

**Nicole Grohoski**  
Senator, District 7

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**THE MAINE SENATE**

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Augusta, Maine 04330

December 8, 2022

Commissioner Melanie Loyzim  
Department of Environmental Protection  
17 State House Station  
Augusta, ME 04333

Dear Commission Loyzim,

Maine's Extended Producer Responsibility (EPR) for Packaging law will transform the way packaging waste is managed in Maine. I am grateful for the work of the Department to implement this program and bring much needed assistance to Maine's municipalities and taxpayers who are currently shouldering the burden of managing all of this waste.

Maine has led the nation in establishing EPR for Packaging, and since our bill became law, three other states have adopted a similar approach to managing packaging waste. I urge Maine to continue to lead by example and not weaken our program by considering exemptions for federally-regulated packaging by major substantive rule. Minimizing exemptions and working toward consistency between these four states is important to the legislative sponsors of those laws and will benefit the regulated community.

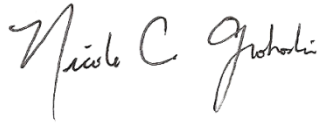
As the primary sponsor of the Legislation, I can say with confidence the bill was drafted with the explicit intention of including all packaging material that is managed by Maine's municipalities, except for material from small producers or managed through other programs. I do not support exempting federally-regulated product packaging in the EPR program and believe it would be more appropriate to acknowledge any packaging-related design limitations through reduced fees. This approach would protect municipal taxpayers or other compliant producers from paying for a large and unknown volume of materials. Exemptions are antithetical to the whole idea behind producer responsibility.

Exemptions also add many administrative complications for participating producers since, in the absence of reporting, they would bear the burden of estimating the amount of the exempted material. Out of principle, I believe that any packaging that is managed by Maine's municipalities should be included in the program and considerations for exemptions should be made with only operational and public health in mind.

Additionally, I would like to request that the Department remove any reference to major substantive rulemaking from its implementation timeline. There is no compelling reason why program implementation should be delayed by 18 months in order to consider exemptions. The selection of the stewardship organization and establishment of the program can happen in parallel to the discussion of exemptions. Maine's municipalities and taxpayers are in urgent need of assistance, which the Legislature and Governor acknowledged in 2021.

Thank you for your time and consideration of these comments. I look forward to working with the Department to implement the most effective and most equitable EPR for Packaging program in the United States.

Sincerely,

A handwritten signature in black ink that reads "Nicole C. Grohoski". The signature is written in a cursive style with a large initial "N" and a distinct "C" and "G".

Sen. Nicole Grohoski