Report to the Joint Standing Committee on the Environment and Natural Resources

Annual Product Stewardship Report

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I. Introduction

This report is prepared in accordance with Maine's *Product Stewardship Law,* 38 M.R.S. §§ 1771-1776, which directs the Department of Environmental Protection ("Department") to develop an annual report for the Legislature evaluating Maine's product stewardship programs, and product categories that may be appropriately managed under a product stewardship program once they have reached the end of their useful life. Product stewardship is a public policy approach that can minimize the negative impacts of products and packaging throughout their life cycles, from sourcing sustainable materials to designing for reuse, repairability or recycling to end-of-life management, creating more sustainable systems structured intentionally to minimize or eliminate wastes. Manufacturers (a.k.a. producers) have the greatest influence over the life cycle impacts of their products, starting with material sourcing and design. The choices of distributors, retailers and consumers also have an impact on the life cycle of products. Product stewardship laws that mandate some level of manufacturer (producer) responsibility for product management at the end-of-life are known as extended producer responsibility ("EPR") laws, and may include incentives that improve design, minimize negative impacts related to toxicity, or promote reuse, repairability or recyclability. EPR induces manufacturers to consider the end-of-life impacts of their products and relieves the public sector of some of the burden of managing those products. Maine currently has 11 product stewardship laws related to the end-of-life management of specific consumer products.

This report provides the Joint Standing Committee on the Environment and Natural Resources ("ENR Committee") with information concerning the performance of Maine's current product stewardship programs, as well as candidate products for future consideration. Maine's Product Stewardship framework law requires the Department to solicit and collect public comments on the content of this report for 30 days prior to submittal to the Legislature, and to append all comments received to this report. More specific information regarding the operations of the program can be found at the Department's product stewardship program website.

II. Existing Programs' Performance and Recommendations

Maine's existing product stewardship programs are listed below in chronological order by the date of enactment of the respective program.

A. Beverage Container Redemption ("Bottle Bill," 1976) – 38 M.R.S. §§ 3101-3119

The implementation of Maine's *Manufacturers, Distributors and Dealers of Beverage Containers law*, a.k.a. the "Bottle Bill" has been under the purview of the Department since November 1, 2015. The program had been overseen by the Department of Agriculture, Conservation and Forestry since its enactment in 1976.

The stated purpose of 38 M.R.S. §§ 3101-3119 is to create incentives for manufacturers, distributors, dealers (retailers), and consumers to reuse or recycle beverage containers, thereby reducing litter and

the costs of litter collection and municipal solid waste disposal. To do so, it places a deposit on beverage containers, sets up a collection system enabling consumers to redeem deposits, and requires the entities that initiate the deposit ("IODs") to pay for the management and ensure the recycling of containers. In 2024, over 37,000 tons of beverage containers were recycled (see Table 1), in addition to approximately 820 tons of associated material collected through the program including corrugated cardboard, paperboard, and plastic film bags used to transport containers,[1] as reported by associated businesses through the recycling establishment reports required by 38 M.R.S. § 2145, "Recycling reporting."

Table 1 – Quantity of Containers Recycled by Type

2024 Container Redemption (Tons)				
Material	Plastics	Glass	Metals	**Total**
Tons Recovered	12,226	18,233	6,949	**37,409**

The redemption rate is the primary metric to evaluate the performance of this program. It is determined by dividing the number of beverage containers redeemed by the number sold. Data on containers sold and redeemed are submitted to the Department by IODs and pickup agents. The number of IODs reporting their sales data rose to 64% in 2024, a 16% increase from the 2023 reporting rate, and the Department estimates that reporting IODs account for 75% of beverage container sales into the State.[3] Due to data quality concerns, the Department used a subset of the reported data to calculate the estimated redemption rate for 2024.[4] The resulting redemption rate of 74% is slightly lower than that calculated in previous years; however, the apparent decline is likely due to the change in calculation method rather than a realized decline in redemption rate.

P.L. 2023, ch. 482 – *An Act to Modernize Maine's Beverage Container Redemption Law*, enacted sequential changes to streamline program operation. In October 2024, all IODs were required to join commingling groups to have their redeemed beverage containers managed as a group, and the

[1] Recyclers managing bottle bill materials recovered an estimated 378 tons of plastic film, 415 tons of corrugated cardboard, and 58 tons of paperboard.
[2] In addition, roughly 820 tons of non-bottle material was collected and recycled in 2024 (cardboard, plastic film, etc.).
[3] Sales data reported to the Department by IODs during annual reporting are incomplete, but full redemption data by commingling group are available. Total sales for commingling groups with unreliable data was estimated by dividing their number of redeemed containers (a number in which we have high confidence) by the 74% redemption rate. Using this method, the Department estimates total sales of beverage containers into the State to be 1,100,000,000 units. Compliant IODs reported sales of 810,000,000 units in 2024 – 75% of the estimated total.
[4] Accurate sales data can be hard to obtain because beverages sold to an out-of-state entity can be resold into Maine without an IOD's knowledge. The Department has proposed some additional reporting requirements in rule to help identify and account for these alternate routes to market going forward. However, given this likely underreporting, the Department calculated the 2024 redemption rate using only sales and redeemed numbers from qualified commingling groups and retailers. Qualified commingling groups require a certain amount of sales data verification and retailers acting as an IOD for their own brands do not have additional sales pathways that can lead to underestimation of Maine sales. This method yields a 77% redemption rate for containers with 15-cent deposits, a 74% redemption rate for containers with 5-cent deposits, and a 74% redemption rate overall.

commingling groups were required to set up a commingling cooperative ("Cooperative"). The Cooperative was tasked with creating a plan to transition from sorting redeemed beverage containers by commingling group to sorting only by size, deposit value, and material type. The Cooperative will coordinate IOD responsibilities going forward. While full commingling will allow for increased efficiency, it also changes the way financial responsibility is divided among IODs. Instead of IODs paying for the redeemed beverage containers on which they initiated deposit, sales data will likely be used to allocate redemption costs. P.L. 2025, ch. 241 – *An Act to Delay Implementation of Certain Recent Changes to the Beverage Container Redemption Law and to Make Other Necessary Changes to that Law*, allowed additional time for the implementation of P.L. 2023, ch. 482 but required that full commingling start no later than October 1, 2026. The Department and the Cooperative have done extensive work preparing for this transition during 2025 – the Department has initiated formal rulemaking for 06-096 C.M.R. ch. 426 ("Chapter 426") which will aid in implementing statutory changes made since 2017, and the Cooperative's Operations Plan should be in place by spring of 2026.

