



SIERRA CLUB

MAINE CHAPTER

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To: Melanie Loyzim, Commissioner of Department of Environmental Protection
From: Matt Cannon, Sierra Club Maine
Date: 5 December 2022
Re: **Comments: Stewardship Program for Packaging Law**

Commissioner Loyzim,

Founded in 1892, Sierra Club is one of our nation's oldest and largest environmental organizations. We work diligently to amplify the power of our 3.8 million members nation-wide as we combat climate change and promote a just and sustainable economy. To that end, we offer some comments on Maine's Stewardship Program for Packaging.

Maine has received national attention for passing its Extended Producer Responsibility (EPR) for Packaging program established in [MRS Title 38 §2146](#). As you work through its implementation, Sierra Club wants to ensure its success. Specifically, as you review producer exemptions in section 2D and section 13D, we believe that, in general, exemptions are unfair and weaken the program; they should not be considered in major substantive rulemaking.

Exemptions adversely impact the management and fairness of any EPR program. We recognize that there could be reasonable exemptions or special consideration for certain producers or specific types of products and packaging based on established criteria and explicit rationale as to the operational or public health reasons behind the exemption. But, these should be *exceptional* in their reasoning.

Any exempted producers would still be selling packaging materials into Maine's communities but leaving the responsibility of paying for management of this material to either the participating producers or municipal taxpayers. This is inequitable, and contrary to the fundamental rationale behind EPR.

Regardless of what these regulated products are and why they must be packaged a certain way, Sierra Club believes that the producers should have to participate in the program by reporting and paying fees and not receive a blanket exemption. It's very important for the operation and fairness of the entire program to limit exemptions unless there is a compelling operational or public health reason to exempt them.

It is important to note that, to the best of our knowledge, these materials and producers are not exempt in any of the EPR for Packaging programs that are operating outside of the United States.

Thank you for the opportunity to comment on this stage of implementation; we look forward and hopefully will continue to highlight its success to the country.

Respectfully submitted,

Matt Cannon
State Conservation and Energy Director
Sierra Club Maine