

Our breadth of packaging sustainability knowledge across substrates, design, technical packaging, legislation, and recyclability allows us to evolve strategies to make a measurable difference both now and in the future.

Our Consultants build road maps for global change, our Technical Engineers develop specifications to refine the impact of your packaging and our Supplier Success Managers are on hand to assist with client education, communications and engagement.

As a result, we will deliver a robust strategy compliant with your sustainability goals aligned to current and future legislation.





### Technology – Managing Sustainability Everyday

We provide live data and control to deliver the accurate information you require to make real time decisions that impact your business and our planet.

**e-halo** is an unrivalled packaging sustainability platform combining state-of-the-art technology with consulting services, designed to manage the changing landscape of global packaging legislation, compliance, and sustainability commitments.

**e-halo** provides packaging component data at a granular level, making sustainable packaging part of everyday decision making.

**e-halo** manages compliance to evolving legislation and recyclability requirements with a comprehensive reporting suite allowing for real-time measurement against your business and sustainability targets.



### Insights – Data Driven Decisions

We utilise knowledge and data to provide the justification required to drive positive change.

**Data Management** – We interact with digital information every day. We gather, check, manage and translate data into valuable insights that our clients can use to measure and motivate positive change.

**Horizon Futures** – We offer horizon scanning services for global packaging legislation across 54 countries and for this we are unique. We interpret legislation rather than just quoting a legal directive, to help you understand the current and future packaging landscape. We then consider how emerging trends might potentially affect current policy and practice, enabling our clients to take a longer-term strategic approach to packaging sustainability.

## Our Management Team

We are packaging sustainability pioneers committed to true partnership, which means to us a relationship focused on the delivery of the mutual goals of our business and that of our clients.

Visionary

Pioneering strategies which educate, unite and influence change

Responsible

Real-time data drives the changes needed to positively impact our planet

Honest

Decisions are informed, and our communications are authentic

Collaborative

Ethical Partnerships unify our mutual goals to create a vision fit for the future



**Greg Lawson**  
Managing Director



**Gillian Garside-Wight**  
Consulting Director



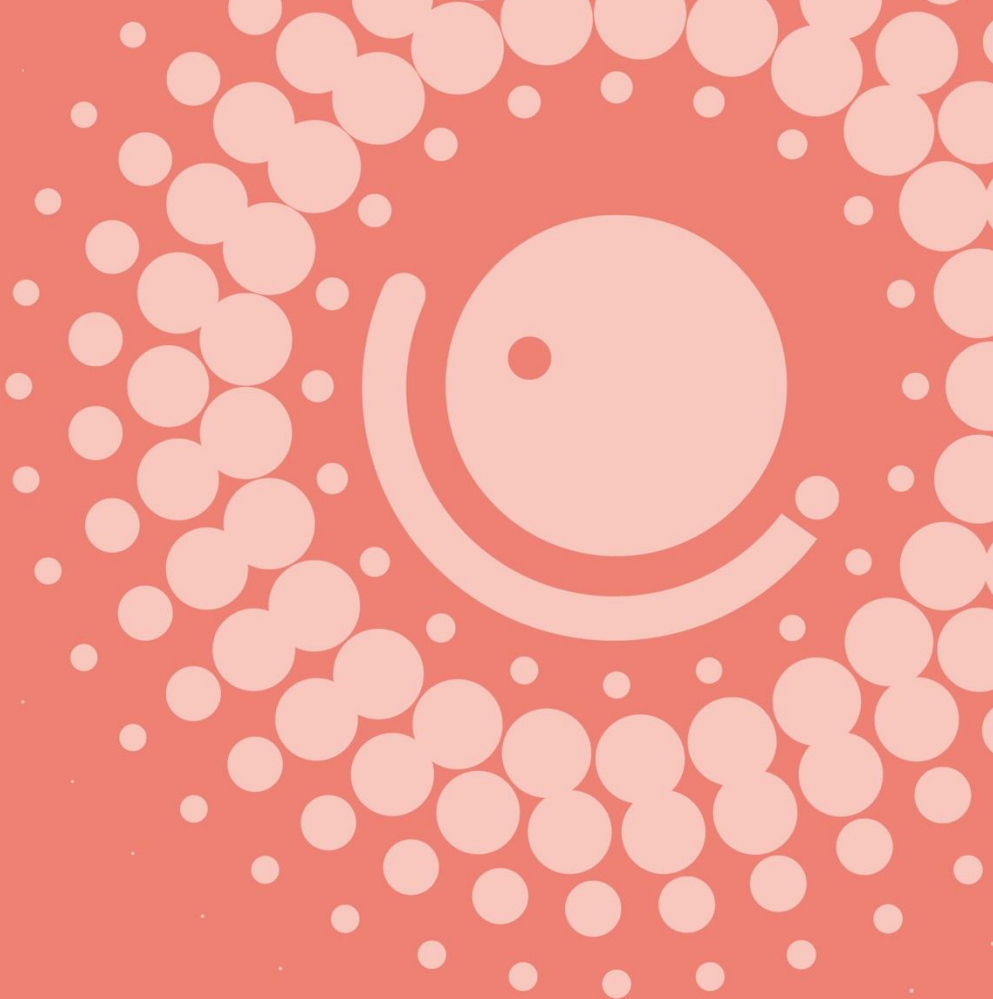
**Harriet Young**  
Marketing Director



**Sarah Kroon**  
Operations Director



**Trevor Yong**  
Business Development Director



Thank you from Team Aura