One of the driving factors behind P.L. 2023, ch. 482 was a desire to improve efficiency at redemption centers. Commingling has led to a decrease in labor and storage requirements, and additional 2023 legislation (P.L. 2023, ch. 48 – *An Act to Increase the Handling Fee for Beverage Containers Reimbursed to Dealers and Redemption Centers*) increased the handling fee paid to redemption centers for each container managed.[5] These changes have been effective – the number of redemption centers has held steady since 2023. 38 M.R.S. § 3115(3)(B)(1) requires the Department to include a recommendation for any adjustments to the handling fee in this report: the Department does not propose an additional increase to the handling fee at this time.

The fiscal note attached to P.L. 2023, ch. 482 increased program staff, which has enabled the Department to increase compliance and enforcement activities. The Department is working with dealers and distributors in the State to bring "free riders"[6] into compliance. In the last six months, the Department has received 34 complaints of noncompliant beverage containers, 22 of which have been resolved; compliance work on the remaining complaints is in progress. 38 M.R.S. § 3115(3)(B)(2) requires the Department to report on the status of the Carbon and Cost-Efficient Technology Fund. The Department has created this fund; however, as a result of the legislative changes enacted through P.L. 2025, ch. 241, the Cooperative is not required to provide money to the Department for deposit into fund until 2026. Another piece of 2023 legislation, P.L. 2023, ch. 252, *An Act to Require Direct Shippers to Comply with Maine Beverage Container Laws,* added wine sold direct-to-consumer ("DTC") to the bottle redemption program, effective July 1, 2025. Those supplying wine DTC now have the same requirements as in-state producers and suppliers.

[5] P.L. 2023, ch. 48 – *An Act to Increase the Handling Fee for Beverage Containers Reimbursed to Dealers and Redemption Centers*, increased the handling fee paid to redemption centers for each container handled from $0.045 per container to $0.06 per container.

[6] When beverages are not registered with the program, the containers are generally still managed through the program and are paid for by compliant IODs.

According to industry sources, in 2024, Maine consumers received an estimated 19,000 nine-liter cases of wine through direct shipment, or approximately 230,000 bottles,[7] and DTC wine sales in the State declined by 13% from 2023 to 2024.[8] Many licensed direct shippers do very little to no business in the State – quarterly reports to the Maine Bureau of Alcoholic Beverage and Lottery Operations show nearly 200 direct shippers selling no wine into the State during the first three quarters of 2025 and only 40 selling 100 gallons or more. Given the cost and additional regulations associated with the bottle redemption program and the size of the DTC wine market, it is possible some direct shippers may opt to terminate sales in Maine. The Department is working with stakeholders, including a comingling group of small wineries to address bottle redemption-specific barriers to DTC wine sales as part of the ongoing rulemaking process. While the number of direct shippers actually increased from 672 in quarter one to 690 in quarter three in 2025, it is too early to determine the ultimate impact of including DTC wine sales in the bottle redemption program. If wineries ultimately decide the cost of compliance is not beneficial given limited sales, their wines can often still be purchased by special order through a licensed Maine retailer.

B. Lead-Acid Batteries (1989) – 38 M.R.S. § 1604

Lead-acid battery disposal has been regulated since 1989. 38 M.R.S. § 1604 bans the disposal of lead-acid batteries by burial, incineration, deposit, or dumping. It also requires all sellers of lead-acid batteries to accept used lead-acid batteries from customers purchasing a new lead-acid battery. If the customer is not returning a used lead-acid battery at the time of purchase, the retailer must collect a $10 dollar deposit and refund that deposit if the customer returns with a used lead-acid battery within 30 days. Wholesalers of lead-acid batteries must then collect used lead-acid batteries from retailers. Additionally, the law requires the posting of signage at retail outlets informing the public of the state law and its requirements.

Numerous other states have similar programs for lead-acid batteries, and the collection and recycling of lead-acid batteries is considered a success. Lead-acid batteries are America's most recycled consumer product, with a national recycling rate of 99.8%.[9]

In 2024, the Department received a number of complaints from the public indicating that several retailers in Maine were not fully compliant with the law. Department follow-up determined that noncompliance was due to new retail establishments not being fully aware of the specific

[7] 18,876 nine-liter cases of wine, which equates to 226,512 750 mL bottles, as reported by "2025 Direct To Consumer Wine Shipping Report" produced by Sovos ShipCompliant Wine Business Analytics; available at: https://sovos.com/shipcompliant/content-library/wine-dtc-report/

[8] DTC wine sales to Maine decreased from 21,696 nine-liter cases sold in 2023 to 18,876 nine-liter cases sold in 2024, as reported by "2025 Direct To Consumer Wine Shipping Report" produced by Sovos ShipCompliant Wine Business Analytics; available at: https://sovos.com/shipcompliant/content-library/wine-dtc-report/

[9] *National Recycling Rate Study.* Vault Consulting for Battery Council International, Chicago Illinois. July 2023 https://batterycouncil.org/wp-content/uploads/2023/07/BCI_National-Recycling-Rate-Study_FINAL-071323.pdf

requirements of the Maine law, or insufficient training by the retailer for new staff. All retailers that were the subject of a complaint became compliant once they were informed of the particulars of the law. The Department will continue to provide educational outreach on an as needed basis and is planning to add additional educational material regarding the law's requirements on the Department's webpage.

C. Rechargeable Batteries (1991) – 38 M.R.S. § 2165

Regulation of certain dry-cell batteries, 38 M.R.S. § 2165 was enacted in 1991, and requires manufacturers of nickel cadmium and small sealed lead-acid batteries to provide a system for the recycling of their batteries. The program is implemented in Maine by Call2Recycle on behalf of the manufacturers. While Call2Recycle offered a free rechargeable battery recycling program to any business, government entity, or retail location interested in acting as a collection location until mid-2017, increases in "free riders" (i.e., batteries that are not part of the program and therefore whose manufacturers do not provide financial support) in collection boxes led them to limit participation.

The free rechargeable battery recycling program is now open only to municipal collection sites and a limited number of national retail chains to minimize the number of uncovered batteries being placed into their system. Call2Recycle must absorb the cost of non-covered batteries, which unfairly adds to the cost burden for manufacturers who pay into the rechargeable battery recycling program. Limited collection infrastructure and the related lack of proper disposal of these batteries have created concerns in Maine's waste stream.

Another challenge is that primary batteries (batteries that are not capable of being recharged) are not required to be recycled by Maine's law, nor are they accepted for free in the Call2Recycle program as the manufacturers of primary batteries do not contribute funds to the program. While collection sites may opt into Call2Recycle's GreenVantage[10] program, which allows them to incorporate primary batteries into their collection for a modest per-pound fee[11] most municipal collection sites do not currently incorporate primary batteries, either due to a lack of knowledge of the GreenVantage program's existence or due to the extra cost to do so.

