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October 31, 2023

Commissioner Loyzim,

Thank you for the opportunity to provide comment on the conceptual draft rules for Maine's Extended Producer Responsibility law.

### **Program Goals**

We appreciate the Department outlining the nine goals that the SO will use to evaluate the program's performance on. *Are these listed in order of priority?*

### **Readily Recyclable**

We appreciate the definitions outlined for base material, refill and remanufacturing facility. We also were happy to see that the Department will accept comments during the process when creating the initial packaging material types list and readily recyclable list. *To increase the efficiency of the process, we feel it would be helpful if the Department provided a list of readily recyclable materials, using recycling data already available from municipalities and private haulers.*

### **Producer Payments**

We are happy to see that there are no producer exemptions being proposed. Allagash believes that all larger producers should be held responsible for the waste they are producing by contributing to the SO budget. With that said, *we ask that the Department consider approaching the annual registration fee for producers on a tiered basis, based on the size of the producer, rather than dividing the fee equally amongst all producers.*

### **Incentive Fees**

We greatly appreciate that the Department has included and outlined the incentive fees on post-consumer recycled material, toxicity, reduction of litter and labeling. *We suggest that the Department consider including language that would also incentivize improvements to packaging labels- with the possibility of reduced fees for producers who use waste management labels that are clear, concise, consistent and have accurate information.* As it stands now- producers can avoid fees entirely by removing any sort of labeling or guidance. We believe this is counterproductive to the goals of this program and could create further confusion for the public.



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### **Alternative Collection Programs**

We feel that statewide, free collection is not feasible and it may inadvertently hinder participation and innovation amongst producers. We were happy to see that the Department included 3 possible exceptions: novel, reuse and partial credit. *We believe that this is moving in the right direction and will encourage producers with limited resources (compared to other larger producers), to get involved. We do have some feedback and questions that we we would like to be taken into consideration:*

- Novel alternative collection programs: *How will producers know if a particular packaging material was not previously collected through any alternative collection programs?*
- Partial credit for limited reach: Can the department please provide clarification on the following statement, “Alternative collection programs with limited geographic reach can partially offset the payment obligation for participating producers and cannot attribute the tons managed to other producers.” Are materials collected from other producers not considered for credit at all? Or is this a reference to section C: Adjustment to Fees for Tons Collected Through an Alternative Collection Program: “A producer cannot receive credit for managing more tons of packaging material type than it produced.”
- If an alternative collection program has only one collection location, but technically services multiple counties, how is credit taken into account? We believe that rather than base credit on the number of counties reached or physical collection points in each county; the net amount of materials collected should be prioritized. Increasing the number of counties does not necessarily correlate to an increase in the amount of materials collected.

### **Alternative Collection Program Fees**

Alternative collection programs are expensive to operate for producers. While we understand that administrative costs are associated with building and managing a program, we would hope that the S.O. would want to ensure that businesses are not disincentivized from creating alternative programs, but encouraged to do so. *We believe that the annual fee of \$10,000 should be reduced, as this is not an incentive to businesses. We believe that producers who are not participating in alternative collection programs should handle the bulk of the alternative collection program costs.*

### **Reporting Requirements**



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Require Transparency and Traceability: In addition to the already outlined requirements and suggestions in the draft- which were much appreciated- we believe that information regarding the downstream management of the materials should be included with each reporting cycle. Specifically, *who is hauling* and *what is happening to the materials*. Due to the fact that waste haulers may change during the course of 1 year, this will help reflect that change and offer more transparency and traceability regarding the end of life for materials recovered.

As always, thank you for the opportunity to provide written comments regarding the establishment of this program and for your staff's time and assistance. We look forward to working alongside other businesses and the Department to ensure this program is a success for the state of Maine. Please feel free to reach out with any additional questions.

Respectfully submitted,

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