

October 31, 2023

Maine Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017

*via* electronic submission

Re: Eastman comments on Maine Conceptual Draft Rules for The Stewardship Program for Packaging

To Whom It May Concern,

On behalf of [Eastman](#), thank you for the opportunity to provide comments on the regulatory development of Maine's Stewardship Program for Packaging. As attention increases on the plastic waste crisis, it is vital that a representative government, advocates, and private industry collaboratively develop solutions to reduce where it makes sense, reuse when possible, and recycle the rest. As a private industry stakeholder and materials supplier and recycler, Eastman supports legislation like Maine's Stewardship Program for Packaging that was developed with input from a variety of stakeholders. We look forward to continuing to work with the Maine Department of Environmental Protection during the development and implementation of rules and regulations related to this Stewardship Program.

For all portions of the conceptual draft rules, presenting a list of definitions that will apply to all parts of the regulations at the beginning of the document as opposed to within various sections, and maintaining consistency with all definitions will be essential to stakeholder clarity and compliance. Further to that point, any definitions that are being leveraged from the statute should still be included in the regulation to ensure clarity, post-consumer recycled material is an example.

**Conceptual Draft Rules Part 1:**

**Definitions:**

The definition of commodity lacks clarity on when processing begins. For example, in plastic, the definition currently states, *"does not require further processing before entering a pelletization, extrusion or molding operation..."*, but it is unclear where the processing begins to be furthered. It seems the intent is to define materials that have been managed through various recycling technologies and are prepared for new uses, e.g., new packaging, new textiles, or any variety of uses for recycled content that may be developed in the future. A suggestion for changing the definition to provide clarity is *"means materials that have been processed through a recycling system, meeting relevant industry standards."* Reference should also be made to the definition of recycling being that with the same meaning in section 1771, subsection 7.

**Conceptual Draft Rules Part 2:*****Readily recyclable*****Definitions:**

The definition of “base material” lacks clarity for stakeholders to directly associate the term with packaging material, already defined in statute. Suggested language for clarifying how the two are related could be *“primary materials that constitute the make-up of packaging materials, as defined in statute. These materials are categorized as glass, metal, paper, plastic by resin type, and mixed materials.”*

As the term readily recyclable is used in many points throughout the draft rules, prior to the outlining of the department’s criteria, stakeholders would benefit in an initial understanding that determination of packaging material as readily recycle is a complex matter that requires consideration of a number of factors. Including a simplified definition early in the document could provide clarity for stakeholders. A suggested definition could be: *Readily recyclable “Packaging materials that meet the criteria further defined by the department.”*

**Program Goals:**

Part C of program goals outlines the goals for postconsumer recycled material. A variety of recycling technologies will provide opportunities for more innovative applications of postconsumer content in packaging materials. The current requirement for inclusion of these materials may exclude materials from innovative technologies. By allowing for certified allocation of content, packaging manufacturers will have great opportunities to include postconsumer recycled content. A suggested modification of the language is *“For each base material, the percent of the total weight of packaging material reported by producers that is post-consumer recycled material, including certified allocated, to the total weight of packaging material should be no less than 10 percent from 2030 to 2039...”*.

***Producer reporting and payments:*****4. Producer Reporting, B, 8**

As part of the annual reporting for producers that are not low-volume producers, reference is again made to the use of post-consumer recycled content. As stated, above it will be important to allow for the allocation of content through certified means. Suggested language to accomplish this would be *“post-consumer recycled material, including allocated content ”*.

We appreciate the opportunity to provide feedback on these topics related to Maine’s stewardship Program for Packaging and welcome any opportunity to provide further clarification or detail.

With Best Regards,

Jessica Paschal  
Regulatory Advocacy Manager