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TO: Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

Transmitted electronically to rulecomments.dep@maine.gov.

SUBJECT: Chapter 428: Stewardship Program for Packaging

The Power Tool Institute (PTI) is pleased to be provided with an opportunity to submit comments on implementing the Packaging Stewardship Program, under 38 M.R.S. § 2146. PTI is a trade association representing market-leading brands in the areas of portable and stationary power tools for consumer and professional use. Power tools represent a nearly \$10 billion industry in the U.S and our members employ over forty thousand people. Founded in 1968, PTI's primary objectives are to encourage high standards of safety in the manufacture of power tools (and lithium-ion batteries); to prepare and distribute information about safe use of power tools; to promote the common business interests of the power tool industry; to represent the industry before government; and to educate the public as to the usefulness and importance of power tools.

As an industry, we recognize the increasing presence of state-supported stewardship programs aimed at reducing waste and promoting recycling. However, to maximize the effectiveness of these initiatives, it is crucial that they are developed consistently across state lines. We encourage Maine to review and consider aligning its program with those already enacted in states such as California, Oregon, Colorado, and Minnesota.

Alignment across state programs can reduce the complexity and administrative burden on businesses that operate in multiple states. When states adopt similar guidelines, definitions, and reporting requirements, companies can more efficiently implement compliance measures, allowing them to focus resources on innovation and sustainability rather than navigating a patchwork of varying regulations.

Additionally, alignment of reporting requirements can mitigate packaging design complexities between states and increase product availability. Inconsistent state regulations can lead to market disruptions, where businesses may face competitive disadvantages or increased costs due to differing requirements. Alignment mitigates these risks, ensuring a level playing field for all companies while advancing shared environmental objectives.

Objection to Specific Producer Reporting Requirement:

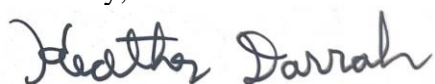
We would like to express our concern regarding the proposed annual reporting requirement in 9.B(6), which mandates that producers report the total weight of post-consumer recycled material as verified by a third-party audit. While we support transparency and the use of recycled content, this audit requirement introduces significant challenges. The process of third-party verification is costly and administratively burdensome. Moreover, the accuracy and consistency of such audits can vary, leading to potential discrepancies and compliance issues.

If such documentation must be provided, we recommend allowing proof of the total weight of post-consumer recycled material to be based on a certificate from the entity or entities that manufacture the packaging material. This approach aligns with the language in 9.B(7) concerning the attestation of the absence of intentionally added toxics. We believe that self-reporting, with the option for the Stewardship Organization (SO) to audit producers under 9.E if inaccuracies are suspected, could achieve the same environmental objectives without imposing undue burdens on producers.

In conclusion, while we fully support the goals of the proposed stewardship program, we believe its success will be greatly enhanced by aligning it with other state initiatives. We strongly encourage Maine to adopt common definitions and standards to ensure that key terms, packaging material classifications, and recycling measures align with those used in other states. Alignment in reporting requirements and timelines will not only reduce the burden on businesses but also increase compliance rates.

In closing, PTI is grateful to the Maine Department of Environmental Protection for the opportunity to comment on Chapter 428: Stewardship Program for Packaging. Please feel free to contact us with any questions regarding our comments.

Sincerely,



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