Many municipalities across the state have not signed up as a battery recycling site through either the free or GreenVantage program, and retail sites that participate in the rechargeable battery collection program would need to purchase separate primary battery collection boxes at a cost of between $80-$200[12] per box on top of any staff labor needed to manage the program. Due to this added expense

[10] Information on GreenVantage may be requested through Call2Recycle: https://www.call2recycle.org/greenvantage-suite.

[11] The current per-pound fees are 70 cents for alkaline batteries and $4.05 for smaller single-use lithium primary batteries (for example, lithium camera batteries and button cell and coin cell batteries).

[12] See "all battery" collection box pricing on Call2Recycle's online store: https://www.call2recycle.org/store/.

and effort for collection sites, access to primary battery recycling is very limited statewide. With minimal options in the state for collection, the critical material resources[13] present in batteries are often lost with many disposed of as trash, potentially posing fire and safety issues during processing and disposal. While a recently completed statewide waste characterization ("WC") study[14] found that loose batteries currently comprise a relatively small percentage of Maine's total municipal solid waste stream at around 0.1% or 410 tons of material, reliance on battery-powered products has increased rapidly in recent years, a trend that is predicted to not only continue, but pick up speed in the coming decade.[15]

Perhaps more importantly, it only takes one improperly disposed battery to cause extensive damage. In 2024, the National Waste and Recycling Association estimated that more than 5,000 fires occur each year at U.S. recycling facilities, many of which can be linked to improperly discarded lithium-ion batteries.[16] Fires at U.S. and Canadian MRFs and transfer stations are at their highest recorded level, with the rate of catastrophic losses up 41% over the last five years.[17] That increased risk has also driven up insurance costs for waste and recycling facilities from less than 20 cents per $100 of insured property value to as much as $10 per $100 of insured value.[18]

Products from which batteries cannot be removed pose another unique set of management challenges and are not covered by Maine's rechargeable battery law.[19] A 2018 report exploring proper management for embedded battery-containing products commissioned by Call2Recycle found that the key factor in addressing all consumer batteries, primary and rechargeable, removable and non-removable batteries, is to ensure a level playing field. The report indicated that developing

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[13] The U.S. Department of Energy has identified aluminum (bauxite), antimony, arsenic, barite, beryllium, bismuth, cesium, chromium, cobalt, fluorspar, gallium, germanium, graphite (natural), hafnium, helium, indium, lithium, magnesium, manganese, niobium, platinum group metals, potash, the rare earth elements group, rhenium, rubidium, scandium, strontium, tantalum, tellurium, tin, titanium, tungsten, uranium, vanadium, and zirconium as critical materials. Final List of Critical Minerals 2018, U.S. Department of the Interior, 83 Fed. Reg. 23295, 2018, https://www.govinfo.gov/content/pkg/FR-2018-05-18/pdf/2018-10667.pdf.

[14] The WC study was funded through a United States Environmental Protection Agency ("US EPA") Solid Waste Infrastructure for Recycling ("SWIFR") grant. This study will be finalized and posted for public review early in 2026.

[15] The global consumer battery market, valued at USD 25.43 billion in 2023, had increased to USD 27.19 billion in 2024 and is predicted to jump to USD 44.13 billion by 2032. Source: https://www.fortunebusinessinsights.com/consumer-battery-market-105526

[16] Study finds rising risk of lithium-ion fires, available at: https://resource-recycling.com/recycling/2024/01/22/study-finds-rising-risk-of-lithium-ion-fires

[17] *Ibid.*

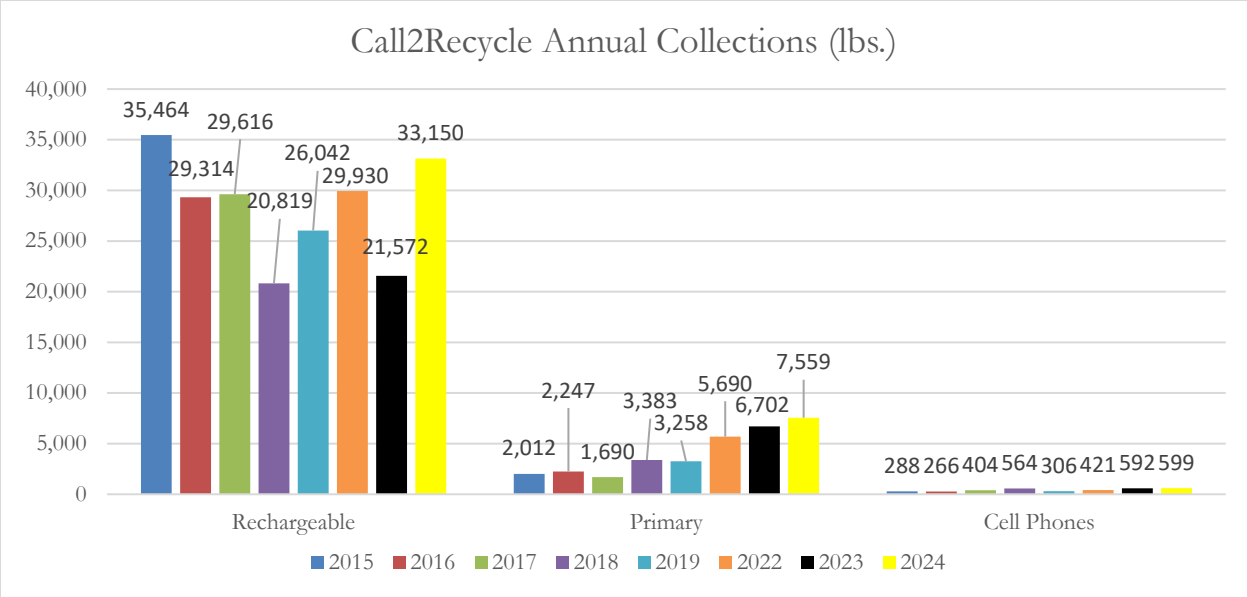
[18] *Ibid.*

[19] While not required to be recycled under 38 M.R.S. § 2165, the sale of products with nickel cadmium or small-sealed lead acid batteries that cannot be easily removed by the consumer in products used primarily for personal, family, or household purposes is prohibited pursuant to 38 M.R.S. § 2166 "Rechargeable Consumer Products." It also requires that the battery, the product, and product packaging be labeled with the battery's electrode type and a message about the need for proper disposal. This law poses unique enforcement challenges due to the wide range of products it encompasses. The Concept Draft Bill for Battery Law Modernization provided in Appendix B would address proper management of these products starting with data collection requirements and later expanding to include end-of-life management requirements.

such a level playing field would require "proper tracking of battery mass balances and fair payment of overlapping responsibilities."[20] The Department is engaged in review of existing research, legislation enacted in other jurisdictions, and other available resources to determine a feasible and cost-effective pathway for ensuring safe and equitable management of embedded battery containing products, collection of which poses complexities loose primary and rechargeable batteries do not.

