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March 18, 2024

Via electronic submission: [rulecomments.dep@maine.gov](mailto:rulecomments.dep@maine.gov)

Maine Department of Environmental Protection  
Attn: Extended Producer Responsibility Program for Packaging  
17 State House Station  
Augusta, Maine 04333-0017

To Whom it May Concern,

Thank you for the opportunity to submit the attached comments as requested through Maine DEP's rulemaking process.

The Recycling Partnership is a national nonprofit organization with a mission to advance the circular economy by building a better recycling system. Please do not hesitate to contact us if you have any questions about the information we have provided.

Sincerely,



Kate Davenport  
Chief Policy Officer  
The Recycling Partnership

## Introduction

The Recycling Partnership respectfully submits the following input to the State of Maine's proposed rules. The process of drafting rules is a complex one, but we believe that in the case of EPR for packaging, the combination of statutes and rules should, as straightforwardly as possible, orient towards driving system improvement to ensure more material is diverted from disposal and into recycling systems throughout the state at the earliest possible timeframes. There is the opportunity for regulation to do more than just shift costs on material management. It can also drive behavior change, increase system investment, and encourage implementation of best practices.

We believe Maine DEP should consider the following overall system goals:

- Increase collection rates: Offer multiple options for most residents, a combination of curbside collection and convenient drop-off locations. For rural residents, support accessible drop-off or collection locations. For multifamily residents, ensure as robust on-property collection options as possible.
- Increase participation: Make it as easy to recycle as it is to throw away materials throughout Maine. Drivers of this change can be investment in consumer education and increasing equity and access to recycling systems. Investments to drive consistently high consumer use of collection services is a critical feature of an improved system.
- Decrease contamination: Through investment in education and outreach programs and recycling infrastructure.
- Expand Critical Processing and Other Infrastructure: Address infrastructure needs and design the system in a way that allows for continuous improvement.

The Recycling Partnership continually works to establish best practices in each of these categories.

We are available and eager to work with DEP staff to provide examples of best practices and enactment and discuss these points and other ways EPR implementation can improve recycling system performance in Maine.

Below are more detailed comments and feedback on the proposed rule, Chapter 428: Stewardship Program for Packaging.

## 3. Assessment

### A. Program Goals

(1) **Participation.**

(2) **Collection.**

We recommend that Maine DEP set participation and collection goals higher at the program's outset to maximize the collection and proper end-of-life treatment for as much material as soon as possible using the producer investments generated by the program. For the first four years, 2030-2034, a participation rate of 60% coupled with a collection rate of 60% means that it is possible that only 36% of eligible material is actually being captured during this time period.

According to The Recycling Partnership's report [State of Recycling: The Present and Future of Residential Recycling in the U.S.](#), 45% of Maine households with current recycling access participate in recycling programs. This number is only 15 percentage points away from the minimum participation rate. We believe that given the increase in education and outreach and access to infrastructure precipitated by the Stewardship Program for Packaging, the initial participation and collection rate targets should be set higher for both households that currently have minimal access as well as those households who will receive more convenient access.

(8) **Post-consumer recycled material.**

We believe the opportunity to include higher percentages of post-consumer recycled (PCR) content for all material types can happen at a more rapid pace than the one illustrated in this draft rule. When looking at other states which have passed PCR laws, the percentages are much higher and occur earlier. We believe this is an opportunity for harmonization amongst states and creates an ability for Maine to impact a national conversation on well-designed EPR programs inclusive of PCR content benchmarks.

To bolster a national harmonization point of view we recommend considering what other states have set for PCR rates. Washington state, for example, requires plastic household cleaning and personal care products to contain 50% PCR starting in 2031. New Jersey has target rates for plastic beverage containers set at 10% beginning in 2024 and increasing by 10% every three years.

While we recognize the majority of the current PCR laws enacted focus solely on plastic, we believe with a well-designed and efficient EPR system in place in Maine there will be a

strengthened market for post-consumer recycled content of all material types. And the expansion of this market can aid in higher rates of PCR content in products and packaging at a quicker rate.

## 10. Producer Fees

### A. Fees for Producers Other Than Low-Volume Producers

#### (3) Incentive Fees

##### (d) Labeling.

We believe there is an opportunity to encourage the use of smart labeling on packaging materials. The use of such technologies can increase consumer confidence and awareness of what is and is not recyclable throughout the state.

To continue to advocate for national harmonization, the state of Oregon passed a study bill, OR SB 123<sup>1</sup>, which directs their producer responsibility organization to examine the efficacy and use case for digital labeling on packaging to provide consumers recyclability information. An example of this dynamic labeling can be found through The Recycling Partnership's [Recycle Check](#). This technology allows brands to place a QR on their label, which then connects to a national database that can give up-to-date information to consumers.

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<sup>1</sup> [SB123 2023 Regular Session - Oregon Legislative Information System \(oregonlegislature.gov\)](#)

## Conclusion

We appreciate all the hard work of the DEP to develop these proposed rules. We want to reiterate our offer to engage with you and share our resources on research, best practices, and implementation efforts to build out a robust and harmonized Maine EPR system.

Additionally, we encourage Maine to look to other EPR states in an effort to foster harmonization amongst EPR systems within the U.S. We strongly believe in the ability for well-designed and thoughtful EPR programs to significantly, and continually, improve recycling systems, infrastructure, equity, and accessibility.