



District 4

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Via E-Mail: MainePackagingEPR@maine.gov

Commissioner Melanie Loyzim
State of Maine – Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

RE: United Steelworkers comments on the Stewardship Program for Packaging's Conceptual Draft Rules.

Dear Commissioner Loyzim:

I write to you on behalf of the United Steelworkers (USW) in District 4, which encompasses USW members in Maine and several other states. Our union is the largest union in the pulp and paper industry with tens of thousands of members making paper and paper products across the country. USW members in the paper sector manufacture essential products from renewable and recycled resources, generate renewable bioenergy, and remain committed to continually improve environmental stewardship. We appreciate the opportunity to comment on the conceptual draft rules for the Stewardship Program for Packaging.

Maine Economic Impact

In Maine, the forest products industry employs more than 13,900 individuals with average earnings over \$79,000 per year. The estimated state and local taxes paid by the Maine forest products industry totals \$91 million annually. More specifically, the paper manufacturing industry makes up the largest portion of forest products with a Gross Regional Product (GRP) of \$977.1 million. Paper mills make up a majority of the GRP (\$505.5 million) and compensates workers well above the state average (\$109,600).¹

Recycling Stream for Paper Products

Our nation's paper recycling rates have consistently increased in recent decades, with 68 percent of paper recovered for recycling in 2022.² The paper industry recycles about 50 million tons of recovered paper every year — totaling more than 1 billion tons over the past 20 years. According to the U.S. EPA, more paper by weight is recovered for recycling from municipal waste streams than plastic, glass, steel, and aluminum combined.³ In fact, the paper sector's

¹ [ME Department of Economic & Community Development, "Forestry & Forest Products: Industry Profile", March 2023.](#)

² [American Forest & Paper Association, "Resilient U.S. Paper Industry Maintains High Recycling Rate in 2020", May 13, 2021.](#)

³ [U.S. Environmental Protection Agency, "Advancing Sustainable Materials Management: 2018 Fact Sheet", December 2020.](#)

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union

recycling rates are so successful that some products are approaching the practical maximum achievable recycling rate possible. The recycling rate for containerboard (corrugated cardboard) in 2022, for example, was 93.6 percent. The three-year average recycling rate for old corrugated containers (OCC), is already 91.3 percent.⁴

Moreover, the paper industry has planned or announced around \$5.1 billion in manufacturing infrastructure investments between 2019 and the end of 2026 to continue the best use of recycled fiber in our products, resulting in an over 8-million-ton increase in available manufacturing capacity.⁵ This success has been driven by the paper sector and its workers' commitment to providing renewable, sustainable, and highly recycled products.

Comments on Draft Concept Rules

The paper industry already contributes to economically sustainable recycling programs by purchasing and utilizing material sourced from residential collection programs in manufacturing new products. Any Extended Producer Responsibility (EPR) program must fully and fairly credit the early, voluntary action that the paper industry has taken to advance the recycling rate of paper-based products.

It is imperative to note that new fees or mandates established by the Stewardship Program for Packaging have the potential to disrupt efficient and successful paper recycling streams. The implementation of the Stewardship Program for Packaging must strictly prohibit use of fees generated by one material to subsidize development of recycling infrastructure for competing materials.

Therefore, our union strongly urges the State of Maine to take into consideration the approach taken by California to exempt materials from its EPR program with high recycling rates. California enacted Senate Bill 54 (attached), which includes a provision for an offramp or benchmark for materials that are already effectively recycled within a program prior to the implementation of EPR. Instead of levying ever-increasing fees on products that don't reach certain numbers each decade, Maine could similarly encourage producers to improve their recovery rate, which may ultimately be more effective.

We suggest that Maine adopt the California model, where any producer consistently achieving a recovery rate of 60 percent or higher, and maintaining a 65 percent rate after the EPR program is initiated, remains responsible for managing their product without contributing to an EPR program. EPR programs are primarily focused on elevating recovery rates and enhancing recycling infrastructure and education. When a product demonstrates a recovery rate of 60 percent or more, there is limited benefit to participating in an EPR program. This approach encourages proactive efforts to improve recycling rates and reduces the financial burden on highly effective recycling initiatives.

In addition to our suggestion for a California-based model, our union has concerns with the impact that inconsistent use of terminology and definitions would have on an economically sustainable industry, such as paper. In implementing policy that could have dire effects on an economically significant manufacturing sector, clear, specific, and consistent terminology and

⁴ [American Forest & Paper Association, "Resilient U.S. Paper Industry Maintains High Recycling Rate in 2020", May 13, 2021.](#)

⁵ [Northeast Recycling Council, "NERC Bulletin", December 2021.](#)

definitions are critical. For example, but not limited to: the definition of paper, the reduction goals, and the use of postconsumer recycled (PCR) content.

Definition of Paper

The definition of paper is insufficient to give clarity on the wide range of materials that could be included. While paper-based packaging is a broad category, it can quickly get shrunk to much smaller categories to capture unique processing needs and material attributes.

Reduction Goals

The reduction targets should consider the paper industry's achievements in recycling rates. Establishing reduction targets solely based on the initial producer's reporting, without considering other relevant statistics, immediately disregards the accomplishments of the paper and other industries that have been actively engaging in sustainable manufacturing practices for many years.

Enforcing uniform requirements to decrease the weight of material categories has the potential to undermine efforts to promote investments in sustainable products, as it overlooks the fundamental purpose of packaging, which is to safeguard its contents from damage or spoilage. For instance, excessive light weighting of packaging can ultimately lead to increased waste due to inadequate protection of the enclosed item. The weight of a packaging type is a single-dimensional attribute and does not encompass other important qualities, such as size, production efficiency, renewability, recyclability, or any other relevant factor. An unpopular or environmentally unsustainable product should not receive recognition merely for being used less.

The overly punitive nature of the reduction approach has the potential to undermine the broader program. The language mandates that if a reduction target is not met in a given year, a percentage of resources must be allocated to investments in reuse and refill initiatives. However, it is important to recognize that investments and improvements require time to yield returns, and this requirement does not allow for such a timeframe.

PCR Content

The markets for recovered fiber are intricate, efficient, and ever-changing, and they do not benefit from regulations or rigid approaches that dictate the use of recycled fibers or specify the type of recovered fiber to be employed in products. Rather than promoting increased paper recycling, mandating minimum levels of recycled content in paper products could have several adverse effects, such as reducing the efficiency of recovered fiber markets, diverting recovered fiber from higher-value end uses, increasing production costs for new paper products, and limiting consumer choices. An issue may arise when recycled content requirements force the inefficient economic and environmental use of recovered fiber, potentially leading to the unavailability of certain products.

The selection of fiber for use in products depends on various factors, including cost, availability, performance, and customer specifications. Different products have distinct performance and aesthetic requirements, such as high-quality paper packaging and food contact paper, which can necessitate limitations on how and whether PCR fiber is used. Certain food contact

applications may require virgin fiber to meet federal standards, and specific packaging characteristics may be better ensured by selecting the appropriate fiber for the task rather than adhering to external mandates. Imposing a requirement to use PCR also establishes a preference for one segment of the market (recovered fiber) over another (virgin), potentially impacting a state with workers in both.

Conclusion

USW District 4 appreciates the opportunity to provide these comments and continued dialogue surrounding the State of Maine's implementation of the Stewardship Program for Packaging. Thank you.

Sincerely,



David M. Wasiura
District 4 Director