

March 18, 2024

Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017



Electronic submittal: rulecomments.dep@maine.gov

Subject: Johnson Controls Comments on Maine Chapter 428: Stewardship Program for Packaging Proposed Regulation

Department of Environmental Protection Staff:

Johnson Controls, Inc. (Johnson Controls) or (JCI) is pleased to comment on the Maine Department of Environmental Protection (DEP) Chapter 428: Stewardship Program for Packaging. Johnson Controls appreciates DEP's leadership in environmental stewardship through its authority from Maine's stewardship program for packaging law.

Johnson Controls is a leading global provider of heating, ventilating and air conditioning equipment, building controls, security and fire/life safety solutions which includes brands such as York, Metasys, Simplex, Grinnell, Zettler and Tyco. The company has nearly 100,000 employees and over 1,000 locations globally and has long been a leader in sustainable and energy efficient technology. Since 2020, we have been transforming our business to focus on building decarbonization and water conservation through the trifecta of low-carbon, energy efficiency, electrification, and digitalization.

We believe the responsible use and disposal of plastics starts with activating circular economy and keeping materials in their highest utility for as long as possible. This starts with reducing the amount of plastic needed and in use, followed by maximizing the use of recycled content across all categories, and finally creating economically feasible and available recycling outlets to keep plastic pollution out of the environment.

Johnson Controls is committed to activating the circular economy through innovative product design. We use 'Design for Sustainability', our product development stage gate review process, to address our upstream carbon emissions. The sustainable indicators included in product development are:

1. Product weight reduction
2. Elimination of single-use plastic
3. Use of recycled content
4. End-of-life recyclability

Johnson Controls shares DEP's goal of environmental stewardship and is happy to share feedback on Chapter 428: Stewardship Program for Packaging published February 5, 2024. Johnson Controls is eager to see how DEP will ensure the rule is economically sound and technically feasible.

Producer reporting and payments

Johnson Controls supports the initial Base material-specific recycling rate of 60 percent proposed by DEP in this draft rule, but we acknowledge this level could pose challenges for separation of materials. We encourage DEP to

provide guidance on how fee structures and SO requirements may change depending on the complexity of separating base materials depending on the level of base material composition.

Fees for Producers Other than Low-Volume Producers

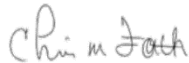
Johnson Controls urges DEP to provide examples of how the fee structure and share process will affect producers. As currently written, it is difficult to fully understand the implications of the costs to be imposed on producers. Providing examples of different scenarios DEP expects to occur will help us to better understand cost implications and anticipated activities under this ERP regulation.

Annual reporting for producers that are not low-volume producers

DEP's detail in packaging material details required for reporting are helpful, however we caution that tracking whether 'the component is collected for reuse in the state or elsewhere.' In the HVACR market, OEMs such as Johnson Controls ship its products to distributors (the midstream market) that then ships products to customers. Tracking equipment after it has been shipped to a distributor is nearly impossible and we recommend that DEP exclude this requirement for industries that follow this distribution model. The U.S. EPA has proposed tracking and reporting recommendations in its [Draft National Strategy to Prevent Plastic Pollution](#). We strongly encourage DEP to align its regulation in this space by considering how a national data collection plan would help to mitigate these tracking concerns at the state level and still allow Maine to access the data it needs.

Johnson Controls appreciates DEP's thoughtful consideration of these comments. Please do not hesitate to contact me at chris.m.forth@jci.com with any questions.

Respectfully,



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