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Summary of Stakeholder Comments on Draft Packaging Material Types List

The Department initiated outreach in March 2025 to inform the development of Appendix A, *The Packaging Material Types List*. *The Packaging Material Types List* defines packaging material and designates packaging material types readily recyclable, as applicable. Additionally, the list may further designate a packaging material type as compostable or reusable. During its outreach, the Department released a draft Packaging Material Types List (draft list) in March and again in July and held multiple public meetings to provide ample opportunities for stakeholders to comment on the draft list. Department outreach generated 77 comments and engaged close to 300 stakeholders, including material manufacturers, material reclaimers, recycling organizations, municipalities, and industry groups.

The predominant themes in stakeholder comments on the draft list included: requests to align the packaging material types with the producer reporting categories used in Colorado and Oregon programs; calls for greater transparency in how the Department evaluated readily recyclable designations; a need for more clarity and specificity regarding paper-based packaging material types; and recommendations to re-evaluate the proposed readily recyclable designations for those material types.

Below is a detailed summary of the stakeholder comments received during Department outreach regarding the draft list and the Department's response to those comments.

1. Alignment with Other States

Stakeholder comments expressed appreciation for the Department's efforts to align with the producer reporting categories used in the Colorado and Oregon programs in the second version of the draft list, noting this harmonization supports streamlined compliance for national producers and reduces administrative burden.

The Department acknowledges that aligning the packaging material types in the draft list with producer reporting categories used in the Colorado and Oregon programs would support producer compliance. However, such alignment is only feasible when those category descriptions are publicly accessible. While Appendix A will include descriptions of packaging material types, the producer reporting category descriptions used in the Colorado and Oregon programs are not available to the public.

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In response to the request for alignment, the Department made a comparison document highlighting the alignment between the packaging material types in the draft list and the producer reporting categories in the Colorado program. This document indicates where there is “straddling¹” (identified with bold font) and where there is “nesting²,” and, furthermore, it highlights how the proposed readily recyclable designations in the draft list compare to the Minimum Recyclables List designations in the Colorado program.

Some reasons for “straddling” and “nesting” include differences in program scopes. For instance:

- Differences in requirements for defining a packaging material type. The Maine program, for example, defines a packaging material type as consisting of one or multiple discrete forms with similar management requirements and values.
- Differences in how compostable packaging material is addressed. The Colorado program treats compostable packaging material as individual reporting categories, while the Maine program requires compostability as a secondary designation.
- Differences in the recyclability criteria. The readily recyclable criteria in the Maine program differs from the requirements of a producer reporting category to be included on the Minimum Recyclables List.

The Department has made a concerted effort to align the packaging material types in the draft list with the producer reporting categories used in the Colorado and Oregon programs, to the extent possible given the limited publicly available information. In general, there is significant consistency across the lists and their associated designations. It is important to note that the Colorado and Oregon lists are not fully aligned, and that California’s list, which is the most extensive, differs significantly from all other programs.

2. Interpretation and Application of Throughput Criterion

Stakeholder comments expressed concern about how the throughput criterion was applied in evaluating the proposed readily recyclable designations. Commenters emphasized that the rule language regarding throughput considers the *potential* for a material to warrant sortation or be included in a commodity, rather than what is currently occurring in practice. They noted that relying solely on the current recycling system to assess throughput could prevent recyclable materials from being recognized as such.

The language in 06-096 C.M.R. ch. 428 § 4(C)(2) states that a packaging material type has sufficient throughput if, “...it is common enough to warrant sortation, or it can be included in a commodity used to market packaging material without increasing the contamination in that

¹ “Straddling” refers to a situation where a single packaging material type in the draft list maps partially to multiple producer reporting categories in the Colorado program, rather than fitting into one entirely.

² “Nesting” refers to a situation where multiple packaging material types in the draft list fit entirely within a single producer reporting category in the Colorado program.

commodity.” While the Department recognizes and encourages innovation in recycling, a readily recyclable designation is intended to reflect what is currently feasible at scale within the Maine recycling system, not what may be feasible in the future. This approach ensures that readily recyclable designations are grounded in current, verifiable recycling practices and infrastructure within Maine.

To provide greater transparency in evaluating the proposed designations and to demonstrate clear, objective threshold for throughput, the Department developed a scoring designation sheet. A packaging material type is proposed as meeting the throughput criterion if it is currently being collected and verified as being recycled by both a materials recovery facility and a source-separated recycling operation in Maine. While the Department initially considered store drop-off locations when evaluating throughput of a packaging material type, further review determined that these sites will no longer be considered equivalent to a municipal source-separated recycling operations in Maine, due to differences in operational characteristics.

Additionally, as required by program rules, the Stewardship Organization must identify any packaging material types that might be redefined or redesignated in its annual report to the Department. The Department will continue to review and revise designations as new data, market conditions, or technological developments evolve, keeping the program aligned with Maine’s recycling practices.

3. Feedback on Specific Packaging Material Types

Coated Paperboard.

Stakeholder comments advised the Department to differentiate between single- and double-sided polycoatings in paper-based packaging material types and avoid the use of broad terms, such as “wet strength additives.”

In response to these comments, and in an effort to match with industry standards that aim to reduce contamination, the Department has removed use of “wet strength additives” and replaced it with “comprised of at least 90% by weight paper.” The Department also specified that coated paperboard is, “[...] coated or laminated with a single layer of foil or plastic and is comprised of at least 90% by weight paper, [...]” which prompted a re-evaluation of the readily recyclable designation and resulted in a proposed readily recyclable designation for the packaging material type.

