Report to the Joint Standing Committee on the Environment and Natural Resources

Annual Product Stewardship Report

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I. Introduction

This report is prepared in accordance with Maine's *Product Stewardship Law,* 38 M.R.S. §§ 1771-1776, which directs the Department of Environmental Protection ("Department") to develop an annual report for the Legislature evaluating Maine's product stewardship programs. Product stewardship is a public policy approach that can minimize the negative impacts of products and packaging throughout their lifecycles, from sourcing materials through end-of-life management, to creating more sustainable systems. Manufacturers (a.k.a. producers) have the greatest influence over the lifecycle impacts of their products, starting with material sourcing and design. The choices of distributors, retailers and consumers also have an impact on the lifecycle of products. Product stewardship laws that mandate some level of manufacturer (producer) responsibility for product management at the end-of-life are known as extended producer responsibility ("EPR") laws, and may include incentives that improve design, minimize negative impacts related to toxicity, or promote reuse or recyclability. EPR induces manufacturers to consider the end-of-life impacts of their products and relieves the public sector of some of the burden of managing those products. Maine currently has 11 product stewardship laws related to the end-of-life management of specific consumer products.

This report provides the Joint Standing Committee on the Environment and Natural Resources ("ENR Committee") with information concerning the performance of Maine's current product stewardship programs, as well as candidate products for future consideration. Maine's Product Stewardship framework law requires the Department to solicit and collect public comments on the content of the report for 30 days prior to submittal to the Legislature, and to append all comments received to the report.

II. Existing Programs' Performance and Recommendations

Maine's existing product stewardship programs are listed below in chronological order.

A. Beverage Container Redemption ("Bottle Bill," 1976) – 38 M.R.S. §§ 3101-3119

Maine's *Manufacturers, Distributors, and Dealers of Beverage Containers*, a.k.a. the "Bottle Bill" has been under the purview of the Department since November 1, 2015. The program had been overseen by the Department of Agriculture, Conservation and Forestry since its enactment in 1976.

The stated purpose of 38 M.R.S. §§ 3101-3119 is to create incentives for the manufacturers, distributors, dealers and consumers of beverage containers to reuse or recycle beverage containers, thereby removing the blight on the landscape caused by the disposal of these containers on the highways and lands of the state and reducing the increasing costs of litter collection and municipal solid waste disposal. To do so, it places a deposit on beverage containers, sets up a collection

system enabling consumers to redeem deposits, and requires the entity that initiates the deposit ("IODs") to pay for the handling and ensure the recycling of containers.

In 2023, over 35,000 tons of beverage containers were recycled (see Table 1), in addition to approximately 850 tons of associated material collected through the program including corrugated cardboard, paperboard, and plastic film bags used to transport containers,[1] as reported by associated businesses through the recycling establishment reports required by 38 M.R.S. § 2145 "Recycling reporting." In addition to preventing widespread litter from improper disposal of beverage containers, the program remains a successful collection system for beverage containers with estimated recovery rates of 72% to 85%, well above Maine's overall statewide waste diversion rate of 33.8%[2] and the national recycling and composting rate of 32.1%.[3]

Table 1 – Quantity of Containers Recycled by Type

2023 Container Redemption (Tons)				
Material	Plastics	Glass	Metals	**Total**
Tons Recovered	8,301	22,442	5,812	**36,555**

Data on redemption rates come from reports submitted to the Department by IODs. The 2023 data show strong redemption rates for all container types, with the lowest redemption rate for 5-cent plastic beverage containers still well above the statewide waste diversion recycling rate (see Table 2). However, only 48% of IODs submitted reports in 2023. Tracking container sales and redemption numbers was identified in 2018 as an area for improvement per the recommendations of an Office of Program Evaluation and Government Accountability ("OPEGA") report.[4] The Department added three positions to the program in March of 2024, which will allow for increased attention to this reporting requirement in 2025.

[1]Recyclers managing bottle bill materials recovered an estimated 378 tons of plastic film, 415 tons of corrugated cardboard, and 58 tons of paperboard.
[2] Based on available data, Maine's estimated MSW recycling rate averaged 33.8% over 2020 - 2022, down slightly from an average of 36.56% over 2018 and 2019, which was in turn down slightly from 38.09% in 2017.
[3] National recycling and composting rate estimate from EPA, available here: https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-materials#recycling.
[4] OPEGA No. SR-BOTTLE -17, *Maine's Beverage Container Redemption Program–Lack of Data Hinders Evaluation of Program and Alternatives; Program Design Not Fully Aligned with Intended. Goals; Compliance, Program Administration, and Commingling Issues Noted*, May 2018 (http://legislature.maine.gov/doc/2316).

Table 2 – Container Sales Compared to Redemption (Redemption Rate)

2023 Bottle Bill Sales vs. Redemption			
5 Cents	**Sales**	**Redeemed**	**Percentage**
Plastic	355,192,194	255,923,065	72%
Metal	491,303,345	395,074,918	80%
Glass	67,326,666	53,179,407	79%
Total	**913,822,205**	**704,177,390**	**77%**
15 Cents	**Sales**	**Redeemed**	**Percentage**
Plastic	10,944,710	8,661,637	79%
Metal	507,419	429,305	85%
Glass	30,950,230	25,192,767	81%
Total	**42,402,359**	**34,283,709**	**81%**
Overall	**956,224,564**	**738,461,099**	**77%**

P.L. 2023, ch. 482 – *An Act to Modernize Maine's Beverage Container Redemption Law*, made a number of changes to the program that went into effect in 2024 or will go into effect over the next several years and ultimately streamline the program's operation. The most notable change requires that all beverage containers be managed together rather than sorted by brand. In addition to providing handling efficiencies, this change requires a shift in the method of distributing the obligations of IODs from a return share, where each IOD has financial and operational responsibility for managing its own containers, to a market share, where each IOD's obligation is a percentage of total redeemed containers. The amended law creates a non-governmental organization referred to as the "comingling cooperative" which is responsible for writing a plan for this transition and for coordinating the management of containers going forward.

In accordance with P.L. 2023, ch. 482, on October 15, 2024, all IODs entered into commingling agreements. The two established pick-up agents in the state formed commingling groups which allowed for the commingling of all previously non-commingled IODs. The formation of these groups will allow for a smooth transition from previous sorting by brand, material type, and size (i.e., over 700 sorts[5]) to current sorting by commingling group, material type, and size (i.e., approximately 120 sorts) to eventual sorting by material type and size (estimated 40-50 sorts). This process has revealed concerns about the extent to which current definitions of material types could lead to reduced material value and impact recycling rates. It is also unclear how these sorting requirements will impact the desired transition to refillable containers expressed in P.L. 2023, ch.482, as those containers would not be sorted separately, or how redemption centers that hand sort containers can accurately be paid if containers for which redemption centers paid $0.05 deposits are sorted together

[5] Brian Beneski and Scott Wilson, Department of Environmental Protection, Testimony in Support of L.D. 1909, May 15, 2023. Here: https://www.mainelegislature.org/legis/bills/getTestimonyDoc.asp?id=178376.

with containers for which they paid $0.15 deposits. The reduced sorts and the increase in the handling fee, which moved from $0.045 per container to $0.06 per container in 2023 in accordance with P.L. 2023, ch. 48 – *An Act To Increase The Handling Fee For Beverage Containers Reimbursed to Dealers and Redemption Centers*, have led to an increase in applications for new redemption centers.

Additionally, P.L. 2023, ch. 482 allowed for a temporary waiver during which a dealer or redemption center may apportion beverage container costs to distributors using an alternative method that does not require the scanning of each container. The Department has not yet received an application for a waiver; however, an application is likely before the waiver option sunsets January 1, 2026. These labor-saving changes in sorting are another way to curb handling costs.

Another issue impacting the program is the direct shipping of beverages to Maine consumers through online sales, which can result in containers entering the system without the deposit and handling fee being paid. These costs are borne by participating IODs. The prospect of commingling all containers has led to increased concern over this "free ridership" because all IODs, not just those with beverages coming in through direct-to-consumer sales, will be affected. P.L. 2023, ch. 252 – *An Act to Require Direct Shippers to Comply with Maine Beverage Container Laws* ends an exemption for direct-to-consumer sale of wines in July of 2025, but there are concerns around ensuring inclusion of these wines and other direct-to-consumer sales in practice. The Department plans to work with stakeholders to address this in rulemaking.

Given the widespread changes made to 38 M.R.S. §§ 3101-3119, the Department plans to update program rules in 2025. In July of 2024, the Department requested from stakeholders preliminary comments on the commingling requirements, manual sorting, pickup practices, and determination of the rate of redemption. To encourage further stakeholder input, the Department will release concepts for public input prior to submitting a proposed rule change to the Board of Environmental Protection in the spring of 2025. Anticipated issues include: commingling, cooperative implementation and processes, payments and reporting, redemption center pick-up, beverage registration, infrastructure development, refillable containers, program education, and evaluation of program performance.

B. Lead-Acid Batteries (1989) – 38 M.R.S. § 1604

Lead-acid battery disposal has been regulated since 1989. 38 M.R.S. § 1604 bans the disposal of lead-acid batteries by burial, incineration, deposit, or dumping. It also requires all sellers of lead-acid batteries to accept used lead-acid batteries from customers purchasing a new lead-acid battery. If the customer is not returning a used lead-acid battery at the time of purchase, the retailer must collect a $10 dollar deposit and refund that deposit if the customer returns with a used lead-acid battery within 30 days. Wholesalers of lead-acid batteries must then collect used lead-acid batteries from retailers. Additionally, the law requires the posting of signage at retail outlets informing the public of the state law and its requirements.

Numerous other states have similar programs for lead-acid batteries, and the collection and recycling of lead-acid batteries is considered a success. Lead-acid batteries are America's most recycled consumer product, with a national recycling rate of 99%.[6]

In 2023, the Department received a number of complaints from the public indicating that several retailers in Maine were not fully compliant with the law. Department follow-up determined that noncompliance was due to new retail establishments not being fully aware of the specific requirements of the Maine law, or insufficient training by the retailer for new staff. All retailers that were the subject of a complaint became compliant once they were informed of the particulars of the law. The Department will continue with educational outreach on an as needed basis and is planning to add additional educational material regarding the law's requirements on the Department's webpage.

