



**RETAIL
ASSOCIATION OF
MAINE**
Voice of Maine Retail

45 Melville Street, Suite 1
Augusta, ME 04330
Phone: 207.623.1149
www.retailmaine.org

Date: March 28, 2023

To: Maine Department of Environmental Protection

RE: Comments from Retail Association of Maine Relative to the Stakeholder Meetings on Readily Recyclable, Audits, and Program Goals

My name is Curtis Picard and I am the President and CEO of the Retail Association of Maine. I am a resident of Topsham. We have more than 350 members statewide and represent retailers of all sizes. Maine's retailers employ more than 85,000 Mainers. We wanted to provide some input regarding the background information document relative to readily recyclable parameters, audits and program goals.

The central task for the March meetings is to collect comments speaking to sections 13(A)(2), 13(A)(5), and 13(A)(6) of 38 MRS §2146 Stewardship program for packaging, which address the following:

- 1. A process for determining on an annual basis those types of packaging material that are readily recyclable, [...] [13(A)(2)] and,*

Readily Recyclable:

If you ask any person in Maine whether glass, cardboard, paper and aluminum would be considered recyclable, we would bet that almost all would agree that those items would be considered recyclable. Further, if you asked most people whether plastic bottles or similar containers would be considered recyclable, most people would probably say they are recyclable. However, we understand Maine's law will take the definition of recyclable further and attempt to determine whether certain materials are considered 'readily recyclable'.

While we understand that the crux of the law is to incentivize producers to use packaging that is 'readily recyclable' and have markets for material, we have concerns that the determination could be made that a material is considered readily recyclable one year, but because of market changes, may be considered not readily recyclable the following year. Producers will not be able to change production methods quickly to accommodate such drastic changes.

As noted in the preparation document: A process for determining on an annual basis those types of packaging material that are readily recyclable, which must involve consultation with the stewardship

organization and recycling establishments and must include a transitional period between the time that a type of packaging material is determined to be readily recyclable or to not be readily recyclable and the time that such determinations will be effective for the purposes of calculating producer payments and municipal reimbursements in accordance with this section;

We would recommend that it be clear that when a particular material goes from the 'readily recyclable' list to the non-recyclable list that there be a significant period of transition be allowed for producers to source compliant materials. A three-year transition would not be unreasonable given the research, investment and sourcing needed for a producer to change a significant process like this.

The Department is asking whether the criteria for determining what is readily recyclable should be determined by rule? Certainly, the more clarity and predictability that can be brought to the regulated community makes compliance easier. Rules can be helpful with that predictability.

2. *Requirements for the assessment of program performance, including the setting of program goals used to inform the producer payment schedule determined pursuant to subparagraph (1) and the investments in infrastructure and education made pursuant to subsection 11, [...] [13(A)(5)] and,*

Setting goals for Maine's EPR program are critical. Without measurable goals that show increased recycling, the law is simply shifting the cost of the existing recycling infrastructure from individuals to producers. As we learned during the passage of this law, Maine's municipalities vary widely in the materials they accept, and recycle. As such, it will be critical to make sure all participating municipalities are operating under similar regulations and goals. One of the unknowns, of course, is how consumers will be encouraged to change (and increase) their recycling efforts. Without that, a producer can package their goods in the most 'readily recyclable' material, but if consumers don't do the right thing and recycle the material, producers will still be on the hook for increased costs.

These are difficult issues to navigate, but we appreciate the opportunity to share some thoughts about this section of the process.

Sincerely,

Curtis Picard, CAE,
President and CEO