



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

Notice of Enforcement Discretion Regarding Maine's Prohibition on the Use of Phthalates in Food Packaging

Effective January 1, 2022, Maine law prohibits a manufacturer, supplier, or distributor from selling a food package that contains phthalates in the State. To provide clarity to the regulated community regarding the ban on food packaging containing phthalates described in 32 MRSA §1733(3-A), the Department plans to undertake routine technical rulemaking in 2022.

The Department recognizes that the limited availability of alternatives caused by supply chain disruptions due to the ongoing global pandemic has the potential to cause significant compliance issues. To avoid compliance by removal of food items from store shelves, in an already stressed marketplace where food insecurity is on the rise, the Department will exercise its enforcement discretion regarding the sales prohibition described in 32 MRSA §1733(3-A) during the period of routine technical rulemaking relative to this section of law. This enforcement discretion will be reevaluated once the relevant rule is promulgated or within six months of the prohibition's effective date, whichever occurs sooner.

Signed December 10, 2021

Melanie Loyzim, Commissioner

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