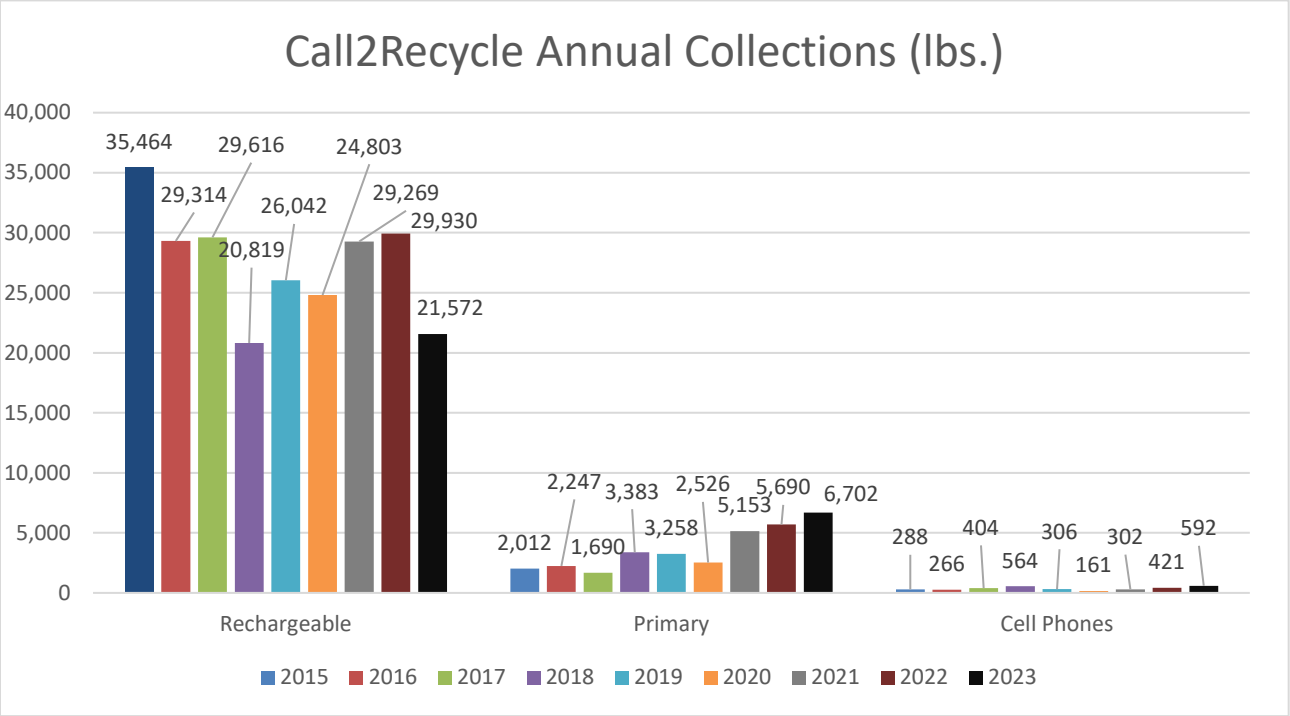
C. Rechargeable Batteries (1991) – 38 M.R.S. § 2165

Regulation of certain dry-cell batteries, 38 M.R.S. § 2165 was enacted in 1991, and requires manufacturers of nickel cadmium and small sealed lead-acid batteries to provide a system for the recycling of their batteries. The program is implemented in Maine by Call2Recycle on behalf of the manufacturers. Until mid-2017, Call2Recycle offered a free rechargeable battery recycling program to any business, government entity, or retail location interested in acting as a collection location. However, due to increases in "free riders" (i.e., batteries that are not part of the program and therefore whose manufacturers do not provide financial support) in collection boxes, Call2Recycle now limits participation in its free rechargeable battery recycling program to municipal collection sites and certain national retail chains to limit the number of uncovered batteries being placed into their system.

While the law only requires that two specific rechargeable battery chemistries be covered by the manufacturer-sponsored program, Call2Recycle currently accepts all chemistries of dry-cell rechargeable batteries up to 11 pounds and cell phones through their collection system. In 2023, Call2Recycle collected a total of 21,572 pounds of rechargeable batteries and 595 pounds of cell phones (see Figure 1). Call2Recycle also collected 6,702 pounds of "free riding" primary (single use) batteries, following a recent trend of marked increase from prior years in their collection boxes. Batteries collected through the program are sorted by chemistry and sent to appropriate processing facilities for extraction of materials to use in new products. Cell phones are either refurbished and resold or recycled. Call2Recycle absorbs the cost of non-covered batteries, which unfairly adds to the cost burden for manufacturers who pay into the rechargeable battery program.

[6] *National Recycling Rate Study.* SmithBucklin Statistics Group, Chicago Illinois. November 2019 (BCI_433784-19_RecyclingRateStudy_19Update_FINAL.pdf (batterycouncil.org)).

Figure 1 – Annual Rechargeable Battery Collection (2015-2023)



As stated earlier, primary batteries are not required to be recycled by Maine's law, nor are they purposely accepted for free in the Call2Recycle program as the manufacturers of primary batteries do not contribute funds to the program. However, municipal collection sites that are participating in the rechargeable battery collection program can opt into Call2Recycle's GreenVantage[7] program. This allows them to incorporate primary batteries into their collection for a modest per-pound fee.[8] Municipal collection sites that participate in the GreenVantage program may pass these fees onto residents individually as they utilize the service or may choose to incorporate the cost into their overall municipal budget. Most municipal collection sites do not currently incorporate primary batteries, either due to a lack of knowledge of the GreenVantage program's existence or due to the extra cost to do so. In addition, there are many municipalities across the state that could participate in the free Call2Recycle program to accept batteries but have not signed up to participate in the program. Retail sites that participate in the rechargeable battery collection program are not eligible to participate in the GreenVantage program and would need to purchase separate primary battery collection boxes to accept them from the public. These additional collection boxes would come at a

[7] Information on GreenVantage may be requested through Call2Recycle: https://www.call2recycle.org/greenvantage-suite.

[8] The current per-pound fees are 70 cents for alkaline batteries and $4.05 for smaller single-use lithium primary batteries (for example, lithium camera batteries and button cell and coin cell batteries).

cost of between $55-$160[9] per box on top of any staff labor needed to manage the program. Due to this added expense and effort for collection sites, access to primary battery recycling is very limited statewide.

Incorporating primary batteries into the existing stewardship program would greatly expand access and reduce the barriers to battery recycling, while mitigating fire risks from improperly managed batteries. Without a requirement, and with minimal options in the state for collection, many of the material resources contained in primary batteries are lost at disposal. Additionally, products from which rechargeable batteries cannot be removed are also not required to be recycled by Maine's rechargeable battery law,[10] nor are they collected through the free rechargeable battery recycling program. Therefore, the resources present in these embedded batteries are lost since they are disposed of as trash and potentially pose fire and safety issues during processing and disposal.

As described in the Department's 2022, 2023 and 2024 Annual Product Stewardship Report, while batteries are necessary in a transition to clean energy, there are broader challenges including inadequate recycling infrastructure, a reliance on foreign supplies of critical materials, supply chains fraught with human rights concerns,[11] environmentally detrimental mining practices[12], and fire risks when batteries are improperly managed. In addition to U.S. jurisdictions recently enacting legislation to address battery recovery,[13] the federal government has focused on developing domestic battery recycling infrastructure in recent years, driven by the country's increasing reliance on battery

[9] See "all battery" collection box pricing on Call2Recycle's online store: https://www.call2recycle.org/store/.

[10] While not required to be recycled under 38 M.R.S. § 2165, the sale of products with nickel cadmium or small-sealed lead acid batteries that cannot be easily removed by the consumer in products used primarily for personal, family, or household purposes is prohibited pursuant to 38 M.R.S. § 2166 "Rechargeable Consumer Products." It also requires that the battery, the product, and product packaging be labeled with the battery's electrode type and a message about the need for proper disposal. This law is not enforced; were it to be enforced a great number of consumer products would cease to be sold in the state.

[11] World Economic Forum (2021). *Making mining safe and fair.* https://www3.weforum.org/docs/WEF_Making_Mining_Safe_2020.pdf.

[12] Kosiorek, et. al., "Effect of cobalt on environmental and living organisms – a review," *Applied Ecology and Environmental Research* 17(5):11419-11449. http://dx.doi.org/10.15666/aeer/1705_1141911449.

[13] U.S. jurisdictions with product stewardship laws covering a broader scope of batteries include Vermont, which enacted a primary battery stewardship law in 2014; Washington DC, which enacted a battery stewardship law covering rechargeable and primary batteries, including those embedded in products, in 2021; Washington State, which enacted a battery stewardship law covering portable batteries in 2023; and California, which will regulate battery containing products through the system used for electronic waste management beginning in 2023, and Illinois, which passed a portable battery stewardship law in 2024.

technology and concerns over the critical mineral[14] supplies essential to battery production.[15] The Bipartisan Infrastructure Law includes a requirement for U.S. EPA to develop battery labeling guides as well as a "Best Practices" guide for battery recycling. To complete this work by September 10, 2026, the target deadline, Congress allocated $10 million to U.S. EPA for the battery labeling guidelines and $15 million for the "Best Practices" battery recycling guide.[16] Noting that, "demand for critical battery minerals, such as lithium and graphite" is "projected to increase by as much as 4,000% in the coming decades," the U. S. Department of Energy targeted a recent round of grant funding to support "the recycling and reuse segment of the domestic battery supply chain,"[17] awarding approximately $74 million from the Bipartisan Infrastructure Law to 10 projects in 7 states. Given these efforts, the Department recommends the expansion of covered batteries in this program to take advantage of the new recycling opportunities for these batteries as those opportunities come online.

D. Mercury Auto Switches (2003) – 38 M.R.S. § 1665-A

38 M.R.S. § 1665-A was enacted in 2001 and the program began in 2003. The original law prohibited the sale of new motor vehicles with mercury switches, required that mercury switches and headlamps be removed before a motor vehicle is crushed, and required motor vehicle manufacturers to pay for both the recycling of mercury auto switches and a $1 bounty to the collector for each switch. In September 2005, the bounty was increased briefly to $3 then to $4 per switch. Since 2003, more than 170 pounds of mercury have been collected through the program, which amounts to approximately 25% of that estimated to have been present in the auto stock when the program began.

Complete 2024 numbers are not yet available, but 393 switches were collected during 2023 (see Figure 2). Switches are returned in relatively large quantities from relatively few participants, which

[14] The term 'critical material or mineral' means a material or mineral that serves an essential function in the manufacturing of a product and has a high risk of a supply disruption, such that a shortage of such a material or mineral would have significant consequences for U.S. economic or national security.

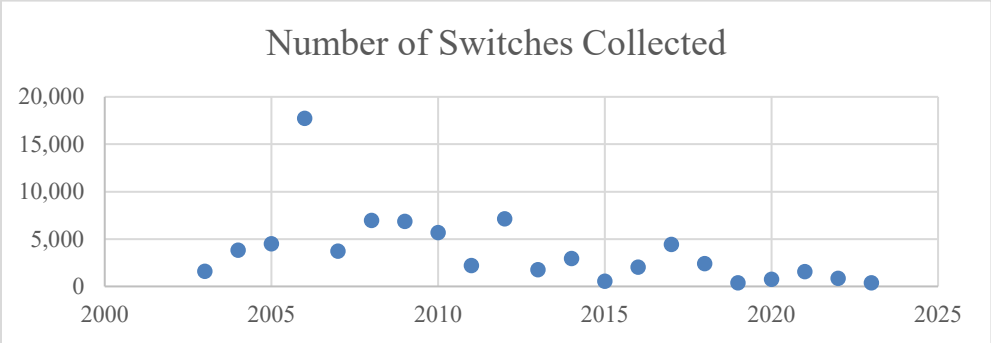
[15] The U.S. Department of Energy has identified aluminum (bauxite), antimony, arsenic, barite, beryllium, bismuth, cesium, chromium, cobalt, fluorspar, gallium, germanium, graphite (natural), hafnium, helium, indium, lithium, magnesium, manganese, niobium, platinum group metals, potash, the rare earth elements group, rhenium, rubidium, scandium, strontium, tantalum, tellurium, tin, titanium, tungsten, uranium, vanadium, and zirconium as critical materials. Final List of Critical Minerals 2018, U.S. Department of the Interior, 83 Fed. Reg. 23295, 2018, https://www.govinfo.gov/content/pkg/FR-2018-05-18/pdf/2018-10667.pdf.

[16] Battery collection best practices and battery labeling guidelines: https://www.epa.gov/infrastructure/battery-collection-best-practices-and-battery-labeling-guidelines.

[17] The Associated Press. (2022, November 16). *Energy Department awards $74M for battery recycling,* reuse. https://apnews.com/article/technology-business-california-recycling-climate-and-environment-e7c3f6e08995f8e9f4e81adedebda27e.

can lead to variability in collection numbers from year to year. Department staff communicate with participants whose switches are due or overdue, which appears to increase returns.

