

December 20, 2022

**RE: Maine EPR for Packaging Stakeholder Meetings – Alternative Collection System**

**Background**

The Maine Department of Environmental Protection (DEP) asked Worthington Industries at the last stakeholder meeting whether pressurized cylinder producers should operate an alternative collection program under the state’s packaging legislation.

[Section 8 of the Maine legislation](#) allows for alternative collection systems that can wholly or partially offset the producer’s payment obligations. It is a plan-based approval process and the plan must include the following:

- year-round, convenient, free, statewide collection opportunities
- how the materials collected will be managed
- education and outreach to increase consumer awareness
- tracking and measurement
- how an alternative collection system may disproportionately impact any community in the state
- annually reporting

**Concern with alternative collection program**

Worthington has two main concerns with the alternative program approach, as set out in Maine packaging legislation:

- [Section 6 of the Maine legislation](#) requires producers to pay into the packaging stewardship fund for any materials supplied but not managed under an approved alternative collection program. If not fully exempted from the financial obligations to pay into the packaging stewardship fund, producers like Worthington are disincentivized from establishing and operating an alternative collection system for pressurized cylinders. Without a full exemption, this arrangement may mean pressurized cylinder producers will pay twice – once to support the commingled packaging collection system and again to establish the specialized alternative collection system. Unlike pressurized cylinders, paint containers and beverage containers are exempted from the requirement to support the commingled packaging collection system because they are managed in separate collection systems.



- Pressurized cylinders (both refillable and non-refillable) are also consumed much differently than other consumer packaging. Unlike other consumer packaging, pressurized cylinders are not typically consumed and disposed of within a year, which complicates the state's producer payment calculation (which is based on the same tonnage supplied being available for recycling).

These uncertainties make it very difficult for any producer to choose to develop an alternative collection system because the risks would be too high.

### **Recommendation**

Worthington's preference is to exempt pressurized cylinders from the packaging legislation and instead regulate pressurized cylinders under separate legislation based on the model statute in Connecticut.

Worthington would be pleased to work closely with Maine legislators, as we did in Connecticut, to develop this legislation.

Sincerely,

Ann Lane  
Director of Sustainability, Consumer Products  
Worthington Industries