Call2Recycle currently accepts all chemistries of dry-cell rechargeable batteries up to 11 pounds and cell phones through their collection system. In 2024, Call2Recycle collected a total of 33,150 pounds of rechargeable batteries and 599 pounds of cell phones (see Figure 1). Call2Recycle also collected 7,559 pounds of "free riding" primary (single use) batteries, following a recent trend of continually marked increases from prior years in their collection boxes. Batteries collected through the program are sorted by chemistry and sent to appropriate processing facilities for extraction of materials to use in new products. Cell phones are either refurbished and resold or recycled. A temporary program disruption occurred at the beginning of 2025 when FedEx, the provider of shipping services for the program, announced they would no longer support parcel shipments for universal wastes such as batteries, bulbs, and mercury containing products. However, in October of 2025, FedEx announced they would reinstate the Universal Waste Shipping Program, with new guidelines and rules to be released at the start of 2026.

Figure 1 – Annual Rechargeable Battery Collection (2015-2024)



[20] See: *Embedded Battery Research Summary* at https://kelleherenvironmental.com/wp-content/uploads/2018/10/EmbeddedBatteryResearchSummary.pdf

As described in the Department's Annual Product Stewardship Reports since 2022, while batteries are necessary in a transition to clean energy, there are broader challenges including inadequate recycling infrastructure, a reliance on foreign supplies of critical materials,[21] supply chains fraught with human rights concerns,[22] environmentally detrimental mining practices,[23] and fire risks when batteries are improperly managed. Many U.S. jurisdictions have enacted legislation to address battery recovery[24] in recent years. As noted in the Department's 2025 Product Stewardship Report, the Bipartisan Infrastructure Law includes a requirement for U.S. EPA to develop battery labeling guides as well as a "Best Practices" guide for battery recycling. To complete this work by September 30, 2026, the target deadline, Congress allocated $10 million to U.S. EPA for the battery labeling guides and $15 million for the "Best Practices" battery recycling guide.[25]

This year, the Department hosted two public meetings to review Maine's battery stewardship program. These discussions were held August 12 and September 25, 2025, with virtual and in-person options for attendance. Both meetings can be viewed at the Department's website (https://www.maine.gov/dep/waste/recycle/battery.html). The Department received many comments during and after both public meetings, and Department staff performed an extensive review of these comments along with existing recent battery legislation and related guidance passed in other jurisdictions to determine the most feasible and cost-effective pathway forward for expanding Maine's battery recycling law. As a result, the Department has developed draft conceptual language for modernizing Maine's battery law to ensure safe, equitable, and cost-effective management pathways to recover the critical minerals in rechargeable and primary batteries while reducing the risks of improper disposal. This conceptual language is provided in Appendix B of this report; the Department encourages submission of additional feedback to the proposed amendments to Maine's battery law through this report's public comment period.

[21] The term 'critical material or mineral' means a material or mineral that serves an essential function in the manufacturing of a product and has a high risk of a supply disruption, such that a shortage of such a material or mineral would have significant consequences for U.S. economic or national security.

[22] World Economic Forum (2021). *Making mining safe and fair.* https://www3.weforum.org/docs/WEF_Making_Mining_Safe_2020.pdf.

[23] Kosiorek, et. al., "Effect of cobalt on environmental and living organisms – a review," *Applied Ecology and Environmental Research* 17(5):11419-11449. See http://dx.doi.org/10.15666/aeer/1705_1141911449.

[24] U.S. jurisdictions with product stewardship laws covering a broader scope of batteries include Vermont, which enacted a primary battery stewardship law in 2014; Washington D.C., which enacted a battery stewardship law covering rechargeable and primary batteries, including those embedded in products, in 2021; Washington State, which enacted a battery stewardship law covering portable batteries in 2023; California, which has regulated battery containing products through the system used for electronic waste management beginning in 2023; and Illinois, which passed a portable battery stewardship law in 2024.

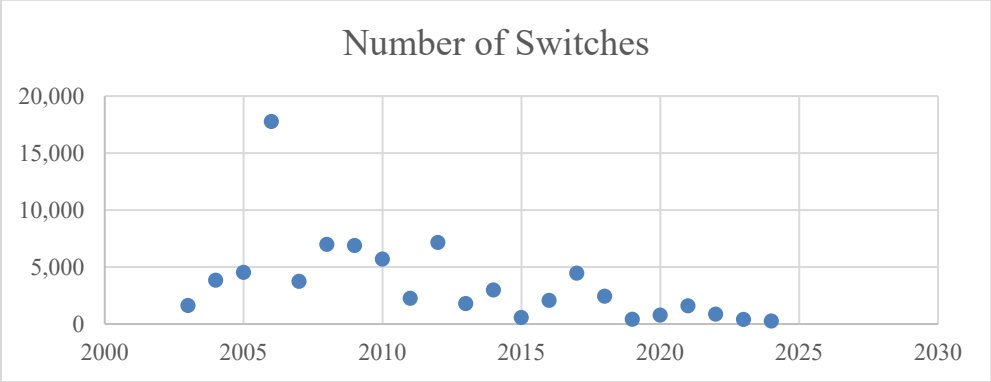
[25] Battery collection best practices and battery labeling guidelines: https://www.epa.gov/infrastructure/battery-collection-best-practices-and-battery-labeling-guidelines.

D. Mercury Auto Switches (2003) – 38 M.R.S. § 1665-A

38 M.R.S. § 1665-A was enacted in 2001 and the program began in 2003. The original law prohibited the sale of new motor vehicles with mercury switches, required that mercury switches and headlamps be removed before a motor vehicle is crushed, and required motor vehicle manufacturers to pay for both the recycling of mercury auto switches and a $1 bounty to the collector for each switch. In September 2005, the bounty was briefly increased to $3 before a permanent increase to $4 per switch. Since 2003, more than 170 pounds of mercury have been collected through the program, which amounts to approximately 25% of that estimated to have been present in auto stock when the program began.

Complete 2025 numbers are not yet available, but 254 switches were collected during 2024 (see Figure 2). Switches are returned in relatively large quantities from relatively few participants, which can lead to variability in collection numbers from year to year. Mercury switches are designated as a universal waste, which eases collection and storage requirements, although they must not be stored on-site for longer than one year. Department staff have reached out to participants to remind them of this requirement and assist with compliance. These outreach efforts appear to increase returns.