Figure 2 – Quantity of Mercury Auto Switches Collected



The 2003 prohibition on the inclusion of mercury switches in new vehicles means the number of available switches is decreasing. Statute directs the Department to recommend repeal of the program once the Commissioner determines that the number of mercury switches is too small to warrant continued collection. In recent years the Department has been evaluating available data on the actual number of switches that remain. The best available data suggests there is still a substantial amount of mercury to collect.[18] The National Vehicle Mercury Switch Recovery Program ("NVMSRP"), the organization set up by obligated manufacturers to realize responsibilities under this and similar laws, is not equitably funded, due to complications associated with General Motor's 2009 bankruptcy. Fortunately, the End of Life Vehicle Association ("ELVS"), which runs NVMSRP, and the Steel Manufacturers Association have reached an agreement that will provide for the continuation of all services currently offered through July 1, 2027.[19] The ELVS program is now administrated by the company Republic Services. Given this commitment by the steel and auto manufacturers, there appears to be no reason to discontinue Maine's program at any point during this timeframe. The Department anticipates increasing outreach to work with towns to remove switches from cars sitting at formal and informal junkyards and with junkyards themselves in order to recover the maximum number of switches possible by July 2027.

E. Mercury Thermostats (2005) – 38 M.R.S. § 1665-B

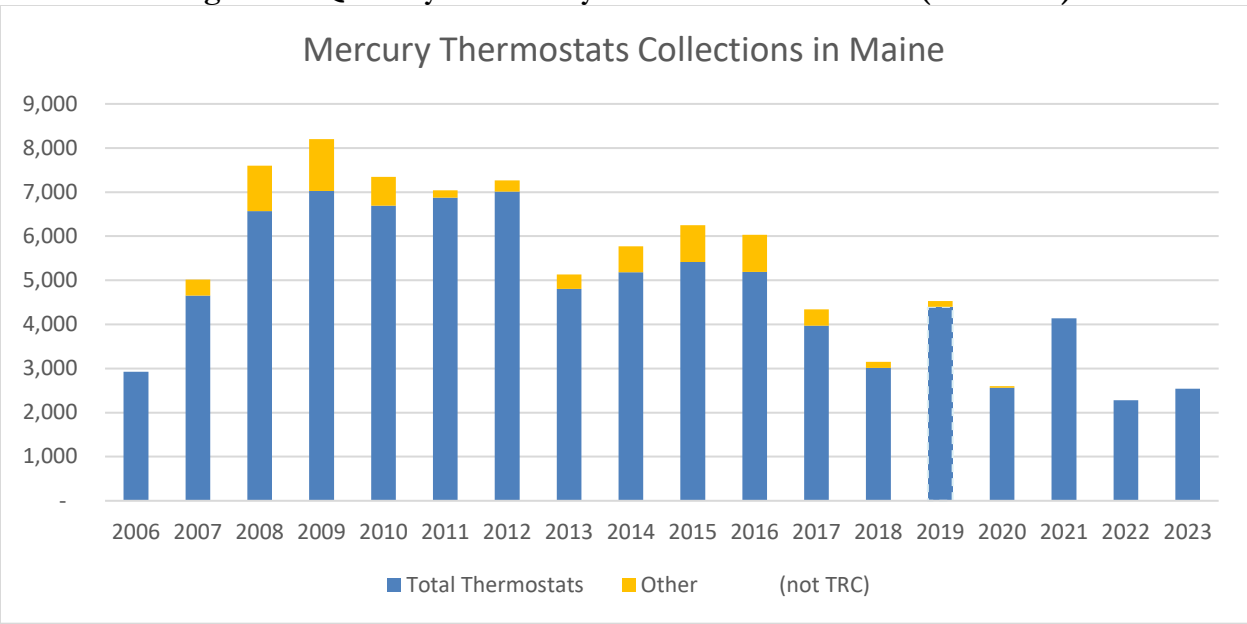
Maine's mercury thermostat program, enacted in 2005, established EPR for the collection and

[18]This data shows that, in 2020, over 193,000 vehicles – approximately 16% of vehicles registered – were old enough to contain mercury switches; this data omits any vehicles that are not registered because they are not being actively used: those in junk yards, dealerships, or abandoned in back lots. The average switch has approximately one gram of mercury and, while not present in all vehicles, a single vehicle can have as many as three switches.

[19] See the August 2021 joint press release by ELVS and the Steel Manufacturers Association, available here: https://elvsolutions.org/wp-content/uploads/2021/09/ELVS-agreement-August-27-2021-one-pager-signed.pdf.

recycling of mercury-added thermostats. For the first two years, the program required manufacturers to fund collection and recycling of mercury-added thermostats. However, due to low initial collection numbers, a $5 incentive payment for every mercury thermostat returned was included in the law beginning in 2007. An estimated 2,538 mercury thermostats were collected in 2023 (see Figure 3) by the Thermostat Recycling Corporation ("TRC").

Figure 3 – Quantity of Mercury Thermostats Collected (2006-2023)



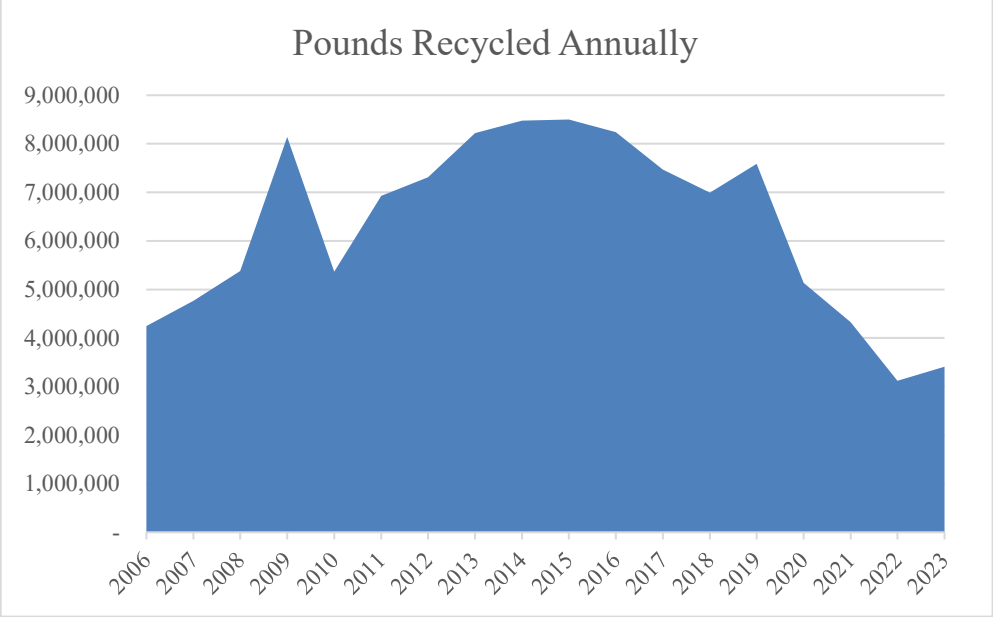
The 2023 collections were estimated to be an 11% increase from the 2022 collections. In recent years, the TRC program has overseen the process of collecting the mercury thermostats. Many municipal sites and household hazardous waste ("HHW") collection sites as well as retail collection sites have signed up to participate in the stewardship program for mercury thermostats. Collecting mercury thermostats through TRC allows the costs of safely managing mercury thermostats to be covered by TRC rather than paying a company to manage them with other universal waste items. TRC annually conducts outreach to Maine collection locations that have not returned their mercury thermostat bin within the past year including a "miss you" mailing campaign to reach any past-due collection locations that could not be targeted by a direct phone call or an in-person technical assistance visit. In 2023, TRC conducted 51 site visits and placed 195 "miss you" calls to collection sites in Maine. TRC also conducted an education and outreach campaign in Maine using online, print, and radio outlets to help raise public awareness of the mercury thermostat recycling program.

F. Electronic Waste (2006) – 38 M.R.S. § 1610

Maine's electronic waste ("e-waste") program has facilitated the recycling of printers, televisions, interactive entertainment computers, and other devices with screens of at least four inches measured diagonally since 2006. Over 100 million pounds of covered electronic devices have been recycled

through the program. Returns during 2023 were up slightly over 2022, as the program has started to normalize. Returns during 2020, 2021, and 2022 were down significantly from the previous decade (see Figure 4).

Figure 4 – Amount of Electronic Waste Recycled (2006-2022)



[20]

This decrease is likely due in part to collection and supply chain disruptions associated with the COVID-19 pandemic. Additionally, the program lost an important recycling company at the beginning of 2020. This company provided one-day events to towns whose transfer stations do not collect e-waste on-site. The remaining recycling companies do not offer these one-day events due to inefficiencies inherent in hosting an event in which the amount of material to be managed is unknown. Having excessive capacity at an event wastes resources on the part of the hosts and consolidators and having insufficient capacity can lead to environmentally detrimental outcomes when people are turned away. Returns may remain at this lower level until municipalities are able to set up alternative collection arrangements.

[20]The total pounds recycled in 2018 includes an estimate of the number of pounds likely recycled by one consolidator, E-waste Recycling Solutions ("ERS"). ERS went out of business in April 2019. There is no evidence that it slowed collection before that point – any entities ERS stopped servicing would have been in touch with the Department and/or other consolidators looking for a new pickup agent. Unfortunately, ERS didn't submit its report on collection from the second half of 2018. While uncertain, the estimation was figured using the following logic. If one assumes that ERS's market share was the same in the second half of 2018 as it was in the first (35%), and that the North Coast Service ("NCS") market share of 47% also remained unchanged, ERS would have recycled 1,763,280 pounds. If one assumes that ERS's market share was the same in the second half of 2018 as it was in the first (35%), and that the Electronics End ("EE") market share of 13% also remained unchanged, ERS would have recycled 1,491,130 pounds. If one takes the mean of the two estimates and rounds to significant figures, this results in approximately 1.6 million pounds.

The Department intends to conduct a review and update the e-waste rules (*Reasonable Costs for Handling, Transportation, and Recycling of Electronic Wastes*, 06-096 C.M.R. ch. 415, in first half of 2025, as they have not been updated since 2018. This effort will include ongoing communications with stakeholders as part of the process.

G. Cellular Telephones (2008) – 38 M.R.S. § 2143

Maine's cellular telephone recycling law requires any retailer selling cellular phones to accept used cellular telephones at no charge from any person, post signage stating this requirement, and bans their disposal in a solid waste disposal facility.

In 2021 and 2022, a number of complaints from the public attempting to take advantage of this program revealed that several retailers were not fully educated and compliant with this law. The Department performed significant outreach to educate major cell phone retailers in 2021 and 2022 and bring these stores into compliance. Since that outreach the Department has received no complaints regarding lack of compliance.

H. Mercury-Added Lamps (2011) – 38 M.R.S. § 1672

Maine's mercury-added lamp law was enacted in 2011. It has been amended twice in recent years: first in 2019 by P.L. 2019, ch. 286 - *An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Mercury-added Lamp Law* to remove language restricting the program to residential bulbs, in addition to other changes described in more detail in the 2020 Product Stewardship Report, and again in 2023 by P.L. 2023, ch. 384 - *An Act to Reduce Mercury in the Environment by Phasing Out Certain Fluorescent Light Bulbs* which will phase out the sale of certain mercury-containing lamps by January 1, 2026.

Once the sales ban is in effect, it will be illegal for anyone to offer for sale, sell or distribute Compact Fluorescent Lamps ("CFLs") and all Linear Fluorescent Lamps ("LFLs") regardless of the tube diameter and the shape. This includes straight linear fluorescent tubes ranging from 0.5 to 8 feet in length as well as u-bend and circline fluorescent bulbs. Department staff is currently working with Northeast Waste Management Officials' Clearinghouse – Interstate Mercury Education and Reduction Clearinghouse (NEWMOA – IMERC) to coordinate the sales ban with other states with similar bans, as well as providing guidance to manufacturers, manufacturer associations, and retailers. The mercury-added lamp law will also continue to require manufacturers to collect and

recycle any lamp to which mercury has been added,[21] and will be implemented by the National Electrical Manufacturers Association ("NEMA") on behalf of manufacturers. NEMA's program provides free containers, shipping, and recycling services to the participating retail and municipal collection sites. The law limits free non-CFL drop-offs to 10 per person per visit. Additional non-CFLs received above the allowable 10 lamps per person per visit must be managed separately by the collection site. The cap does not apply to CFLs, which may be dropped off in any quantity provided a collection location has the capacity to accept them.