While stakeholder comments broadly support designating coated paperboard as readily recyclable, polycoated paperboard is not included on the Minimum Recyclables List in the Colorado program, nor is it listed on Oregon’s Universal Statewide Collection List or Producer Responsibility Depot List.

HDPE (#2) Squeeze Tubes.

Stakeholders identified multiple recycling markets that accept HDPE (#2) squeeze tubes, and the Department received some bale specifications confirming that these tubes are not considered contamination in rigid colored or mixed HDPE (#2) bales.

This information is now reflected in the Department's designation scoring sheet. However, upon re-evaluation, HDPE squeeze tubes were found not to meet the throughput criterion and are therefore not proposed as readily recyclable.

All Small Forms.

Stakeholders recommended aligning packaging material type descriptions with Association of Plastic Recyclers (APR) guidance, which supports reattaching caps and lids to improve recovery. They also suggested that descriptions for small form packaging exclude closures designed for reattachment.

In response, the Department revised the small form packaging descriptions to exclude any closure made of the same base material as its container if it is designed to be reattached for end-of-life management.

Flexible and Film Forms.

Stakeholder comments recommended that the Department recognize store drop-off collection for polyethylene (PE) mono-material films when evaluating the throughput criterion. Some stakeholder comments requested that films and flexibles be defined as separate packaging material types, while others suggested combining high-density polyethylene (HDPE (#2)) and low-density polyethylene (LDPE (#4)) films into a single category for PE films and flexibles.

While the Department initially considered store drop-off locations when evaluating throughput of a packaging material type, further review determined that these sites will no longer be considered equivalent to a municipal source-separated recycling operations in Maine, due to differences in operational characteristics.

Although the Colorado and Oregon programs consolidate HDPE (#2) and LDPE (#4) films into one producer reporting category without distinguishing plastic resin types, Maine program law (38 M.R.S. § 2146(13)(5)(b)) and rule (06-096 C.M.R. ch. 428 § 2(B)) require packaging material types to be categorized by base material, including specific plastic resin types. Accordingly, the draft list maintains separate proposed packaging material types for HDPE (#2) and LDPE (#4) in flexible and film forms. However, the Department did not further distinguish between flexibles and films within each resin type, in order to maintain alignment with the comparable producer reporting categories used in the Colorado and Oregon programs, which include flexible and film items within a single category.

Aseptic and Gable-Top Cartons.

Stakeholder comments identified multiple recycling markets that accept aseptic and gable-top cartons in Grade 52 and Grade 54 bales and noted that paper mills are actively recycling these materials. Stakeholder comments also pointed out that aseptic and gable-top cartons appear on the Minimum Recyclables List in the Colorado program and the Universal Statewide Acceptance List in Oregon.

In response, the Department has updated the designation scoring sheet to reflect this information, and, as a result of a re-evaluation, aseptic and gable-top cartons are now proposed as readily recyclable.

4. Compostable and Reusable Designations

Stakeholder comments expressed strong interest in expanding eligibility for compostability designations by removing the phrase “designed for direct food-contact” from the compostable packaging material definition.

In response, the Department proposed to remove the “designed for direct food-contact” phrase from the compostable packaging material. This revision aims to broaden eligibility for compostability designations and to support growth and innovation in paper-based packaging alternatives, particularly those connected to Maine’s heritage industries. The updated definition would read:

“Compostable packaging material” means packaging material that is ~~designed for direct food contact and~~ is capable of undergoing composting as shown by third-party certifications to ASTM D6400, ASTM D6868, and ASTM D8410.

The second version of the draft list uses check marks to indicate when a packaging material type contains one or more discrete forms eligible for a compostability designation. It also includes a column identifying packaging material types that meet the definition of reusable packaging material, based on the existence of a Department-approved alternative collection program. Currently, no alternative collection programs have been approved by the Department, but it anticipates accepting applications for such programs in 2026.

5. Transparency and Information Considered

Stakeholder comments expressed appreciation for the increased transparency provided by the designation scoring sheet in evaluating the proposed readily recyclable designations. However, they requested clarification regarding the meaning of the cells without any notation and asterisks. Additionally, stakeholders encouraged the Department to incorporate data sources beyond State broker reports.

Initially, the Department used asterisks in the draft list to highlight considerations related to consumer education. These were later removed to enhance clarity and avoid potential confusion.

The designation scoring sheet will continue to include cells without notations where information remains dynamic, indicating areas where additional data is needed to support a readily recyclable designation. Recognizing that new data, market conditions, or technological developments are continually evolving, the Department believes this approach fosters transparency and encourages meaningful stakeholder engagement. Unlike the scoring sheet, the draft list does not contain blank fields. A packaging material type that is not proposed as readily recyclable is noted with an “N.”

Additionally, the Department included a column in the Colorado comparison document referencing acceptance rates provided by The Recycling Partnership. While this data is being included for informational purposes, it was not a factor in the evaluation of readily recyclable designations.

In closing, the Department’s evaluations drew from a wide range of sources beyond State broker reports. These sources included stakeholder input from material manufacturers, material reclaimers, recycling organizations, municipalities, and industry groups, as well as industry standards, guidance documents, material reclaimer bale specifications, and information from other states' programs.