

**Nadeau, Jessica**

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**From:** Curtis Picard <curtis@retailmaine.org>  
**Sent:** Wednesday, December 21, 2022 4:50 PM  
**To:** Maine Packaging EPR; Bertocci, Elena; Beneski, Brian  
**Subject:** Written Comments on EPR Packaging Exemptions

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Good afternoon: After the first stakeholder session, I promised to follow up with written comments of what I presented verbally on December 8.

As I mentioned, I think there was a little confusion about how this session was going to be facilitated. I had hoped that the Department would have walked the attendees through the Exemption document prior to taking input.

I have been doing this long enough to know I am not an expert in federal regulations, so your document was helpful in providing some insight into how federal regulations may or may not impact the Maine EPR law. I do think there is some merit to these exemptions which is why they were included in the legislation. I know that the overall goal of the law is to promote the use of more recyclable packaging, but certain products will be limited or prevented from being able to change their packaging to become more recyclable because of various federal regulations. If product manufacturers are unable to change, and the fees for compliance become too high, will that ultimately prevent Mainers from obtaining certain products in Maine? Currently, there is a severe shortage of children's over-the-counter medications. When this law is in place, will it make it harder for products like that to be available in Maine.

I also mentioned some confusion between dairy products and frozen products specifically to ice cream. Maine ice cream makers, and other ice cream manufacturers are currently very limited in the type of packaging they can use which is primarily plastic lined paperboard with a sealable top. Would ice cream be considered a dairy product or a frozen product under Maine's EPR law?

I also mentioned that while recyclability is important, this EPR law puts recyclability ahead of all the other purposes of packaging including: food safety, perishability, product protection, weight in relation to transportation costs, and theft protection. All of these features are an important component of packaging.

Lastly, I suggested that we should take a look at the implementation of Maine's Drug Take Back program that should be rolling out shortly. While the program is designed to divert various medications from the waste stream. Consumers will no doubt include the packaging in that program, and the stewardship organization will not be allowed to weigh, measure or report the amount of material diverted through that program. I don't have a solution, but I think it is worth understanding how that program will intersect with Maine's EPR law.

Thank you for allowing us to share our thoughts.

Sincerely,

Curtis Picard

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