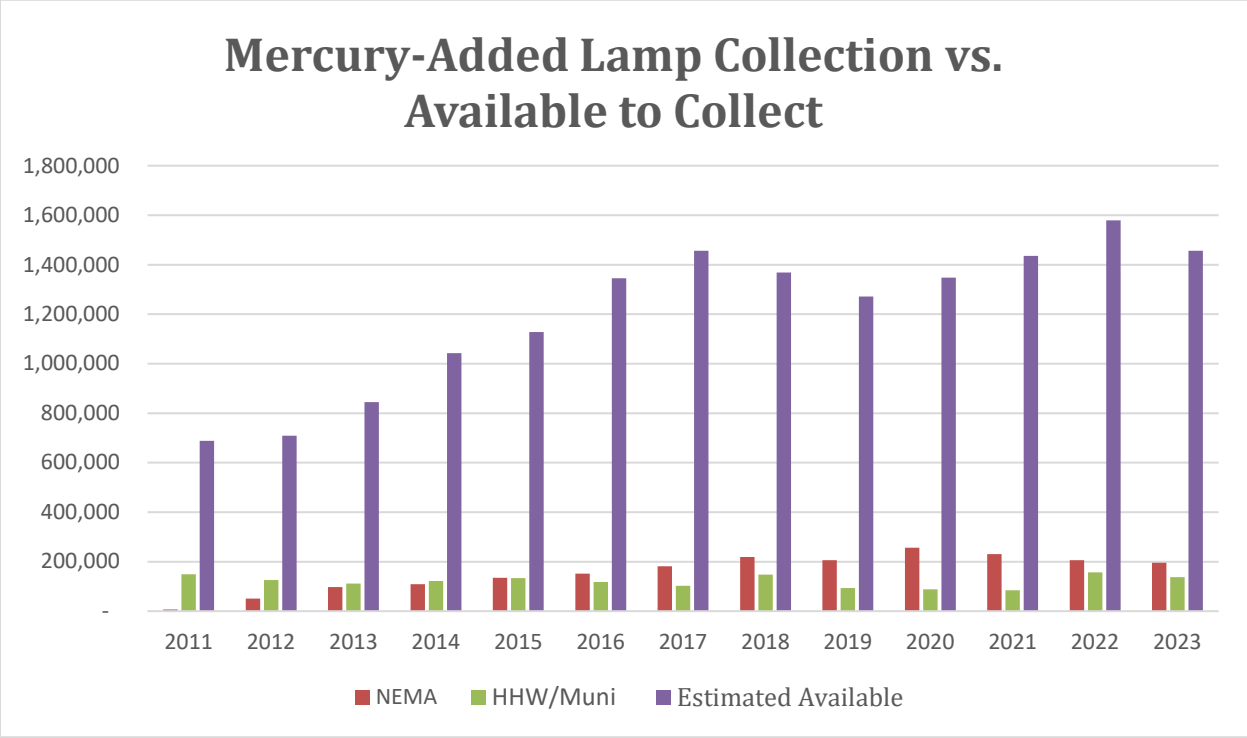
Based on sales data and average lifespan, NEMA estimated that approximately 1,456,722 mercury-added lamps sold to residents[22] in Maine would be coming out of service and therefore available for collection in 2023: approximately 195,926 mercury-added lamps of available lamps were recovered through the program. Mercury-added lamps are also collected outside of the stewardship program through HHW and municipal collections in Maine. Due to disparate reporting channels, it is difficult to avoid double-counting mercury lamps collected by municipalities as some numbers are received from NEMA reporting and others are received via hazardous waste shipping manifests. Therefore, while the manifests document an estimated 136,948 mercury lamps collected, the overall number of lamps recovered is likely lower due to potential double-counting of municipal lamps managed through the stewardship program that are also reported via manifest records.

Historically, there has been a consistent gap between the number of lamps estimated to be coming out of service and the number of mercury-added lamps collected over the duration of the program (see Figure 5). This suggests that a significant percentage of the mercury-added lamps coming out of service may be improperly disposed of in the trash rather than recycled. With the passage of P.L. 2023, ch. 384 - *An Act to Reduce Mercury in the Environment by Phasing Out Certain Fluorescent Light Bulbs*, Maine has joined a growing number of jurisdictions in passing legislation to begin phasing out mercury-containing lighting in favor of light emitting diodes ("LEDs"), which offer cost savings, are mercury-free, use significantly less energy, and typically last 1.7 to 2 times longer than fluorescents.

[21] "Mercury-added lamp" means an electric lamp to which mercury is intentionally added during the manufacturing process, including, but not limited to, linear fluorescent, compact fluorescent, black light, high-intensity discharge, ultraviolet and neon lamps.

[22] Although the mercury lamp law was amended in 2019 and is no longer restricted to residents, the 2020 annual report from NEMA contained an estimate for available mercury lamps from residential sales only. The Department will follow up with NEMA to address this data gap in future reports.

Figure 5 – Quantity of Mercury-Added Lamps Collected Compared to Quantity Available for Collection



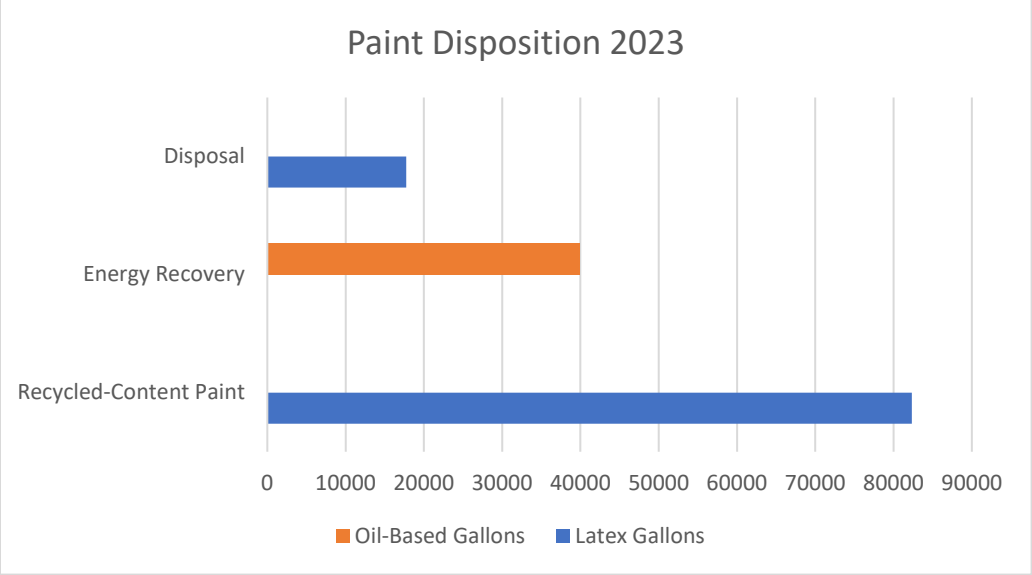
I. Architectural Paint (2015) – 38 M.R.S. § 2144

Maine's architectural paint stewardship law, enacted in 2015, requires manufacturers to set up and operate a statewide collection system for post-consumer paint. PaintCare Maine LLC ("PaintCare") is a non-profit third-party organization established by the paint manufacturers to fulfill their responsibilities under Maine's stewardship law and similar laws in ten other states and the District of Columbia. As described in PaintCare's Maine Architectural Paint Stewardship Program Plan, the program is funded by a consumer fee on each container of paint sold.[23] Consumers may return unwanted architectural paint at no cost to participating retail and municipal collection sites as well as HHW collection events where PaintCare is participating. PaintCare provides each collection location with storage containers for the returned paint, in-person training and a training manual, education, and outreach materials and provides for transportation and recycling or disposal of the collected paint. To prevent collection sites from being overwhelmed with large quantities of paint, PaintCare

[23] There is no fee on containers that are a half pint or smaller.

also offers a free large volume pickup service for those with 200 gallons or more of paint.[24] See Figure 6 for the quantity of paint disposed, recovered for energy, and recycled in 2023.

Figure 6 – Disposition of Paint by Type



PaintCare's analysis for calendar year 2023 shows that its collection network provides a permanent collection site within 15 miles of 95.8% of Maine residents, exceeding the 90% goal set in statute. PaintCare conducts outreach to ensure Mainers are aware of their options for managing excess and unwanted architectural paint through this collection network. PaintCare's Program Manager, who also manages the Vermont program, visits each collection location throughout both states at least once annually.

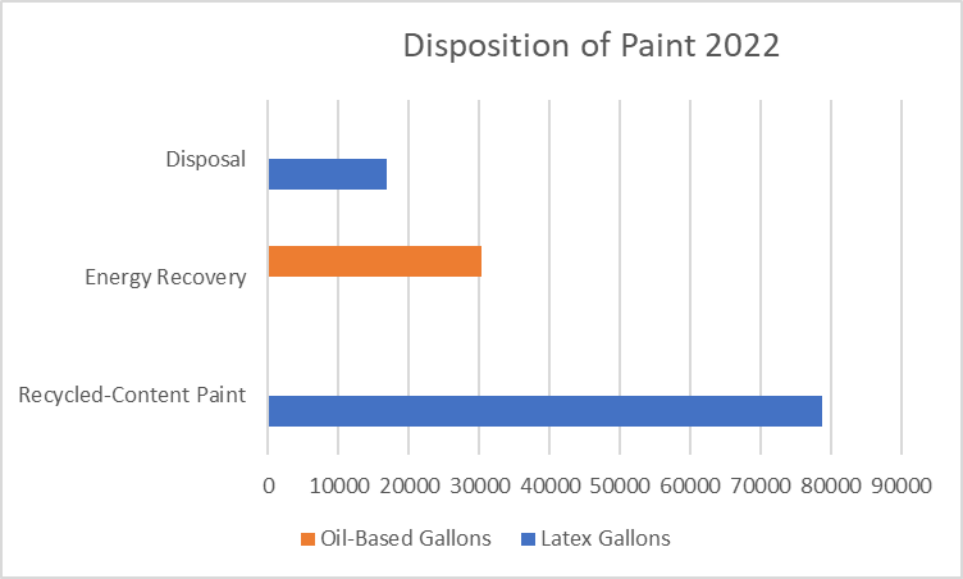
PaintCare ended the calendar year 2023 with a reserve level of approximately 30%, a reduction from the 43% reserve level reported at the end of calendar year 2022. In August of 2024, PaintCare proposed to amend the Maine Architectural Paint Stewardship Program Plan. This amendment proposes to increase the fee collected at the point of sale of new architectural paint to assure the program's financial viability. This amendment was proposed due to lower than anticipated paint sales in 2022 and 2023. Previously stated operating reserves dropped to 30% at the end of 2023, with further declines forecasted in 2024-2026. The program plan amendment was posted on the Department's main website at Opportunity for Comment, Maine DEP. Public comments were accepted for a 30-day period ending October 15, 2024. Comments were received from two parties -

[24] The Maine *Universal Waste Rules*, 06-096 C.M.R. ch. 858 prohibits accumulation of more than 55 gallons of oil-based paint at one time.

the Retail Association of Maine and the Natural Resources Council of Maine ("NRCM"). After careful consideration of these comments, discussions were held between the Department and PaintCare to clarify the information. After due consideration, the Department has considered that the fee increase is appropriate and is in the process of formally approving the fee increase amendment.