Figure 2 – Quantity of Mercury Auto Switches Collected



The 2003 prohibition on the inclusion of mercury switches in new vehicles means the number of available switches is decreasing. Statute directs the Department to recommend repeal of the program once the Commissioner determines that the number of mercury switches is too small to warrant continued collection. In recent years, the Department has been evaluating available data on the actual number of switches that remain. The best available data suggest there is still a substantial amount of mercury to collect.[26] The National Vehicle Mercury Switch Recovery Program

[26] These data show that, in 2020, over 193,000 vehicles – approximately 16% of vehicles registered – were old enough to contain mercury switches; these data omit any vehicles that are not registered because they are not being actively used: those in junk yards, dealerships, or abandoned in back lots. The average switch has approximately one gram of mercury and, while not present in all vehicles, a single vehicle can have as many as three switches.

("NVMSRP"), the organization set up by obligated manufacturers to realize responsibilities under this and similar laws, is not equitably funded, due to complications associated with General Motor's 2009 bankruptcy. Fortunately, the End-of-Life Vehicle Association ("ELVS"), which runs NVMSRP, and the Steel Manufacturers Association have reached an agreement that will provide for the continuation of all services currently offered through July 1, 2027.[27] The ELVS program is now administrated by the company Republic Services. Given this commitment by the steel and auto manufacturers, there appears to be no reason to discontinue Maine's program at any point during this timeframe. The Department anticipates increasing outreach to work with municipalities to remove switches from cars sitting at formal and informal junkyards and with junkyards themselves in order to recover the maximum number of switches possible by July 1, 2027.

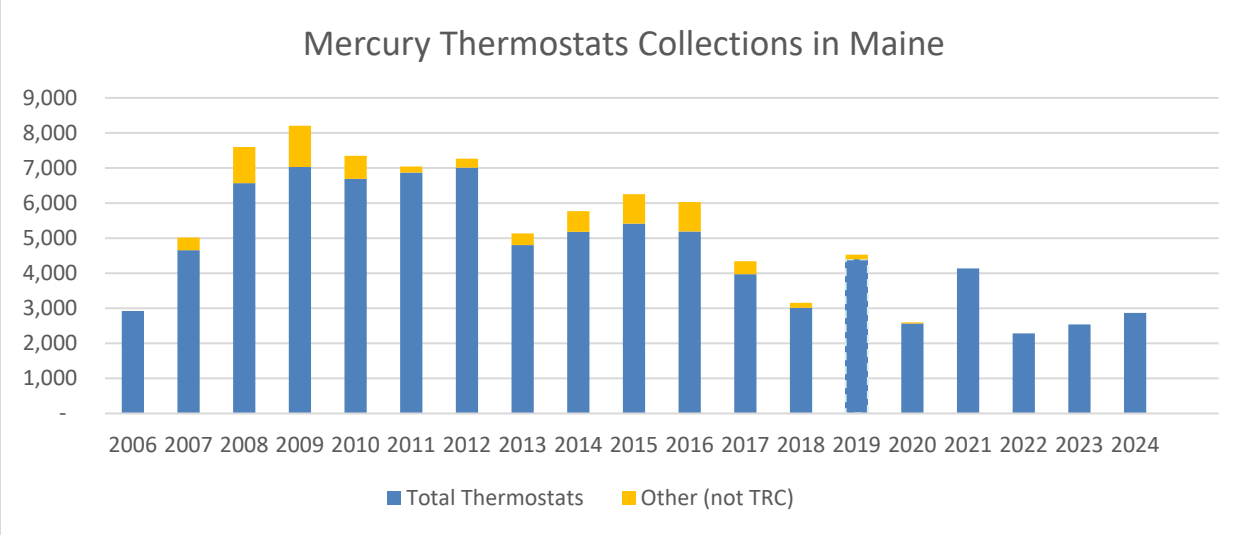
E. Mercury Thermostats (2005) – 38 M.R.S. § 1665-B

Maine's mercury thermostat program, enacted in 2005, established EPR for the collection and recycling of mercury-added thermostats. For the first two years, the program required manufacturers to fund collection and recycling of mercury-added thermostats. However, due to low initial collection numbers, a $5 incentive payment for every mercury thermostat returned was included in the law beginning in 2007. An estimated 2,867 mercury thermostats were collected in 2024 (see Figure 3) by the Thermostat Recycling Corporation ("TRC").

The 2024 collections were estimated to be a 13% increase from the 2023 collections. In recent years, the TRC program has overseen the process of collecting the mercury thermostats. Many municipal sites and household hazardous waste ("HHW") collection sites as well as retail collection sites have signed up to participate in the stewardship program for mercury thermostats. Collecting mercury thermostats through TRC allows the costs of safely managing mercury thermostats to be covered by TRC rather than paying a company to manage them with other universal waste items. TRC annually conducts outreach to Maine collection locations that have not returned their mercury thermostat bin within the past year including a "miss you" mailing campaign to reach any past-due collection locations that could not be targeted by a direct phone call or an in-person technical assistance visit. In 2024, TRC conducted 63 site visits and placed 60 "miss you" calls to collection sites in Maine. TRC also conducted an education and outreach campaign in Maine using online, print, and radio outlets to help raise public awareness of the mercury thermostat recycling program.

[27] See the August 2021 joint press release by ELVS and the Steel Manufacturers Association, available here: https://elvsolutions.org/wp-content/uploads/2021/09/ELVS-agreement-August-27-2021-one-pager-signed.pdf.

Figure 3 – Quantity of Mercury Thermostats Collected (2006-2024)



