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October 30, 2023

Maine Department of Environmental Protection
MainePackagingEPR@maine.gov

SUBJECT: Comments RE: Conceptual Draft Rules for Stewardship Program for Packaging

To Whom It May Concern:

The Ag Container Recycling Council (ACRC) appreciates the opportunity Maine Department of Environmental Protection (ME DEP) has provided to comment on its Conceptual Draft Rules for Stewardship Program. The ME DEP can reach the ACRC for further follow-up as follows:

ACRC Contact Information:

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Who is the ACRC?

The Ag Container Recycling Council (ACRC) is a 501(c)(6) nonprofit association that promotes and funds programs in the United States for the collection and recycling of plastic containers (up to and including 55 gallon) from agricultural crop protection, animal health, specialty pest control, micronutrient, biologicals, fertilizer and adjuvant products. It also funds research for determining acceptable end uses for the plastic collected in the program. ACRC was founded in February 1992 by 11 manufacturers, formulators or packagers of such products. The ACRC was an instrumental resource in the development of the ANSI/ASABE S596 Standard, a standard specifying how to handle, clean and recycle pesticide containers. Today, the ACRC has 36 Regular Members and 18 Affiliate Member companies. Manufacturers, formulators or packagers of agricultural crop protection, animal health, specialty pest control, micronutrient, biologicals, fertilizer and adjuvant products can be Regular Members. Any manufacturer of HDPE plastic containers or container components used by the companies that qualify for Regular Membership may be an Affiliate Member. ACRC is funded entirely by member dues. Since 1992, ACRC has collected and ACRC contractors have recycled, over 240,000,000 pounds of HDPE containers. ACRC began collecting in Maine in 1993, the first year of nationwide collection by the program. Since that time, ACRC has collected approximately 720,000

pounds of ag chemical containers in Maine, which translates to approximately 900,000 empty rinsed containers.

ACRC Comments Regarding Conceptual Draft Rules for Stewardship Program:

1st Conceptual Draft Rule:

- No comment.

2nd Conceptual Draft Rule:

- Readily Recyclable - Section 5 – Program Goals
 - A – Reduction – see Reuse below.
 - B – Reuse – There should be some provision regarding reduction and reuse that allows for situations where certain types of packaging cannot feasibly be reduced OR reused due to environmental, health or safety considerations and the associated products are governed by certain federal regulations.....the Department should add the clause “*Unless where reduction / reuse is prohibited by federal regulations...*” This request is based on the fact that EPA regulations and UN / DOT regulations may not make reduction / reuse feasible / practical for certain size and product type containers.
 - C – Postconsumer recycled material - There should also be some provision regarding Postconsumer recycled material that would also have the stipulation “*Unless where PCR is prohibited by federal regulations...*” If we used PCR in our packaging, we would also have to pass UN / DOT performance package testing.
- Section 8 – Alternative Collection Programs (ACP)
 - B - Convenience standard
 - **Novel ACP** - ACRC requests that “first / second / third...” year of operation mean from the time an ACP is approved by the Department as an ACP under this EPR statute. As described above, ACRC has been operating in ME for 30 years but does not currently meet this standard because of the low number of ag-intensive counties in ME.
 - **Partial credit ACP** – ACRC requests that the operation of the program receive credit consistent with the percentage each county represents of the total volume of that product / packaging material type sold into the state of ME. For example, ACRC primarily collects in Aroostook and Washington Counties in ME. Aroostook alone represents the vast majority of ag chemical packaging sold into the state of ME. Receiving only up to 10% credit for this county would be grossly disproportionate to the program contributions in that county. If the ACP determines that a packaging material type sold in a given county is 50% of the volume sold into the state, the ACP should receive up to 50% credit. If two counties make up 60% of the volume of a packaging material type sold into the state, the ACP should be eligible to receive up to 60% credit...and so on.
 - D – Annual Fee
 - ACRC recommends the following change: “*\$5,000 per packaging material type managed for reuse OR where reuse is prohibited by federal regulations, and \$10,000 per packaging material type not managed for reuse.*” This request is based on the fact that EPA regulations and UN / DOT regulations may not

make reduction / reuse feasible / practical for certain size and product type containers.

- E – Timeframes for Correcting Deficiencies
 - #2 – ACRC recommends for correcting deficiencies that will require a change to collection or processing operations, the Department allows 90 days. Making changes to collection or operations that could involve equipment changes or requirements, 30 – 60 days could be very unrealistic.

3rd Conceptual Draft Rule:

- No comment.

Sincerely,

J. Mark Hudson

J. Mark Hudson
Executive Director