



August 26, 2024

Maine Department of Environmental Protection
17 State House Station
32 Blossom Lane
Augusta, Maine 04333

Comments on Revised Version of Chapter 428: Stewardship for Packaging

Dear Maine DEP:

On behalf of the Glass Packaging Institute (GPI), I am pleased to provide **comments on the revised version of Chapter 428: Stewardship for Packaging**.

GPI is the North American trade association for the glass food and beverage manufacturing companies, glass recycling processors, raw material providers and other supply chain partners within the industry. GPI and its members work closely with local and state governments throughout the country on issues surrounding sustainability, recycling, packaging manufacturing and energy use.

Chapter 428: Stewardship for Packaging

GPI is concerned that glass, as a material, is caught in a place where the general purpose of the law and regulations were meant for more problematic and harder to recycle materials. The vast majority of consumer packaging glass in Maine is covered by the bottle deposit return program and therefore the only glass remaining for the EPR program is food or personal care products not otherwise in the bottle bill.

Glass is a core feedstock and beverage packaging material and a core recyclable. Glass is used by some of the largest food and beverage products made in Maine, and already well recycled in Maine, both by the bottle deposit program and for the non-deposit recovery that existed prior to Chapter 428. Glass clearly was not the primary focus of the regulations, and we are concerned that these draft regulations could potentially increase the cost of glass recycling.

There are some inconsistencies in the way the material is treated under different sections of the proposed rules, and producers who use glass packaging should not be penalized with higher fees, nor should the glass have to pay for the design flaws of

the existing commingled material recovery facility industry that creates far higher contamination levels in the glass stream than any other commodity.

Specifically, we have several concerns with the following sections as it relates to glass:

1) Target Material

- a. (1) Filtration media for use in a manner that does not constitute disposal, abrasive materials, glass fiber insulation, or construction materials for use in a manner that does not constitute disposal;
- b. (2) Smelter or furnace-ready metal;
- c. (3) Pulp;
- d. (4) Recycled plastic pellets ready for use in an extrusion or molding operation or recycled plastic flakes that do not require further processing before use in a final product; or
- e. (5) A commodity for sale to a market with a set of accepted materials that share the same base material.

2) Alternative Collection Program – Not currently under consideration

- a. We have no significant issues with this section. GPI recommends the creation of glass producers collective to help manage the collection.

3) The recycling access goal outlined on Pg. 7; 3.A(1) is outside of the control of the PRO because municipalities are not required to participate in the program.

4) Changes made to the collection goal on Pg. 8; 3.A(3) are unnecessarily confusing.

5) The reduction goal on Pg. 9; 3.A(4) does not allow looking back at recent reductions. The encouraged baseline is higher, creating a falsely easier goal to meet.

6) Producer reporting refers to statewide packaging recycling rate (pg. 13; 3.B (5)) which is calculated differently than the goals (pg. 10 –11; 3.A (7) and (8)). The goals are based on a calculation of recycling in participating municipalities, while the report relates to the total recycled in the state.

- a. GPI recommends that they be calculated the same way. Producers should also be required to report progress toward the goal, rather than only explaining why their goal hasn't been met.

7) Readily recyclable / marketable standard related to cost per ton (pg. 18; 4.C.(1)(c)).

- a. GPI believes it is unwise to establish a regulatory standard for how much is too much to pay for recycling a particular material. Furthermore, the language is contradictory with the first sentence saying the cost per ton must be two times the most expensive material type recycling costs, the next saying it's the average of current participating municipalities where currently collected, and the third saying the Department will determine the cost per ton for things not currently collected.

- b. In the next section (pg. 19; 5.A.1) it notes that this criterion doesn't apply to the initial list. This should be removed.
- 8) Compensation for non-readily recyclable costs on Pg. 50; 13.D. Pays 1/3 of cost of recycling readily recyclable materials for landfilling, 2/3 for waste to energy, and average recycling cost for recycling.
 - a. Reimbursing for landfilling and waste to energy is counterproductive.

Thank you for your consideration of our comments. We look forward to continuing our support for Maine DEP's Chapter 428: Stewardship for Packaging and remain committed to working with all stakeholders to enhance glass recovery and recycling in the state.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott DeFife", with a stylized flourish at the end.

Scott DeFife
President