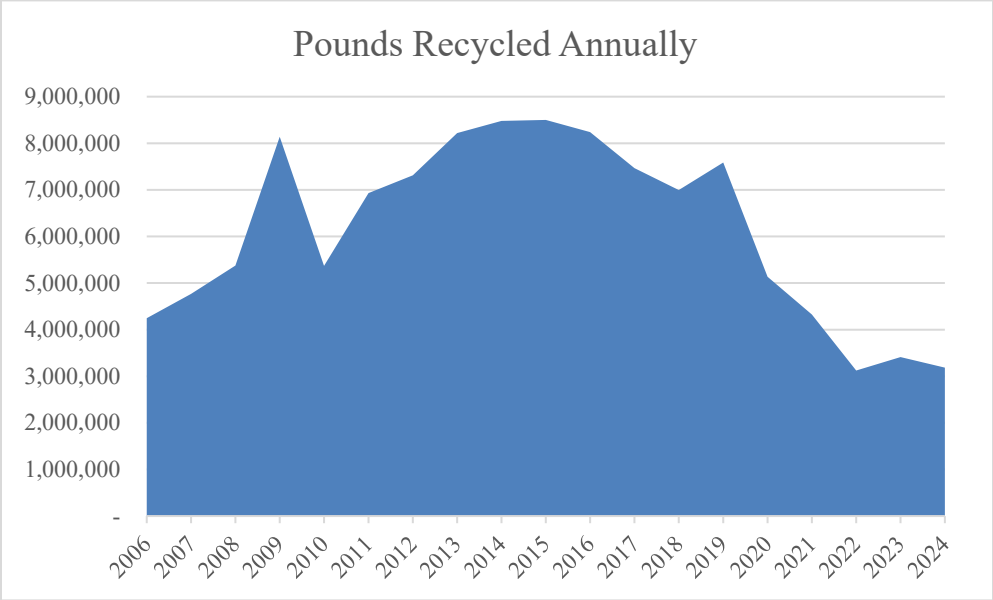
As mentioned in Section II(C), in the beginning of 2025, FedEx, the provider of shipping services for the program, announced they would no longer support parcel shipments for universal wastes such as batteries, bulbs, and mercury containing products. However, in October of 2025, FedEx announced they would reinstate the Universal Waste Shipping Program, with new guidelines and rules to be released at the start of 2026.

F. Electronic Waste (2006) – 38 M.R.S. § 1610

Maine's electronic waste ("e-waste") program has facilitated the recycling of printers, televisions, interactive entertainment computers, and other devices with screens of at least four inches measured diagonally since 2006. Over 100 million pounds of covered electronic devices have been recycled through the program. Maine recycled 3,410,522 lbs. of e-waste in 2023 and 3,184,616 lbs. in 2024. [28] Returns since 2020 are down significantly, in terms of weight, from the previous decade (see Figure 4).

[28] The total pounds recycled in 2018 includes an estimate of the number of pounds likely recycled by one consolidator, E-waste Recycling Solutions ("ERS"). ERS went out of business in April 2019. There is no evidence that it slowed collection before that point – any entities ERS stopped servicing would have communicated with the Department and/or other consolidators looking for a new pickup agent. Unfortunately, ERS didn't submit its report on collection from the second half of 2018. While uncertain, the estimation was figured using the following logic. If one assumes that ERS's market share was the same in the second half of 2018 as it was in the first (35%), and that the North Coast Service ("NCS") market share of 47% also remained unchanged, ERS would have recycled 1,763,280 pounds. If one assumes that ERS's market share was the same in the second half of 2018 as it was in the first (35%), and that the Electronics End ("EE") market share of 13% also remained unchanged, ERS would have recycled 1,491,130 pounds. If one takes the mean of the two estimates and rounds to significant figures, this results in approximately 1.6 million pounds.

Figure 4 – Amount of Electronic Waste Recycled (2006-2024)



This decrease in tonnage collected may be due to several reasons. Covered electronic devices, particularly televisions, are produced to be lighter than in previous years. Market pressures, shipping costs, and technological advancements have all contributed to lighter devices. This lightening of devices has most likely contributed to lower amounts of collected weight of material, whereas the number of units may not have changed. Additionally, the program lost a recycling company at the beginning of 2020 that provided one-day events to municipalities whose transfer stations do not collect e-waste on-site. The remaining recycling companies do not offer these one-day events due to inefficiencies inherent in hosting an event in which the amount of material to be managed is unknown. Having excess capacity at an event wastes resources on the part of the hosts and consolidators and having insufficient capacity can lead to environmentally detrimental outcomes when people are turned away. Returns may remain at this lower level until municipalities that only provided one-day collection events are able to set up permanent collection arrangements. Additionally, the historical data may still reflect collection and supply chain disruptions associated with the COVID-19 pandemic.

The Department intends to review and update the e-waste rules, *Reasonable Costs for Handling, Transportation, and Recycling of Electronic Wastes*, 06-096 C.M.R. ch. 415, in 2026 as they have not been updated since 2018. This effort will include ongoing communications with stakeholders as part of the process, and alignment of the program with any requirements for batteries that may be enacted by the Legislature in 2026.

G. Cellular Telephones (2008) – 38 M.R.S. § 2143

Maine's cellular telephone recycling law requires any retailer selling cellular phones to accept used cellular telephones at no charge from any person and to post signage stating this requirement. Maine's law also bans the disposal of cellular telephones in a solid waste disposal facility.

To ensure new retailers were informed of Maine's cellular telephone recycling law, the Department performed significant outreach to educate major cell phone retailers in 2021 and 2022. Since that time, the Department has not received any complaints regarding retailer non-compliance. Should the Department see an uptick in complaints, it will evaluate the need for another statewide education and outreach campaign.

H. Mercury-Added Lamps (2011) – 38 M.R.S. § 1672

Maine's mercury-added lamp law was enacted in 2011. It has been amended twice in recent years: First in 2019 by P.L. 2019, ch. 286 - *An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Mercury-added Lamp Law* to remove language restricting the program to residential bulbs, in addition to other changes described in more detail in the 2020 Product Stewardship Report, and again in 2023 by P.L. 2023, ch. 384 - *An Act to Reduce Mercury in the Environment by Phasing Out Certain Fluorescent Light Bulbs* which will phase out the sale of certain mercury-containing lamps by January 1, 2026.

Once the sales ban is in effect, it will be illegal for anyone to offer for sale, sell, or distribute Compact Fluorescent Lamps ("CFLs") and all Linear Fluorescent Lamps ("LFLs") regardless of the tube diameter and the shape. This includes straight linear fluorescent tubes ranging from 0.5 to 8 feet in length as well as u-bend and circline fluorescent bulbs. Department staff is currently working with Northeast Waste Management Officials' Association's – Interstate Mercury Education and Reduction Clearinghouse (NEWMOA – IMERC) to coordinate the sales ban with other states that have similar bans, as well as providing guidance to manufacturers, manufacturer associations, and retailers. The mercury-added lamp law will also continue to require manufacturers to collect and recycle any lamp to which mercury has been added,[29] and will be implemented by the National Electrical Manufacturers Association ("NEMA") on behalf of manufacturers. NEMA's program provides free containers, shipping, and recycling services to the participating retail and municipal collection sites. The law limits free non-CFL drop-offs to 10 per person per visit. Additional non-CFLs received above the allowable 10 lamps per person per visit must be managed separately by the collection site. The cap does not apply to CFLs, which may be dropped off in any quantity provided a collection location has the capacity to accept them.

[29] "Mercury-added lamp" means an electric lamp to which mercury is intentionally added during the manufacturing process, including, but not limited to, linear fluorescent, compact fluorescent, black light, high-intensity discharge, ultraviolet and neon lamps.

