



October 31, 2023

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

Through this letter the Infant Nutrition Council of America (INCA) is responding to the Maine Department of Environmental Protection's recent proposed conceptual draft rules for the "[Stewardship Program for Packaging](#)." Specifically, INCA requests that the Stewardship Program exempt infant formula products, as was recently done in Colorado's EPR legislation ([House Bill 1355](#) section 25-17-703 Definitions (13)(b)(XIV)) and similar EPR-related legislation in California and Oregon.

INCA represents several of the leading domestic manufacturers of infant formula and toddler nutritional drinks. For more than 50 years, INCA has advocated for optimal infant health and the critical role of infant nutrition, supported families in their feeding decisions, and provided evidence-based information to educate stakeholders on appropriate infant feeding options.

Infant formula products must meet unique nutrition requirements, supporting life and maintaining growth and development for infants. Indeed, "[poor nutrition in the first 1,000 days can cause irreversible damage to a child's growing brain](#)." Infant formula is the only safe, science-supported nourishment for infants who are not exclusively breastfed. In addition, nutrition is an important social determinant of health and infant formula helps support health equity when it is provided free of charge through the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) that serves low-income populations.

Because infant formula provides supplemental or sole source nutrition for a vulnerable population it is imperative that the products are manufactured under quality-controlled conditions and meet strict specifications, to ensure product safety and nutrition integrity. Specifically, infant formula packaging must meet several unique requirements:

- Be able to maintain each product's full spectrum of nutrients at the necessary levels for the entire shelf life of the product
- Withstand the rigors of required manufacturing processes which can include high temperature and high pressure for an extended time period, necessitating a multi-layer container that can limit the container's recyclability.

In addition, infant formula is one of the most highly regulated foods and has its own set of unique FDA manufacturing, packaging, and labeling requirements. The current state of science

in FDA-approved food packaging technology limits the types of packaging that can be used to meet infant formula's unique packaging requirements.

We appreciate your consideration of exempting infant formulas from the Stewardship Program for Packaging rules to help ensure families and caregivers in the state are able to continue to access the infant formula products they need to feed their infants.

Sincerely,

Blanche L Lincoln

Blanche L. Lincoln
President, Infant Nutrition Council of America