

March 18, 2024

Submitted via email.

Mr. Brian Beneski  
Maine Department of Environmental Protection  
17 State House Station, Augusta, ME 04333

RE: Ingevity comment on Chapter 428 Stewardship Program for Packaging Rule  
Proposal

Dear Mr. Beneski,

As a manufacturer of industry-leading certified biodegradable polymers for compostable packaging solutions, Ingevity is committed to developing solutions to maximize the benefits of compostable packaging and helping create a zero-waste future. Ingevity is a world leader in polycaprolactone technology and innovation, with a 40-year history of helping compounders and converters produce safer and higher-performing certified compostable plastics. Our company has actively advocated worldwide to increase access to organic recycling and offer solutions to regulators and legislators looking to fight climate change.

Ingevity has actively engaged with states around the nation as they implement new regulations to ensure packagers are responsible for recycling, composting, or disposing of the packaging they create. Ingevity appreciates the opportunity to comment on this proposal and welcomes further engagement with your department.

**Definitions:**

G. Composting

Ingevity recommends amending the definition of composting so that it will allow for both home compostable and industrial compostable products. Home compostable products disintegrate and biodegrade at lower temperatures than industrial products and may not meet the high temperature requirements in 06-096 C.M.R. ch.400, § 1(EE) when they are composted at home. One sample amended definition could be "the controlled microbial degradation of source-separated compostable materials to yield a humus-like product."

H. Compostable Packaging Material

Ingevity recommends amending this definition so that only fully certified products meeting international standards are considered compostable. One sample definition could be “packaging material that is designed to be associated with desirable organic waste such as food scraps and yard trimmings and has been certified by an independent, third-party organization to meet ASTM standards D6400, D6868, or D8410. If the product is home compostable it must be certified by TUV Austria and receive their OK compost HOME certification or be certified as home compostable by the Biodegradable Products Institute.”

### **Assessment:**

#### (2) Collection

Ingevity recommends the addition of composting within the collection goal “recycling.” One of the main goals of this proposal is to ensure all packaging is recyclable, reusable, or compostable by 2050. Currently, some types of packaging, particularly when associated with food, remain a contaminate for recyclers leaving compostable packaging as the only option. Therefore, we recommend including composting within the collection goal to ensure there is progress towards composters receiving and processing compostable packaging at a higher scale. The language could be amended to say “the percent of readily recyclable packaging material and compostable material....”

#### C. Statewide Recycling Needs Assessment

Ingevity recommends adding composting infrastructure into the statewide needs assessment. Certified compostable packaging is increasing around the nation and will likely increase in Maine due to the goal of having all packaging be recyclable, compostable, or reusable. The needs assessment should study what is needed to ensure compostable packaging is collected and processed across Maine.

### **Producer Fees**

#### (3)(a) Post-consumer recycled material fee

Compostable packaging is not capable of utilizing post-consumer recycled content since these products are designed to fully biodegrade and return to nature. We recommend exempting compostable packaging from post-consumer recycled content fees since their inclusion will further disincentivize certified compostable products and may lead businesses to choose alternatives that result in more food waste being landfilled, which leads to increased methane emissions.

### (3)(d) Labeling

Ingevity recommends exempting certified compostable packaging from these labeling requirements as they would significantly decrease the competitiveness of compostable products and may lead to the use of undesirable substitutes such as non-recyclable products. Compostable packaging is relatively new and relies on underfunded infrastructure. Compostable products need time and investment in separate organic waste collection and composting infrastructure to be processed at scale. Ideally, this program will provide the funding to develop composting infrastructure and provide payment to composters if they accept certified compostable products. This will take time and can be achieved as we have seen major jurisdictions (like Minneapolis) and other countries around the world (e.g., Italy) learn to incorporate compostable products in their organic streams.

Certified compostable products must be clearly labeled as compostable, or consumers and composters will not know where to dispose of them. By making it economically more difficult for producers to label their products compostable, it will increase contamination concerns for both recyclers and composters because they won't know what to do with the products.

Unlike products listing themselves as "recyclable," which can sometimes be a simple marketing tactic, compostable products are required to meet certain defined criteria to be labeled as compostable in an increasing number of states including California, Washington, Colorado, Minnesota, and Maryland. New laws are being proposed every year, including one by neighboring New Hampshire, which will ensure only fully certified compostable products are allowed to be labeled and sold as compostable.

Additionally, the FTC is revising their Green Guides, and will likely add further clarification on the use of the term "compostable."

We believe the existing framework in this proposal provides a clear incentive to ensure compostable products are processed and composted. We want producers to provide clear labeling of certified compostable products and composters want the same.

## **Requirements for Participating Municipalities**

### A. Recycling

We recommend adding a provision for composting if the local jurisdiction collects organic waste on a regular basis. Certified compostable products are certified to international standards to ensure they can break down and be processed by either

industrial composting facilities or home composters. For example, we recommend a new section be added to say:

- A. **Composting.** Participating municipalities must provide for the collection and composting of all certified compostable packaging if they currently provide for the collection of organic waste.

If you have any questions regarding Ingevity's positions as set forth in this letter, or need additional input, please contact me at (843)-740-2334 or [michael.tschantz@ingevity.com](mailto:michael.tschantz@ingevity.com).

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael F. Tschantz".

Dr. Michael F. Tschantz  
Vice President, Government Relations