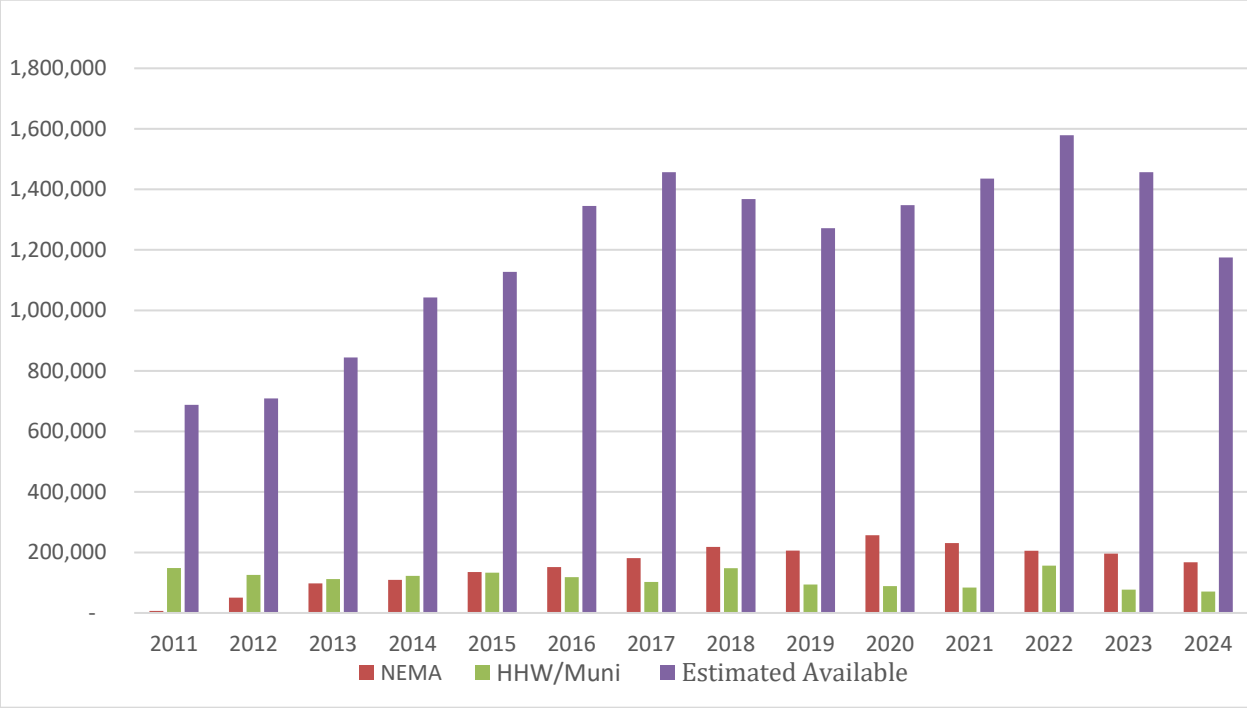
Based on sales data and average lifespan, NEMA estimated that approximately 1,174,990 mercury-added lamps sold to residents[30] in Maine would be coming out of service and therefore available for collection in 2024. Approximately 167,460 mercury-added lamps of these 1,174,990 potentially available lamps were recovered through the program. Mercury-added lamps are also collected outside of the stewardship program through HHW and municipal collections in Maine. Due to disparate reporting channels, it is difficult to ensure there is no double-counting of mercury lamps collected by municipalities as some numbers are received from NEMA reporting and others are received via hazardous waste shipping manifests. Therefore, while the manifests document an estimated 71,003 mercury lamps collected in 2024, the overall number of lamps recovered is likely lower due to potential double-counting of municipal lamps managed through the stewardship program that are also reported via manifest records. In 2023, the manifest numbers were recorded as 136,948. After recalculations were performed, this number was found to be closer to 76,978 mercury lamps collected by the municipalities. Figure 5 below has been revised to reflect these changes.

As mentioned earlier, in the beginning of 2025, FedEx, the provider for shipping services for the program, announced they would no longer support parcel shipments for universal wastes such as batteries, bulbs, and mercury-containing products. However, in October of 2025, FedEx announced they would reinstate the Universal Waste Shipping Program, with new guidelines and rules to be released at the beginning of 2026.

Historically, there has been a consistent gap between the number of lamps estimated to be coming out of service and the number of mercury-added lamps collected over the duration of the program (see Figure 5). This suggests that a significant percentage of the mercury-added lamps coming out of service may be improperly disposed of in the trash rather than recycled. With the passage of P.L. 2023, ch. 384 - *An Act to Reduce Mercury in the Environment by Phasing Out Certain Fluorescent Light Bulbs*, Maine has joined a growing number of jurisdictions in passing legislation to begin phasing out mercury-containing lighting in favor of light emitting diodes ("LEDs"), which offer cost savings, are mercury-free, use significantly less energy, and typically last 1.7 to 2 times longer than fluorescents.

[30] Although the mercury lamp law was amended in 2019 and is no longer restricted to residents, the 2020 annual report from NEMA contained an estimate for available mercury lamps from residential sales only. The Department will follow up with NEMA to address this data gap in future reports.

Figure 5 – Quantity of Mercury-Added Lamps Collected Compared to Quantity Available for Collection



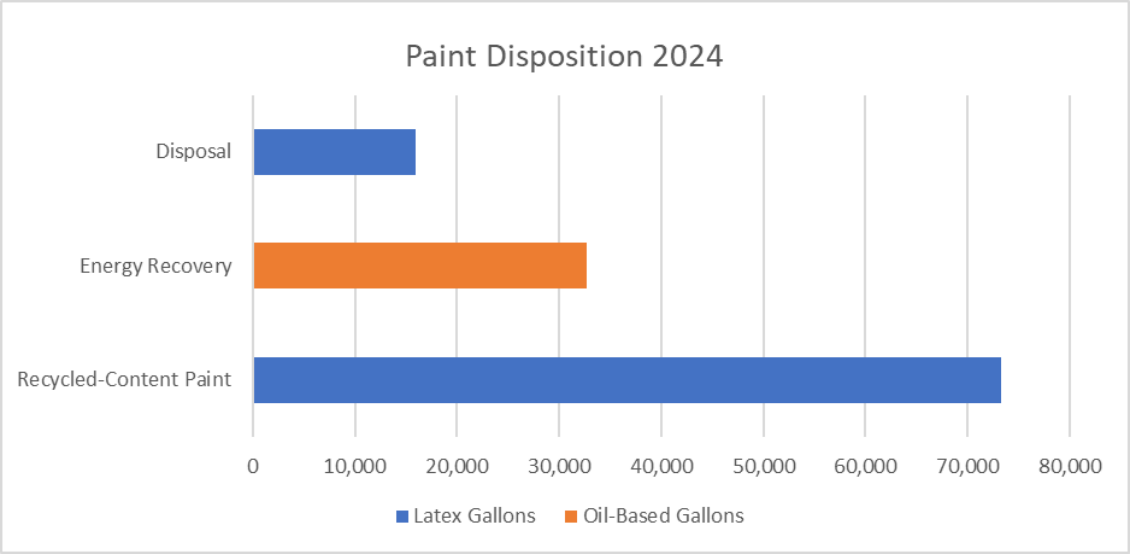
I. Architectural Paint (2015) – 38 M.R.S. § 2144