In the 2024 Product Stewardship Annual Report, an error was found with Figure 6 that represented the quantity of paint disposed, recovered for energy, and recycled in 2022. Incorrect data had been inputted into the graph, resulting in misinformation. We are providing a corrected graph below in Figure 7.

Figure 7 – Corrected Graph of Disposition of Paint by Type for 2022



J. Pharmaceuticals (2021) – 38 M.R.S. § 1612

P.L. 2021, ch. 94 - *An Act To Support Collection and Proper Disposal of Unwanted Drugs*, was enacted during the First Regular Session of the 130th Legislature. This law (38 M.R.S. § 1612) requires drug manufacturers to pay for and manage a drug take-back program for collection and disposal of household pharmaceuticals. Drug manufacturers, individually or jointly with other manufacturers, must operate a stewardship program that has been approved by the Department, or enter into an agreement with a stewardship organization that will operate a Department-approved program for collection of unwanted covered drugs. Covered drugs for the program include any substance recognized as a drug under 21 U.S.C., § 321(g)(1), including prescription and non-prescription drugs, drugs in medical devices, generic drugs, and drugs for veterinary use. Covered drugs do not include vitamin supplements, cosmetics, cleaning products, soap and shampoo, pet

pesticide products in collars and shampoos, emptied syringes and other empty medical devices, home kidney dialysis, and drugs used solely in a clinical setting.

Stewardship programs operated by the drug manufacturers must make available free, convenient, and ongoing collection opportunities to all persons in the state. The program plan submitted to the Department for approval certified that the stewardship organization will accept all drugs regardless of manufacturer. Program plans include the list of manufacturers participating with that specific organization, describe outreach and education programs, and outline the collection process, describing how collected drugs will be tracked, measured, and ultimately disposed.

All pharmacies licensed in the state are considered "mandatory pharmacy collectors" by the law and must provide for the collection of covered drugs by providing mail back envelopes, hosting a collection receptacle, or providing for another collection method approved through the stewardship plan. Out-of-state pharmacies that provide covered drugs by mail must offer a mail back option for unwanted drugs and provide information to customers about that service. The law does not prevent law enforcement agencies from collection activities or being a collection agent and requires that any authorized collector of covered drugs be added to a stewardship program if it wishes to participate.

The two stewardship organizations ("SOs"), MED-Project and INMAR, were approved by the Department in late 2022 to operate stewardship programs. Operational approval is conditional and for a two-year period. Both SOs have submitted a request for renewal of the two-year operational permit as of December 2024 and have been approved through 2026.

Both SOs began operation in June 2023, establishing a joint website (medtakebackmaine.org) for the public to access and locate the nearest drop-off site available to them. This website identifies the locations of kiosks and instructions for getting and loading prepaid envelopes. The website is required to be kept up to date and any changes in locations identified within 10 business days to establish reliability for the public that the sites are operational. Both SOs have begun the installation of secure kiosks and mail-back venues throughout the state and are in the process of collecting unwanted and unused drugs from the kiosks in place. Drugs collected from kiosks are placed in secured sequentially identified containers, weighed, and then transported directly to approved incinerators located out of state for disposal. Prepaid mail-back envelopes are also distributed upon request and available at public locations (libraries, municipal public offices, and more) in addition to pharmacies. Once the prepaid envelope is filled with expired or unwanted drugs, it is then mailed by the consumer and goes directly to the licensed incinerator approved by each SO, which is required to be licensed by the community and state where it is located. The prepaid envelopes are weighed, recorded, and then incinerated. Programs to educate and engage both the pharmacies and the public have begun from the SOs and the Department. Program awareness goals will be measured against this baseline study, with goals set for the SOs that trend upward as the program continues to operate.

Since operations began in 2023, monthly meetings have been held with each SO, initiated by the Department and focusing on overall program coordination. These meetings are intended to identify any problems or obstacles that the SOs are facing during the process of ramping up the program.

While details of the first year's report for each SO will not be available until the end of March 2025, initial raw data received by the Department in September 2024 for the first year of operation (June 2023-June 2024) indicate there are 342 operational kiosks in Maine and 325 locations that provide mail back envelopes. The website which allows the public to order prepaid mail back envelopes individually was established in June 2023. The total weight of all pharmaceuticals collected in Maine during the first year of operation was 43,594 pounds; kiosks providing the collection of 43,194 pounds and mail back envelopes 400 pounds.

As part of its outreach efforts, the Department has developed presentations designed to provide an overview of this new program and to promote its positive impacts. Department outreach has been extensive and has included presentations to Maine pharmacists, public healthcare organizations, the Department of Health and Human Services, Center for Disease Control and Prevention, and other entities that are potentially impacted by the new program. A special effort was made to inform municipalities, especially in the rural parts of Maine, about the program. Conversations and surveys of organizations that will be participants in the program, including pharmacies, healthcare organizations, veterinarians, libraries, colleges, and law enforcement have been positive.

In 2025, additional efforts will be conducted by the Department to focus on implementing the program to Maine tribal communities, targeted interest groups who will benefit from this program, and working with other states who have a similar program to coordinate efforts and implement strategies that will enhance the Maine program.

K. Packaging (2021) – 38 M.R.S. § 2146

In December 2023, after an extensive and multiyear outreach effort as part of the development of rules for P.L. 2021, ch. 455 - *An Act to Support and Improve Municipal Recycling Programs and Save Taxpayer Money*, now codified as 38 M.R.S. § 2146, *Stewardship Program for Packaging*, the Department initiated the formal rulemaking process for the *Stewardship Program for Packaging,* 06-096 C.M.R. ch. 428,.

As part of the formal rulemaking process, the Maine Board of Environmental Protection ("the Board") held a meeting on January 18, 2024, during which it voted to post the proposed draft rule for public comment. Public notice of this rulemaking was initially published on February 5, 2024, on the Department's website and in the Secretary of State's rulemaking notices on February 14, 2024, to comply with the Maine Administrative Procedure Act notice requirements. During the public hearing held on March 7, 2024, the Board heard testimony from the regulated community, interested parties, and the public. The public comment period closed on March 18, 2024. The

Department received and reviewed comments from 118 interested persons and parties. The Board then held two deliberative sessions: one on May 16, 2024, and another on June 20, 2024. In response to public comments and direction from the Board, the Department made substantive changes to the proposed draft rule which required reposting. The reposted draft rule was published on July 10, 2024, for a 45-day public comment period that closed on August 26, 2024. The Department received and reviewed 47 comments and adjusted the reposted draft rule, resulting in the rule that was proposed for adoption to the Board.

On December 5, 2024, the Board voted to adopt the rule as proposed. 06-096 C.M.R ch. 428 will allow the Department to implement, administer, and enforce the program, with the goals of reducing the burden to municipalities of managing packaging material and improving the design and management of packaging material. It addresses all rulemaking topics specified in 38 M.R.S. § 2146(13)(A) and additional topics necessary for the Department to implement the program. The adopted rule characterizes packaging material, provides a method for determining municipal reimbursement and producer fees, provides a method and criteria for investing in infrastructure and education, details alternative collection programs, designates a placeholder for the Packaging Material Types list, and provides mechanisms for ongoing assessment and updates to the program. Notable additions that are not required by the statute but were brought to the attention of the Department during the stakeholder engagement and rulemaking process include a definition of consumer, clarifying adjustments to the definition of producer, a process for the identification and funding of major investment needs, and a cap on the Packaging Stewardship Fund.

Within 270 days of the effective date of 06-096 C.M.R. ch. 428, the Department must initiate a formal rulemaking process for the contents of Appendix A, the Packaging Material Types List. In the spring of 2025, the Department will conduct an outreach effort as part of the development of Appendix A prior to initiating the formal rulemaking process. The Packaging Material Types List will define packaging material types and designate packaging material types as readily recyclable, as applicable.

L. Post Consumer Recycled Content in Plastic Beverage Containers (2022) 38 M.R.S. § 1615

In 2022, the Maine Legislature passed P.L. 2022 ch. 742 *An Act To Promote a Circular Economy through Increased Post-consumer Recycled Plastic Content in Plastic Beverage Containers.* This law establishes a post-consumer recycled content program with reporting requirements for spirits manufacturers and the IODs for plastic beverage containers sold in Maine, as required by 38 M.R.S. §§ 3101-3119 (Maine's Beverage Container Redemption Program). It establishes a desired minimum percentage of post-consumer recycled content ("PCR") plastic in plastic beverage containers and requires that a spirit manufacturer or IOD pay a $0.20 per pound fee for every pound of plastic used for which the

desired minimum percentage of PCR plastic was not met.[25] The law also requires, beginning February 15, 2025 and annually thereafter, the Department to submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters regarding the program, including any recommendations for changes to the program. The report must also include, in the aggregate, the data submitted to the Department by IODs and spirits manufacturers. The Department is utilizing this report as the mechanism for meeting this reporting requirement.

Beginning in April 2024, IODs and spirits manufacturers were required to report their plastic usage data for the previous calendar year. To date, 125 entities have reported data, while 115 entities that the Department believes should report have not, for a compliance rate of 52.1%. Table 3 provides the amount of PCR versus non-PCR material used. The Department continues to reach out to noncompliant spirits manufacturers and IODs to obtain this data. Of the 125 entities that complied with reporting requirements, 48, or 40% of compliant entities, reported using PCR in their plastic beverage containers during 2023. Among reporting entities, the overall percentage of PCR plastic used to make plastic beverage containers sold or distributed for sale in Maine was 28.3%. This percentage is as reported; the Department is not performing verification of reported data at this time.

Table 3 – PCR Reporting Summary

2024 PCR data with 52% of obligated entities reporting (measured in pounds)	
Total PCR Used	11,763,171.1
Total NON-PCR Used	29,768,520.1
Total Plastic Used	41,531,691.2
Overall Percent PCR Plastic Usage	28.3%

To date, the Department's focus for this program has prioritized education and outreach efforts to obtain reporting from obligated parties. Maine is one of five states with similar requirements, all of which are relatively new, so there is need for extensive education. Additionally, methods for verifying PCR content in plastic are underdeveloped and the Department is working with stakeholders and the other states to identify appropriate verification methods. For 2025, in addition to continued education and outreach efforts, the Department plans stakeholder engagement to understand PCR content tracking procedures and initiate rulemaking to specify verification requirements and the clarify a waiver process.

The Department does not have any recommendations for changes to the program law at this time.

[25] The fee is calculated by adding the total amount by weight in pounds of post-consumer recycled plastic and the total amount by weight in pounds of plastic that is not post-consumer recycled plastic, multiplying by the desired minimum PCR plastic percentage for the prior calendar year, subtracting the weight in pounds of PCR plastic used, and multiplying by $0.20.

III. New Stewardship Programs Enacted in 2024

The 131st Maine Legislature 2nd Regular Session did not enact legislation to create additional product stewardship programs.

IV. Candidate Products and Suggestions for Updates to Stewardship Programs

The following products have been identified as potential program candidates for future consideration using the criteria outlined in Maine's Product Stewardship Law ("Framework Law") 38 M.R.S. § 1772. All of these have been identified in previous stewardship reports. This law charges the Department with the identification of products for which new product stewardship programs might be suitable and outlines the following five criteria upon which the Department should base that decision:

- The product category contains toxics that pose a risk to people or the environment.
- A program would increase materials recovery.
- A program would reduce costs to local governments and taxpayers.
- There are demonstrated successful programs for the product in other jurisdictions.
- Any existing voluntary management programs are insufficient.

The Department may identify a product or product category as a candidate for a product stewardship program if it determines that one or more of the five criteria are met.

At this time, the Department is not currently proposing additional product stewardship programs for the items identified below. However, the Department may elect to assess these products using the criteria outlined in the Framework Law as potential stewardship candidates in the future.

