

General Information

On December 5, 2024, the Maine Board of Environmental Protection adopted *Stewardship Program for Packaging*, 06-096 C.M.R. ch. 428 (2024). According to 06-096 C.M.R. ch. 428, the Department of Environmental Protection (Department) must initiate a formal rulemaking process for the contents of Appendix A, the Packaging Material Types List, within 270 days of the effective date of the rule.

In preparation for the formal rulemaking process, the Department is holding another stakeholder meeting to facilitate discussion and to provide an opportunity for stakeholders to share comments and ask questions on the second DRAFT Initial Packaging Material Type List. The meeting is scheduled for Tuesday, August 5, 2025, from 10:00 am to 12:00 pm EDT. To accommodate for the short timetable the meeting will only be offered virtually. Use the following link to RSVP for the meeting: [Stakeholder Meeting for Packaging Program](#)

This background document outlines the most frequently received comments from stakeholders regarding the first DRAFT Initial Packaging Material Types List and the Department's response to these comments, including links to supporting documents. To reference the statute and rule, visit the [program's website](#).

The Department requests all comments addressing the second DRAFT Initial Packaging Material Types List be emailed to MainePackagingEPR@maine.gov by August 11, 2025.

Initial Comment Period Summary

In preparation for the formal rulemaking process for Appendix A, the Packaging Material Types List, a DRAFT Initial Packaging Material Types List (draft list) and accompanying [background document](#) were distributed to the 800+ stakeholder listserv as part of an informal rulemaking process. The Department accepted public comments on the draft list for a period of 30 days and held two stakeholder meetings to facilitate discussion and provide an opportunity for stakeholders to share comments and ask questions on the draft list. Approximately 200 stakeholders attended the stakeholder meetings, and the Department received 48 comments on the draft list.

After reviewing the comments, the most frequently received comments were:

1. The request to align packaging material types with other States' producer reporting categories to facilitate producer compliance,
2. The request for a scoring sheet to provide transparency on how packaging material types were evaluated with respect to the readily recyclable criteria, and
3. The request to re-evaluate molded fiber packaging material having not been proposed as readily recyclable.

In response to the frequently received comments, the Department has prepared a [second DRAFT Initial Packaging Material Types List](#) that better aligns with the producer reporting categories for Colorado’s Producer Responsibility Program for Statewide Recycling (Colorado program). Additionally, the Department created a readily recyclable designation scoring sheet to provide transparency to stakeholders regarding what information is needed to meet the readily recyclable designation for all packaging material types.

1. Packaging Material Type Alignment

The [CO Comparison](#) document highlights the alignment with the producer reporting categories in the Colorado program. The producer reporting categories in the Colorado program are almost identical to the producer reporting categories in Oregon’s Plastic Pollution and Recycling Modernization Act (RMA) program (Oregon program), except for the addition of the compostable packaging material producer reporting categories.

In order to align a packaging material type in the draft list with a producer reporting category in the Colorado and Oregon programs, a producer reporting category could not “straddle,” or match with more than one proposed packaging material type in the draft list. When a producer reporting category straddles more than one proposed packaging material type because of unavoidable difference, the producer reporting categories are bolded. Of the 71 proposed packaging material types, “straddling” occurs 3 times. When multiple producer reporting categories are assigned to a proposed packaging material type, those producer reporting categories will “nest” within that proposed packaging material type, meaning a producer will not need to report on packaging material to the same granularity as required by the Colorado and Oregon programs.

The [Readily Recyclable Changes](#) document outlines the changes to the readily recyclable designation that resulted from the changes made to address requests for alignment between the proposed packaging material types in the draft list and the producer reporting categories in the Colorado and Oregon programs. A change to the readily recyclable designation is indicated by a “Y” in the “RR Change” column. This is followed by a “+” to indicate the material type now meets the readily recyclable criteria or by a “-” to indicate the material type no longer meets the readily recyclable criteria.

2. Readily Recyclable Designation Scoring Transparency

The [Readily Recyclable Designation Scoring document](#) provides transparency to stakeholders regarding what information has been collected and what information is needed for a packaging material type to meet the readily recyclable designation.

This document expands the readily recyclable criteria and identifies which criteria have been met and where additional information is needed in order for a packaging material type to be

designated readily recyclable. A “Y” is displayed in the ‘Readily Recyclable’ column for packaging material types that are designated readily recyclable, an “N” indicates the criterion is not met, and the absence of a “Y” indicates more information is needed in order to make a “Y” or “N” determination.

3. Molded Fiber Packaging Material

Molded fiber is of particular interest in Maine’s heritage industries as such the Department would like to highlight their place in this iteration of the Initial Packaging Material Types List. There are now three possible reporting scenarios that may result, and they are outlined as follows:

Molded paper made for direct food contact and is certified by a third party to meet ASTM 6868 would be considered a “compostable paper form.” This material type has not been proposed as readily recyclable, but as local anaerobic digesters become operational, Department staff expect this may change¹; or

Molded paper made with wet strength additives or coatings would be categorized as “Paper - other coated forms and laminates” which is not proposed as readily recyclable due to insufficient information; or

Molded paper not made with wet strength additives or coatings and that is it not certified compostable by a third party to meet ASTM 6868 would be considered an “uncoated paper form” which is proposed as readily recyclable.

Looking Forward

September 2025 - Department initiates rulemaking for Appendix A, Packaging Material Types List

Late Fall 2025 - Department issues RFP for the Stewardship Organization (SO)

Early Spring 2026 - Department contracts with the SO

Spring 2026 - SO begins needs assessment, audits, and cost studies

Late Spring 2026 - SO establishes start-up registration reporting mechanism

Summer 2026 - Producers invoiced for estimated packaging material produced in the State of Maine and start-up registration fees

Fall 2026 - Producer invoice payments due

January 2027 - First SO Annual Report due

¹ It should be noted that anaerobic digestion is considered “recycling” as defined in 38 M.R.S. § 1771(7)

April 30, 2027 - First municipal reporting for 2026 recycling to the Department and the SO

May 31, 2027 - First complete producer reporting for packaging material produced in 2026

July 1, 2027 - First calendar year invoices issued to producers

September 1, 2027 - First producer payments due

October 1, 2027 - First municipal reimbursements issued