



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



GERALD D. REID
COMMISSIONER

July 2, 2019

Re: Development of legislation to establish producer responsibility for packaging in Maine

Dear Interested Party,

As you may be aware, the Maine Department of Environmental Protection is developing legislation to establish an extended producer responsibility law for packaging in Maine. The *Resolve To Support Maine Recycling Programs* (2019 Resolve Chapter 42), passed by the legislature and signed by the governor, lays out some requirements, including that producers:

- cover at least 80% of the costs associated with recycling readily recyclable materials,
- reimburse municipalities for the cost of managing nonrecyclable packaging,
- invest in waste reduction and recycling education and infrastructure, and
- pay higher fees for packaging materials that are not readily recyclable, are made of multiple materials, or are toxic and pay lower fees for packaging materials with higher recycling values and recycled content.

A copy of the full resolve is attached.

As we develop this proposal, we are looking to obtain as much stakeholder input as possible given the short timeframe available. **We are asking interested parties that have preferences for certain systems that fit the description above to send that information to me as soon as possible, but no later than July 19.** We will then integrate those ideas into a straw proposal as appropriate and create a list of outstanding issues for distribution by early August. During August and September, we will be soliciting feedback on the straw proposal and will ready a detailed plan by early October. October and November will be used to present this plan more widely and iron out any last issues before sending the proposal to the legislature, as required, by mid-December.

Throughout this time, we will be happy to meet with individuals or stakeholder groups at your request and may look to facilitate multi-stakeholder discussions around difficult-to-resolve points.

I've also attached a list of the entities to which this notice has been sent. If you know of any additional interested parties we should include, please let me know.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

We appreciate any time you may have to contribute to this effort.

Please be in touch. You can contact me at elena.bertocci@maine.gov or 207-287-8556.

Sincerely, Elena



Elena Bertocci
Environmental Specialist
Maine Department of Environmental Protection
(207)287-8556, elena.bertocci@maine.gov

Enclosed

Interested Parties List

Resolve To Support Maine Recycling Programs (2019 Resolve Chapter 42)

Sector	Interested party	Contact
General public	Damariscotta, ME	Joyce Polyniak
General public	Lincoln County resident	Mark Ward
General public	Lincoln County resident	Michael Uhl
Municipal	Arrowsic Recycling Committee	Jon Biehler
Municipal	AVCOG	Becky Secrest
Municipal	Brownfied transfer station	Bill Flynn
Municipal	Central Penobscot Solid Waste Facility	Allan Lord
Municipal	City of Brewer	Karen Fussell
Municipal	City of Portland	Troy Moon
Municipal	Ecomaine	Kevin Roche
Municipal	Ellsworth Transfer Station	Lisa Sekulich
Municipal	Falmouth Transfer Station	Kimberly Darling
Municipal	Jefferson Transfer Station	Barry Howell
Municipal	Maine Municipal Association	Rebecca Graham
Municipal	Maine Resource Recovery Association	Victor Horton
Municipal	Municipal Review Committee	Michael Carroll
Municipal	Northern Aroostook Solid Waste Association	Mark Draper
Municipal	Ogunquit Transfer Station	John Fusco
Municipal	Pittston	Ann Pistell
Municipal	Town of Sydney	Andy McMullen
Municipal	Town of Waldoboro	Bob Butler
Non-profit	Conservation law Foundation	John Hite
Non-profit	Natural Resources Council of Maine	Sarah Lakeman
Non-profit	Product Stewardship Institute	Kristin Aldred Cheek
Non-profit	Recycling Partnership	Dylan de Thomas
Producer	Amazon	Jake Oster