A. Carpet

Carpet has been identified in the previous stewardship reports as a product of concern. Carpet consistently meets four of the five criteria listed in the Framework Law for identifying stewardship candidate products, and certain carpets contain toxics and therefore meet all five. Research shows that some carpets may contain brominated flame retardants[26] and per- and polyfluoroalkyl

[26] *Environmental concentrations and consumer exposure data for selected flame retardants (TBB, TBPH, TBBPA, ATO),* Consumer Product Safety Commission, 2015. https://www.cpsc.gov/s3fs-public/Environmental%20Concentrations%20and%20Consumer%20Exposure%20Data%20for%20Selected%20Flame%20Retardants.pdf.

substances ("PFAS").[27] In 2021, the Legislature addressed PFAS in carpeting by authorizing P.L. 2021, ch. 477 - *An Act To Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution*, which prohibits the sale or distribution for sale of any carpet or rug that contains intentionally added PFAS beginning January 1, 2023.

B. Mattresses

Mattresses have been identified in previous reports as a product of concern. Resolve 2019, ch. 36 - *Resolve, To Require the Department of Environmental Protection to Study the Establishment of a Product Stewardship Program for Mattresses* directed the Department to study the establishment of a new stewardship program for mattresses and report the findings of its study to the ENR Committee. The report was submitted in December of 2019. The Department concluded that recycling does not appear to be economically or environmentally beneficial at this time, and the most appropriate course of action would be to proceed with pilot projects to address outstanding questions concerning waste mattress management, rather than implement a stewardship program.

Since 2019, the Department has continued to monitor the universe of mattress disposal in Maine. In 2024 Casella Waste Systems, operator of the State-owned Juniper Ridge Landfill, began charging a $15 fee per individual mattress for disposal at the landfill. In response to this fee, other disposal facilities and transfer stations may eventually add a fee for mattress disposal.

The Department will closely monitor whether mattress litter increases as a result of increased fees. Littering is one of the impetuses for the development of other successful stewardship programs, such as the beverage container redemption program and e-waste program. A mattress program may be appropriate if mattress littering increases significantly due to increases in cost of mattress disposal.

C. Household Hazardous Waste

Household hazardous waste ("HHW") has been identified in previous reports as a product of concern. HHW is a term used to describe common household products that exhibit the characteristics of hazardous waste as defined in the Resources Conservation and Recovery Act but are exempt from the precautionary handling requirements that apply to commercially generated hazardous waste.[28] HHW meets at least four of the five criteria.

[27] Columbus, C. (2018, December 13). *PFAS detected in carpets from several U.S. manufacturers.* Retrieved from https://subscriber.politicopro.com/article/eenews/1060109571.
[28] Retrieved from https://www.epa.gov/hw/household-hazardous-waste-hhw.

Options to manage HHW are extremely limited in many regions of Maine, as there are only two operations open to all Maine residents. A third location that had previously accepted HHW from residents stopped doing so in 2020. Neither of the two remaining collection sites operates during the winter and their southern Maine locations are not convenient for many Maine residents. Additionally, disposal at these facilities is expensive.[29] Due to the limited disposal options, the Department has experienced an increase in inquiries for HHW disposal but without much to offer regarding options. The Department does not anticipate an expansion in management opportunities unless a funding source can be identified. In the meantime, hazardous wastes such as cleaning solutions and other solvents, oils, waste gas, and pesticides from households are most likely being handled as if they were not hazardous and are disposed of in the trash like any municipal solid waste. HHW products may catch fire, react, or explode or may be corrosive or toxic if not managed properly. These risks to human health and the environment underscore the importance of managing HHW cautiously. It should be noted that Vermont has recently passed an HHW stewardship law (Household Hazardous Waste EPR | Department of Environmental Conservation (vermont.gov). and the Department is monitoring the implementation of that law.

D. Solar Panels

Solar Panels have been identified as a potential candidate product in previous Annual Product Stewardship Reports (2019-2024). Resolve 2023, ch. 52 – *Resolve, to Evaluate Options for the Recycling of Solar Panels and Wind Turbine Blades* required the Department to evaluate if solar panels meet the criteria of 38 M.R.S. § 1772(2) to be a candidate for a product stewardship program. The Resolve required that the evaluation include a collection of information regarding recycling facilities operating in the eastern United States, identification of costs for recycling, recommendations, and any proposed legislation. It is the understanding of the Department that the focus of the Resolve is on grid-scale solar panel developments and solar panels for residential and commercial facility use, and not for smaller solar panels used in consumer products. Solar panels meet three of the five criteria outlined in 38 M.R.S § 1772(2) as described below. The Department completed this evaluation and it is presented in the 2024 Annual Product Stewardship Report.

As stated in the 2024 Report, some solar panels may be considered a hazardous waste according to 40 C.F.R. Parts 239-282, the Resource Conservation and Recovery Act ("RCRA"), depending on the leachability of RCRA hazardous materials present in the solar panels. Currently, the U.S. EPA is

[29] Fee structures vary from $3.50 per pound or $6.50 per gallon to $33-$40 per unit, depending on the facility and whether the person dropping materials off is part of a municipality that has arranged for reduced fees.

considering federal legislation to characterize discarded solar panels as a "universal waste," which would ease requirements on solar panel waste decommissioning, transport, storage, and recycling.[30] At this time, the Department is still not recommending the development of a product stewardship program for recycling solar panels. As stated in the 2024 Report, the Department recommends continuing to utilize current end-of-life handling requirements as discussed above for managing solar panels until such time as the U.S. EPA adopts rules for managing solar panels as a Universal Waste and more readily available options for recycling come online as U.S. DOE continues is work in photovoltaic cell end-of-life management. The Department will continue to monitor federal regulations and available information regarding solar panel disposal options.

E. Wind Turbine Blades

Resolve 2023, ch. 52 – *Resolve, to Evaluate Options for the Recycling of Solar Panels and Wind Turbine Blades* required the Department evaluate if wind turbine blades meet the criteria of 38 M.R.S. § 1772(2) to be a candidate for a product stewardship program. The Resolve required that the evaluation include a collection of information regarding recycling facilities operating in the eastern United States, identification of costs for recycling, recommendations, and any proposed legislation. This evaluation was specific to wind energy development projects of a grid-scale size, and not small wind energy generation systems designed for residential or commercial structures. The Department completed this evaluation and it is presented in the 2024 Annual Product Stewardship Report.

Wind turbine blades meet two of the five criteria in 38 M.R.S. § 1772(2) as described further below. Wind turbine blades are generally manufactured from glass fiber, plastics, wood and carbon fiber and non-toxic materials. Thus, toxicity is not generally a concern with management and disposal of these blades; however, end-of-life challenges do exist due to the size, bulk, and rigidity retention of the materials.

As the 2024 Report states, the Department does not recommend the development of a product stewardship program for wind turbine blades at this time. The Department recommends following the growth of recycling technologies and management programs in other jurisdictions and the U.S. DOE efforts for turbine blade recycling. In addition, the Department will monitor any developing EPA regulations on wind blades.

[30] U.S. Environmental Protection Agency, *Improving Recycling and Management of Renewable Energy Wastes: Universal Waste Regulations for Solar Panels and Lithium Batteries*. Retrieved from https://www.epa.gov/hw/improving-recycling-and-management-renewable-energy-wastes-universal-waste-regulations-solar.

F. Rechargeable Battery Recycling Program

The Department of Environmental Protection is proposing to update the rechargeable battery program laws set by **38 M.R.S. § 2165.** As stated previously, only nickel cadmium chemistry batteries are included as a covered product in Maine's rechargeable battery program. Other "modern" battery chemistries, such as lithium-ion, and primary batteries are not included in the program as they are in other U.S. jurisdictions.

In addition to the issues discussed in section II. (C) of this report, the lack of proper disposal of these batteries has created concerns in Maine's waste stream. The absence of guidance for proper disposal and transport has led to safety concerns for collection, transportation, and disposal/recycling of these batteries. One such issue is lithium-ion battery related fires that have occurred in Maine. Since July 2023, ecomaine has had 12 fires that were traceable to lithium-ion batteries. Eleven of these were discovered and mitigated by ecomaine personnel, with one incident requiring response and intervention by the Portland Fire Department. In June of 2023, Casella reported 12 lithium-ion battery related fires that year. Many of these fires were due to smaller lithium-ion batteries such as the ones found in power tools, cell phone chargers, and e-cigarette/vaping devices.

If lithium-ion batteries are not handled safely this can lead to the battery going into thermal runaway. Thermal runaway[31] is a phenomenon in which the lithium-ion cell enters an uncontrollable, self-heating state. This can result in ejection of gas, shrapnel and/or particulates, extremely high temperatures, smoke, and fire. Thermal runaway can occur for many reasons. A battery can be overcharged, exceeding the voltage threshold of the battery. A battery can have an internal short circuit, this is often caused by physical damage or manufacturing defects caused by using inferior products. Extreme temperatures and physical damage can also be factors. Lastly, the age of the battery can be an important factor. When batteries age, they deteriorate over time. This can present in the battery through budging, swelling, and heating. When batteries are placed in the waste stream and not recycled properly there are more chances of the battery becoming compromised, which may present a fire and/or explosion hazard. Many batteries that are suspected of fires are linked to those that are manufactured and sold with inferior construction.

The Department will conduct a complete review of current battery recycling and stewardship laws in other jurisdictions in the United States in 2025. It will present a summary of what it considers best practices for Maine from this review and will provide language for updating and expanding Maine's rechargeable battery program law in the 2026 Product Stewardship Annual Report.

[31] UL Research Institutes What Is Thermal Runaway? | UL Research Institutes

G. Electronic Vape Pens and Cartridges

The Department is proposing the consideration of electronic vape pens and cartridges ("vape pens") as potential candidate products for a product stewardship program. Vape pens have grown in popularity with little regulatory oversight regarding their disposal. Tobacco/nicotine vape pens meet all five criteria under 38 M.R.S. § 1772. Cannabis specific vape pens meet three criteria. However, it should be noted that any vape pen with refillable or replaceable cartridges could be used for any type of vape fluid.

There are three main types of vape pens: large-sized tanks, rechargeable pod systems, and disposable devices. Large-sized tanks have refillable tanks and removable and replaceable batteries. Rechargeable pod systems use pods that are pre-filled or filled by the consumer, and may be replaced when empty, with batteries that are embedded into the device which are not easily removable. Disposable devices are those where the pod and battery are embedded into the device and the battery may or may not be rechargeable, but not removable.

Nicotine, which is the active ingredient in e-liquid and e-cigarettes, is listed as acutely toxic hazardous waste, P075, and is regulated as hazardous waste if being disposed.[32] Liquid nicotine in e-cigarettes can be easily absorbed through the skin, potentially causing nicotine poisoning with symptoms that include difficulty breathing, fainting, or seizures. Nicotine can also harm fish and other aquatic organisms.[33] Cannabis is a federally controlled substance, which poses additional difficulties in transport and disposal. Cannabis vape cartridges are constructed and used similarly to tobacco vape pens. The vape pens contain vegetable glycerol, propylene glycol, and benzoic acid.

Vape pens may also contain microprocessor chips which can contain toxic metals, such as lead and mercury. Plastics and other metals are also part of the devices' construction. Improper management of batteries in vape pens may lead to fires as described in previous sections of this report and in previous Product Stewardship Reports. Even the simple act of tossing a vape pen in a trash can cause a fire, as shown when a vape pen started a fire at a University of Southern Maine dormitory.

The Department is not aware of any existing voluntary collection programs in Maine. However, the Department is aware of one collection program for vape pens in Boulder County in Colorado. Collections from schools and from retail stores in Boulder County in 2023 included 7,706 devices (790 pounds) and 26 pounds of pods and e-liquid. As of the issuance of this Report, 2024 numbers are estimated to exceed those in 2023, indicating success in collection of these devices.

[32] EPA RCRA Online Number 14850 – HAZARDOUS WASTE STATUS OF E-CIGARETTES UNDER RCRA
[33] EPA – How to Safely Dispose of E-Cigarettes: Information for Individuals

The Department will conduct a complete review of electronic vape pen and cartridge laws in other jurisdictions in the United States and worldwide in 2025. Based upon this review, the Department will present a summary of best practices for Maine and provide language for a proposed product stewardship program law in the 2026 Product Stewardship Annual Report.

V. Conclusion

Maine's product stewardship programs continue to divert a significant amount of material from disposal to recycling and ensure the safe handling of products containing toxics. The Department is currently focused on implementing recent legislative changes to the beverage container redemption program and continuing with the implementation of the stewardship for packaging program while it continues to oversee existing core product stewardship programs.

Additionally during 2025, the Department will evaluate Maine's current stewardship program for addressing batteries and will provide recommendations for updating that law, and research and review current protocol for the formation of program addressing electronic vape pens. These recommendations will be included in the 2026 Product Stewardship Annual Report.

As recommended by Maine's Product Stewardship Framework law, the Department will continue to assess other candidate products presenting end-of-life management challenges that may be addressed by carefully constructed programs in the future. However, as discussed in all previous Product Stewardship Reports, implementation of any new product stewardship programs will require no less than one-half full time equivalent ("FTE") staff position. While the Department supports continuing to utilize product stewardship strategies to reduce waste, increase recycling, and further support the State's solid waste management hierarchy, evaluation and regulation development of new product categories will require additional resources for program administration.

APPENDIX A
Comments Received on Posted Report

February 13, 2025

Brian Beneski
Division of Materials Management
Maine DEP
17 State House Station
Augusta, ME 04333-0017ME DEP

Sent via email to brian.beneski@maine.gov

To Whom It May Concern,

We appreciate the opportunity to provide comments on Maine's 2025 Product Stewardship report, and we have focused our feedback on the state's packaging stewardship law.

Circular Action Alliance (CAA) is a non-profit U.S. Producer Responsibility Organization (PRO) dedicated to implementing effective Extended Producer Responsibility (EPR) laws for paper and packaging. As a nonprofit, producer-led organization, CAA is committed to helping producers comply with EPR laws, delivering harmonized, best-in-class compliance services and to working with governments, businesses and communities to reduce waste and recycle more. CAA was founded in 2022 by 20 producers representing the food, beverage, consumer goods, and retail industries. To date CAA is the only organization approved to implement U.S. EPR laws for paper and packaging and is operating as the single PRO in California and Colorado. CAA has also been appointed as the PRO to represent producer interests in Maryland and has submitted a final program plan in Oregon.

The producers we represent want to see their packaging recycled and responsibly managed. Many have committed significant resources over the years, either directly or working through trade organizations, to improve the recycling of their packaging by providing grants, implementing education and outreach programs, and working to improve processing and expand end markets.

CAA has been engaged in every step of Maine's packaging stewardship consultation process since the legislation was passed – from initial stakeholder meetings held by the Department of Environmental Protection (DEP) on various topics in 2022 and 2023 through the rulemaking process, which ended in December 2024. We appreciate the countless hours Maine DEP staff have spent working diligently to develop rules, and in some cases answer our inquiries. However, we are concerned that some suggested regulatory changes, which we consider imperative to the practicable implementation of a successful program, have not been made.

We appreciate the interest Maine citizens, legislature, DEP, and Board of Environmental Protection (BEP) members have in moving Maine's packaging stewardship program forward, particularly as Maine was the first state to introduce such legislation. CAA and its founding members would also like to see Maine's program be successfully implemented and recognize its potential to advance sustainable packaging solutions. Based on CAA's ongoing work in several U.S. states, and team members' experience with implementing EPR programs in Canada, we have identified some areas of concern that present challenges to effective implementation. Addressing these issues will be critical to ensuring the program achieves its intended goals. Examples include:

- **Producer definition:** The success of any EPR policy starts with clearly defining the obligated parties and the requirements they must meet. To support producer compliance, the regulations must remove any ambiguity about who the obligated producer is. The current definition lacks a hierarchy to clearly identify the obligated producer in the supply chain and, as a result, will create uncertainty regarding which entities are responsible for reporting and paying fees – impacting implementation, fee payments and compliance. There are several aspects of packaging EPR that make a clear hierarchy paramount, as compared to EPR programs for other materials (e.g., electronics). These include:
    - The sheer number of products involved (often in the hundreds of thousands);
    - The number of entities involved in the product's packaging (e.g., packaging manufacturers, product manufacturers, licensed brand holders, distributors, importers, retailers, etc.);
    - The diversity of materials, sometime requiring different hierarchies (e.g., single-use packaging, food service packaging, etc.); and
    - The potential for multiple entities to be obligated for the same packaging.
- **Reporting requirements**: The reporting obligations for producers are significantly more extensive and administratively burdensome than programs in other states and Canada, which will increase administrative complexity and costs without clear benefits. For example, Maine's program currently requires producers to report not just packaging material types by weight and a list of brands, as is the case in most states, but also further report the brands of products sold by packaging material type and associated UPCs. This will require exponentially more reporting categories which will require extensive stewardship organization (SO) and producer resources. We strongly recommend that Maine implement reporting requirements that are as consistent as possible with those of other states.
- **Program timeline alignment**: As currently written, the sequencing of key milestones, such as producer reporting, fee setting, and payments, creates logistical challenges. For example, there is not enough time allotted after the SO is under contract to have the producers register, report packaging quantities, be invoiced, and submit payment for the startup registration costs. As currently laid out, the SO must determine the start-up costs, allocate them equitably between all producers, and invoice and collect them no later than 180 days after the SO is contracted. At best, this gives producers only three months to self-identify, register, and determine and report their supply quantities. Meanwhile the SO must develop the reporting categories, the online reporting portal, and producer guidance documents. Following that, there remains only three months for the SO to complete its cost allocation, invoicing, and fee collection based on reported producer supply. Further, the mandate to have producers pay fees on September 1 in subsequent years does not provide enough time for the SO to receive producer reporting and develop a fee schedule. Typically, fee schedules are released in the fall and producers are invoiced on January 1 of the following year.
- **Management of business-to-business packaging**: Further clarification is needed on how certain packaging materials currently handled through private recycling systems will be accounted for and managed. The SO must have full clarity on the obligated materials to empower producers to self-identify, report their supply accurately, and to determine the overall costs for which the SO is responsible. It is critical for producers to understand their obligations in relation to business-to-business packaging, as it can vary dramatically in terms

of the type and volume of materials supplied, generating significant impacts when the SO attempts to allocate the costs of the program between producers. We suggest at least initially limiting the program to residential packaging materials, as a significant amount of commercially and industrially generated packaging material is managed through private recycling systems.

- **Municipal reimbursement framework**: The lack of "guard rails" and clear parameters for certain municipal reimbursement costs (e.g., identifying costs for managing compostable and reusable packaging, and identifying litter cleanup costs associated with packaging material) may create financial uncertainty for program planning and administration. CAA recommends including reusable and compostable packaging at a later date, once the program has stabilized and there is infrastructure to manage those packaging materials in Maine.
- **Fee-setting methodology**: The overly prescriptive fee-setting methodology requires fees to be equal to material management costs the prior year. Fees are not linked in any way to the annual budget. This, combined with fluctuations in packaging material types, could lead to revenue shortfalls (or overages), which introduces significant financial risk. Linking producers' packaging material type fees to the budget would mitigate this risk and facilitate better financial planning, including for investments in infrastructure and education. Typically, the SO or PRO develops the budget and from this allocates the costs (based on net costs of managing each packaging material type) through a robust fee-setting methodology. This is considered the best practice in EPR programs around the world and we would strongly advocate for this approach in Maine.

We submit these comments in the hope that Maine's lawmakers and other decision-makers will be receptive to legislative actions to address these concerns and increase the program's chance of success. It is our experience that EPR for packaging is complex, challenging, and unique in every state. Adopting a collaborative approach is paramount to successful implementation.

Sincerely,

Jeff Fielkow

Chief Executive Officer

cc: Shane Buckingham – CAA Chief of Staff
Susan Bush – CAA Maine Program Manager

THE CARPET AND RUG INSTITUTE

February 3, 2025

Mr. Brian Beneski
Division of Materials Management
Maine DEP 17 State House Station
Augusta, ME 04333-0017

Via E-Mail - brian.beneski@maine.gov

Re: Annual Product Stewardship Report 2025 - Carpet

Dear Mr. Beneski,

I read with interest your January 2025, "Annual Product Stewardship Report." As president of the Carpet & Rug Institute (CRI), a not-for-profit trade association that represents carpet manufacturers who are responsible for more than 95% of the carpet produced in the United States, I am concerned about the possible ramifications of over-regulating post-consumer carpet products. Carpet is one of the last remaining major U.S. textile industries, and tens of thousands of American jobs depend on the U.S. carpet industry, in manufacturing, transportation, installation, retail sales, recycling, and more. Your report references the amount of carpet going into Maine's landfills, and while carpet is neither toxic nor hazardous, we understand that landfill space is significantly limited.

The carpet industry has been a leader in forging product sustainability. One of our significant accomplishments is The Carpet America Recovery Effort (CARE). CARE is a voluntary, non-profit organization dedicated to increasing landfill diversion, reuse, and recycling of waste carpet through market-based solutions that benefit the economy as well as the environment. Reduction in the amount of carpet going to landfills each year is already happening. Since 2002 U.S. carpet manufacturers, working with independent recyclers and processors, have diverted more than 5 billion pounds of used carpet from landfills. CARE's four hundred-plus members include independent carpet recyclers, carpet manufacturers, dealers, retailers, suppliers, and non-governmental organizations.

Unlike newspapers and aluminum cans which are relatively easy to recycle, carpet is a complex product that is difficult to separate into its component parts. However, there are multiple products currently in use that contain materials recovered from used carpet.

o New carpet and carpet padding
o Plastic components for automobiles and consumer products
o Building materials – architectural moldings, boat docks, and decks
o Sound barriers – along interstates and elsewhere
o Erosion control, silt, and oil filtration materials
o In addition, post-consumer carpet, which burns hotter and produces less greenhouse gases than coal, can be used as an alternative fuel when other uses are not practical.

CRI and its members have not only worked hard to ensure that their products are completely safe for the consumer, but they have made great effort towards producing sustainable products. We are therefore particularly concerned that the carpet industry, which has been a leader in addressing environmental concerns in a proactive manner, would have carpet highlighted as one of the first non-hazardous products to be considered for extended producer responsibility.

Carpet is one of the safest and healthiest products in the home, office, or school. It adds comfort, warmth, and beauty to any home. In fact, carpet's use in virtually every residential and commercial interior setting is so accepted that we are not aware of any federal or state requirements covering its sale or use. As such, carpet, because of its long track record of performance and sustainability initiatives, should not be subjected to the kind of extreme product stewardship or take-back programs referenced in your report.

These approaches rely on the flawed premise that assigning product manufacturers the end-of-life costs of recycling or disposing of products will result in more environmentally preferred product designs, eliminate product disposal costs, and reduce disposal of products in landfills. However, current product-mandated manufacturer take-back programs have not successfully demonstrated positive cost-benefit results in collecting products at the end of their life cycles. It is unrealistic to expect that consumers will utilize individual and separate product take-back programs for diverse product categories or that those programs would use resources efficiently.

Manufacturers are continually producing more environmentally preferable products and using the most recyclable and environmentally friendly components and packaging available and feasible. These activities serve the best interests of the environment and are also necessary to be cost-effective with limited resources and responsive to consumer demands.