Producer	Best Buy	Tim Dunn
Producer	Sebago Lake Distillery	Dan Davis
Producer	Walmart	Drew Sadler
Producer Trade Group	Carton Council	Barbara Heineken
Producer Trade Group	Closed Loop Fund	Bob Milligan
Producer Trade Group	Consumer Healthcare Products Association	Carlos Gutierrez
Producer Trade Group	Consumer Technology Association	Walter Alcorn
Producer Trade Group	Fibre Box Association	Rachel Kenyon
Producer Trade Group	Flexible Packaging Association	Alison Keane
Producer Trade Group	Food Service Packaging Association	Lynn Dyer
Producer Trade Group	Food Service Packaging Association	Brian Sernulka
Producer Trade Group	Glass Packaging Institute	Joseph Cattaneo
Producer Trade Group	Maine Beverage Association	Newell Augur
Producer Trade Group	Maine Grocers and Food Producers Association	Christine Cummings
Producer Trade Group	Retail Association of Maine	Curtis Picard
Producer Trade Group	Sustainable Packaging Coalition	Nina Goodrich
Public sector	Michael Devin, legislator	Mick Devin
Public sector	Nicole Grohoski, legislator	Nicole Grohoski
Public sector	Onondaga County Resource Recovery Association	Andrew Radin
Public sector	State of Connecticut	Tom Metzner
Public sector	State of Vermont	Emma Stuhl
Public sector	State of Vermont	Josh Kelly
Trade Group	American Forest and Paper Association	Jordan Craig
Trade Group	American Forest and Paper Association	Abigail Sztejn
Trade Group	AMERIPEN	Andy Hackman
Trade Group	Association of Plastics Recyclers	Liz Bedard

Trade Group	ISRI	Rebecca Andrechak
Trade Group	ISRI	Billy Johnson
Trade Group	Plastics Industry Association	Shannon Crawford
Trade Group	Product Management Alliance	Kevin Canan
Waste Handling	Casella Waste Systems	Donald Meagher
Waste Handling	Corcoran Envir. Services	Rie Rossow
Waste Handling	Fiberight	Shelby Wright
Waste Handling	PERC	Rod Carr
Waste Handling	Riverside Disposal & Recycling	
Waste Handling	TOMRA	Chuck Reigle
Waste Handling	Troiano Waste	TJ Troiano
Waste Handling	Waste Management Disposal Services of Maine	Jeff McGown

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 1041 - L.D. 1431

Resolve, To Support Municipal Recycling Programs**Sec. 1. Development of product stewardship law for packaging. Resolved:**

That the Department of Environmental Protection shall develop legislation establishing an extended producer responsibility law for packaging in the State. The proposed legislation must, to the greatest extent practicable, adhere to the product stewardship framework law established in the Maine Revised Statutes, Title 38, chapter 18 and must include, but is not limited to:

1. A definition of "packaging" that covers, at a minimum, materials used to wrap or protect consumer goods, including food and personal care products, and containers and packaging used in the shipping, storage, protection and marketing of consumer products;
2. A definition of "producer" that clearly identifies the person ultimately financially responsible;
3. Exemptions for small producers and for product packaging that is already covered under Maine's beverage container redemption law;
4. An allowance for producers to voluntarily participate in the program if not required by the law;
5. Provisions for the establishment of a nonprofit stewardship organization of producers of packaging to support the State's municipal solid waste management programs. The agreement establishing the stewardship organization must require producers to:
 - A. Cover at least 80% of the cost of recycling packaging material sold in the State that is not readily recyclable;
 - B. Provide per capita reimbursement payments to municipalities for nonrecyclable packaging to help municipalities cover the cost of packaging needing disposal; and
 - C. Invest in waste reduction and recycling education and infrastructure;
6. A requirement that the stewardship organization establish an equitable funding scheme among covered producers that encourages better packaging design in which:

- A. Producers pay higher fees for packaging materials sold into the market that are not readily recyclable, are made of multiple materials or are toxic, in order to discourage the creation of materials needing disposal; and
 - B. Producers pay lower fees for packaging materials sold into the market that are of higher value reusable components and that contain higher percentages of recycled content to ensure that the stewardship program supports a strong recycling economy;
7. A description of the preferred methods to be used for regular data collection and reporting and recycling rate and contamination calculations in order that:
- A. There is transparency and accountability in assessing the success of the program;
 - B. The costs of collecting and reporting data are paid for by the stewardship organization; and
 - C. There is consistency with internationally accepted standards and there is sufficient information to evaluate the effectiveness of the program;
8. Creation of incentives for municipalities and producers to reach predetermined performance goals based on reporting and data collection as described in subsection 7; and
9. Establishment of a method by which producers can protect themselves against producers that fail to register with a program. These methods may include private right of action, requirements that online retailers of packaging be responsible for paying into a fund in support of the program if the products they sell are from producers who are not part of the stewardship program or other strategies that ensure fairness and full compliance.

Sec. 2. Proposed legislation. Resolved: That the Department of Environmental Protection shall submit proposed legislation pursuant to section 1 to the Joint Standing Committee on Environment and Natural Resources no later than December 16, 2019. The joint standing committee is authorized to report out a bill relating to the proposal to the Second Regular Session of the 129th Legislature.