Mandates for product take-back and recycling can harm the environment in unforeseen ways, by forcing companies to switch from materials that are perhaps more energy-efficient to produce, lighter to transport, or safer, to heavier materials that are more recyclable, but require more energy to produce and use and could pose greater safety concerns. Market processes encourage innovation in the use of limited resources throughout a product's life cycle, while mandated product take-back programs override this natural research and development process and only drive manufacturers toward materials that have more positive recycling or take-back attributes.

Even though the COVID 19 pandemic has ended, our industry and retailers still face economic challenges. In these times of extreme fiscal pressures on both industry and government, it seems prudent to include a requirement for cost-effectiveness or a cost/benefit analysis in any proposed new mandate. However, there appears to be no such requirement included in this program. Consequently, the mandates of this program could effectively put an industry and/or retailers out of business and drain state resources in staggering administration costs, while still mandating DEQ to move forward. We urge the inclusion of a cost-benefit analysis component in any extended producer program, to prioritize limited resources and prevent fiscally questionable mandates.

As an alternative to mandates, CRI supports continued voluntary initiatives to find cost-effective solutions. We feel a much more prudent and effective approach to the landfill diversion of carpet lies in using the power of government in a different way; by driving the use of products that

contain recycled or recyclable materials through the state's product specification process. Why not use the expertise of DEP to identify products containing post-consumer recycled and recyclable materials and requiring state purchase of such products? This approach would drive the market to develop products that meet these requirements and thereby reduce the amount of material going to landfills.

On behalf of the members of the Carpet and Rug Institute, I thank you for your consideration of these concerns. If you have any questions, please do not hesitate to contact Jennifer Stowe, CRI Vice President, Government Relations at jstowe@carpet-rug.org or 571-435-7851.

Regards,

Russ Delozier
President

Natural Resources Council of Maine
3 Wade Street • Augusta, Maine 04330 • (207) 622-3101 • Fax: (207) 622-4343 • www.nrcm.org

February 13, 2025

Comments on the Maine Department of Environmental Protection's Annual 2025 Product Stewardship Report to the Legislature

Dear Ms. Hopkins and Mr. Beneski:

Thank you for the opportunity to submit comments on the Department of Environmental Protection's January 2025 Annual Product Stewardship Report to the Maine Legislature. The Natural Resources Council of Maine (NRCM) is a strong supporter of policies that reduce waste, save money for Maine communities, and ensure recovery and responsible recycling of natural resources. While each of the materials outlined in this report have immense potential for recovery, our comments will focus on the most pressing and timely issues related to Maine's Extended Producer Responsibility (EPR) programs and actions that should be considered by Maine's 132nd Legislature.

Rechargeable Batteries

Proper battery disposal and recycling is a serious issue in Maine. Batteries containing nickel, cadmium, cobalt, and lead should not be managed by disposal in Maine's landfills and incinerators, nor should they find their way into Maine's recycling facilities. When punctured or damaged, batteries can pose a fire risk, jeopardizing human health and safety. As mentioned in the Department's report, fires from batteries occur in waste processing facilities, waste collection vehicles, landfills, and residential trash cans, and in 2023 alone, facilities processing waste reported nearly two dozen separate battery fire incidents. These occurrences of fires for waste processors are increasing, costing Maine taxpayers thousands of dollars in damages to essential equipment at these facilities.

There are many types of batteries used today that are not covered by Maine's existing product stewardship law, including primary (non-rechargeable) batteries, lithium-ion rechargeable batteries, or any new battery types entering the marketplace. We believe that the current product stewardship law for batteries must be updated to more holistically address the challenges related to the disposal of both primary and rechargeable batteries. This would eliminate any confusion surrounding covered materials, making it easier to educate the public and provide consistency in collection and management resources throughout the state.

Over the years, there have been several attempts in the Maine Legislature to add primary batteries to Maine's program, but these bills have failed due to opposition from some manufacturers that don't want to be covered by a more comprehensive program. To ensure this law is fair and effectively removes batteries from the waste stream, it's important for everyone to participate. We urge the Committee to reevaluate previous legislative attempts to expand the battery stewardship law by including both primary batteries and lithium-ion batteries in the Call2Recycle program and enact an expanded program, as proposed by the Department.

Household Hazardous Waste (HHW)

Household Hazardous Waste (HHW) covers a broad range of materials that include cleaning solutions, paint thinner, oils, waste gas, and pesticides, and is a particularly problematic waste stream for Maine's municipalities to manage. As addressed in the Department's report, collection opportunities for HHW are inconvenient for many Maine people and are limited to certain times of the year, making safe and responsible disposal of HHW a challenge in the state. In some regions, there are currently no reliable collections for this material, particularly for those living in northern and rural areas of the state. Because many Maine residents do not currently have access to safe, reliable, and convenient options for disposal of most of these chemicals, they likely will be disposed of in Maine's landfills and incinerators, risking the health and safety of nearby communities.

The concept of implementing a product stewardship program for HHW is not unprecedented, as Vermont recently passed a product stewardship law for the collection and management of HHW, which can provide a solid framework for Maine. We agree with the Department's assessment highlighting the importance of safe management of this material and encourage the Committee to request that the Department provide draft language for an EPR for HHW program in Maine to be considered by the 132nd Legislature.

Electronic Waste

In 2004, Maine enacted an EPR program targeting electronic waste (e-waste). This initiative effectively mitigates the risk of toxic substances such as lead, mercury, cadmium, lithium, brominated flame retardants, phosphorous coatings, and PVC plastics used in electronics. However, changes in the supply chain and event coordination have resulted in a significant reduction in collection points for these items, causing a huge drop in the amount collected each year since 2019.

To address the logistical challenges of collecting, transporting, and processing this waste material for recycling, we urge the Committee to request a briefing from the Department to learn more about the current program and evaluate possible legislative action. NRCM would also recommend that the Department consider solutions that implement more "hub and spoke" models for collection of residential e-waste to prevent this material from entering Maine's waste stream, while also making the collection process more efficient and cost effective.

Electronic Vape Pens and Cartridges

Vape pens for tobacco products meet all five of the Department's criteria to identify strong candidates for product stewardship. Similar to managing batteries outside of Maine's product stewardship law, vapes are becoming increasingly more popular in the marketplace and pose a fire risk when discarded in household trash.

NRCM supports current efforts to address the disposal of vapes and establish a product stewardship program to collect these products at their end of life. We encourage the Committee

to explore policy solutions that create safe disposal options for electronic cigarettes and other vape products.

Conclusion

Maine is a leader in operating successful product stewardship and EPR laws, and the programs that we currently manage divert problematic materials from the waste stream, increase overall recovery and recycling, and significantly reduce disposal costs for Maine taxpayers. To ensure sustainability of materials management throughout the state, we request that the 132nd Maine Legislature explores policy opportunities to increase capacity within the Department, expand existing product stewardship laws, and assess the viability of additional product stewardship opportunities for the materials outlined in these comments.

We appreciate your consideration of our comments and look forward to a continued partnership with the Department, producers, retailers, and members of the waste management sector as we develop sustainable solutions for these materials.

Sincerely, Vanessa Berry, Sustainable Maine Program Manager

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February 13, 2025

Brian Beneski
Division of Materials Management
Maine DEP
17 State House Station
Augusta, ME 04333-0017

RE: Comments on the January 2025 Product Stewardship Report

Dear Mr. Beneski:

The Maine Grocers & Food Producers Association and the Retail Association of Maine are providing joint comments on this year's 2025 Product Stewardship Report. Our business trade associations represent Main Street businesses including independently owned and operated grocery stores and supermarkets, general merchandise and specialty retailers, convenience stores, distributors, and supporting partners — together representing more than 450 members statewide. Maine's retail sector employs more than 85,000 Mainers.

Beverage Container Redemption:
We have reservations about any efforts to increase the beverage deposit fee from the current five cents. However, we are happy to allow the new laws regulating Maine's bottle bill to play out and assess their effectiveness before considering further changes.

Lead Acid Batteries:
No comments.

Rechargeable Batteries:
We are not opposed to the inclusion of primary batteries in Maine's Extended Producer Responsibility (EPR) program. However, we believe it would be prudent to wait and see how the federal efforts through the EPA, with their September 10, 2026 deadline, develop before taking further action.

Mercury Switches and Mercury Thermostats:
No comments.

Electronic Waste:
We are very supportive of the Maine DEP conducting a review and update of Maine's e-waste laws. This has been a priority for us for years, and we have consistently been told that updates were in progress. We encourage swift action to move this effort forward.

Cellular Telephones:
No comments.

Architectural Paint:
We are disappointed to see an increase in the fee on paint being approved. Additionally, within the state budget is an increase in the fee that funds lead paint prevention. A worthy program for sure, but that will also add to the cost of paint. Policymakers continue to focus on the rising cost of housing as being a significant issue in Maine, and additional fee increases only add to the overall burden.

Pharmaceuticals:
We would ask the department to include in the report the results of the two statewide collection days that continue to be hosted by law enforcement. Perhaps those amounts are included in this report, but it did not sound like it. If they are, it would be good to see those results as well, and how they compare to what is collected statewide. Can the Department provide a breakdown of the collection amounts from those events?

Packaging:
Maine's EPR for Packaging program continues to be our biggest concern. Our involvement is well-documented, and we will continue to provide input throughout the process. However, our members are frustrated. Businesses will be required to start reporting packaging materials to the state beginning in 2026. The recently approved rules are complex, and the Department should be conducting outreach now to explain them in layman's terms to impacted companies. This report glosses over the complexity of the rules. Additionally, despite the law being passed four years ago, we still do not have an estimate of the program's cost. Companies have told us, they need to set their budgets now, and they are unable to even get a general sense of the cost of the program.

Post-Consumer Recycled Content:
We appreciate the Department's concern regarding registration compliance. We have had several companies reach out regarding how to file under the post-consumer recycled content requirements, indicating that the Department's outreach efforts may not be reaching the right stakeholders. More targeted outreach is needed, and we are happy to help where needed.

Thank you for the opportunity to provide comments.

Curtis Picard, President & CEO,
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Christine Cummings, Executive Director,
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From: Gualtieri, Debbie
To: Beneski, Brian
Cc: Gualtieri, Debbie
Subject: DRAFT 2025 Product Stewardship Report for Review - Xerox comments
Date: Thursday, February 13, 2025 11:02:30 AM
Attachments: image001.png

Hello Brian,

I am writing to submit comments from Xerox on the DRAFT 2025 Product Stewardship Report. We appreciate the opportunity to provide feedback.

As written, it appears that starting January 1, 2026, sales of CFL's within Maine will cease. Our interpretation is that means sales of products, along with the use of spare parts, will be prohibited for all products which contain these lamps. Our recommendation is to consider allowing spare parts to be used until the end of service for a given product. It is common in the imaging equipment industry to service machines up to 7 years after manufacturing has ceased. Spare parts are typically held in distribution centers to continue servicing the products. Xerox supports circular economy initiatives and would advocate to allow use of the spare parts in inventory and to not dispose of them before the end of their useful life and the end of the products service date.

Mercury Added Lamps

P.L. 2023, ch. 384 - An Act to Reduce Mercury in the Environment by Phasing Out Certain Fluorescent Light Bulbs which will phase out the sale of certain mercury-containing lamps by January 1, 2026. Once the sales ban is in effect, it will be illegal for anyone to offer for sale, sell or distribute Compact Fluorescent Lamps ("CFLs") and all Linear Fluorescent Lamps ("LFLs") regardless of the tube diameter and the shape.

Thank you for your consideration and the opportunity to comment.

Best regards,

Debbie Gualtieri
Director, Product Safety & Sustainability
Environment, Health, Safety & Sustainability

xerox™
We make work, work.

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