Maine's architectural paint stewardship law, enacted in 2015, requires manufacturers to set up and operate a statewide collection system for post-consumer paint. PaintCare Maine LLC ("PaintCare") is a non-profit third-party organization established by paint manufacturers to fulfill their responsibilities under Maine's stewardship law and similar laws in 10 other states and the District of Columbia. As described in PaintCare's Maine Architectural Paint Stewardship Program Plan, the program is funded by a consumer fee on each container of paint sold.[31] Consumers may return unwanted architectural paint for free to participating retail and municipal collection sites as well as HHW collection events where PaintCare is participating. All municipal and retail locations that serve as paint collection sites do so voluntarily and at no cost to themselves. PaintCare provides technical assistance, staff training, equipment and storage containers, signage, and collection and recycling services, although the program does not offer reimbursement for staff time spent managing the recycling program. PaintCare provides each collection location with storage containers for the returned paint, in-person training and a training manual, education and outreach materials, and provides for transportation and recycling or disposal of the collected paint. To prevent collection sites from being overwhelmed with large quantities of paint, PaintCare also offers

[31] There is no fee on containers that are a half pint or smaller.

a free large volume pickup service for those with 200 gallons or more of paint.[32] See Figure 6 for the quantity of paint disposed, recovered for energy, and recycled in 2024.

Figure 6 – Disposition of Paint by Type



PaintCare's analysis for calendar year 2024 shows that its collection network provides a permanent collection site within 15 miles of 95.9% of Maine residents, exceeding the 90% goal set in statute. PaintCare conducts outreach to ensure Mainers are aware of their options for managing excess and unwanted architectural paint through this collection network. PaintCare's Program Manager, who also manages the Vermont program, visits each collection location throughout both states at least once annually.

PaintCare ended calendar year 2024 with a reserve level of approximately 15%, a reduction from the 30% reserve level reported at the end of calendar year 2023. This is a continued decline from the 43% reserve level reported in 2022. In August of 2024, PaintCare proposed to amend the Maine Architectural Paint Stewardship Program Plan. This amendment proposed to increase the fee collected at the point of sale of new architectural paint to assure the program's financial viability. This amendment was proposed due to lower than anticipated paint sales in 2022 and 2023, which continued into 2024. The program plan amendment was posted on the Department's main website at Opportunity for Comment, Maine DEP. Public comments were accepted for a 30-day period ending October 15, 2024. Comments were received from two parties - the Retail Association of Maine and the Natural Resources Council of Maine ("NRCM"). After careful consideration the Department approved the fee increase, which went into effect on October 1, 2025.

[32] The Maine *Universal Waste Rules*, 06-096 C.M.R. ch. 858 prohibits accumulation of more than 55 gallons of oil-based paint at one time.

Table 2 – New PaintCare Fee Cost Beginning October 1, 2025

Size	Container Size	Current Fee Structure	Amended Fee Structure
Very Small	Half pint or smaller	$0.00	$0.00
Small	Larger than half pint up to smaller than 1 gallon	$0.35	$0.50
Medium	1-2 gallons	$0.75	$1.10
Large	Larger than 2 gallons up to 5 gallons	$1.60	$2.00

J. Pharmaceuticals (2021) – 38 M.R.S. § 1612

P.L. 2021, ch. 94 - *An Act to Support Collection and Proper Disposal of Unwanted Drugs*, was enacted during the First Regular Session of the 130th Legislature. This law (38 M.R.S. § 1612) requires drug manufacturers to pay for and manage a drug take-back program for collection and disposal of household pharmaceuticals. Drug manufacturers, individually or jointly with other manufacturers, must operate a stewardship program that has been approved by the Department, or enter into an agreement with a Stewardship Organization ("SO") that will operate a Department-approved program for collection of unwanted covered drugs. Covered drugs for the program include any substance recognized as a drug under 21 U.S.C., § 321(g)(1), including prescription and non-prescription drugs, drugs in medical devices, generic drugs, and drugs for veterinary use. Covered drugs do not include vitamin supplements, cosmetics, cleaning products, soap and shampoo, pet pesticide products in collars and shampoos, emptied syringes and other empty medical devices, home kidney dialysis, and drugs used solely in a clinical setting.

Stewardship programs operated by the drug manufacturers must make available free, convenient, and ongoing collection opportunities to all people in the state. The program plan submitted to the Department for approval must certify that the SO will accept all drugs regardless of manufacturer. Program plans must also include the list of manufacturers participating with that specific organization, describe outreach and education programs, and outline the collection process, describing how collected drugs will be tracked, measured, and ultimately disposed.

All pharmacies licensed in the state are considered "mandatory pharmacy collectors" by the law and must provide for the collection of covered drugs by providing mail-back envelopes, hosting a collection receptacle, or providing for another collection method approved through the stewardship plan. Out-of-state pharmacies that provide covered drugs by mail must offer a mail-back option for unwanted drugs and provide information to customers about that service. Whichever collection method is used must be convenient and free of cost to the public. The law does not prevent law

enforcement agencies from collection activities or being a collection agent and requires that any authorized collector of covered drugs be added to a stewardship program if it wishes to participate.

The two SOs, MED-Project and INMAR, were approved by the Department in late 2022 to operate stewardship programs. Operational approval is conditional and for a two-year period. Both SOs have submitted a request for renewal of the two-year operational permit as of December 2024 and have been approved through 2026. Both SOs began operation in June 2023, establishing a joint website (medtakebackmaine.org) for the public to access and locate the nearest drop-off site available to them. The public can access this website and place their zip code into the location window to identify nearby locations for existing kiosks and provide instructions for picking up pre-labeled envelopes, loading unwanted drugs, and mailing them. The joint website is required to be kept up to date and any changes in locations must be identified within 10 business days to establish reliability for the public that the sites are operational.

Both SOs have established and installed secure kiosks throughout the state. The kiosks feature one-way openings that prevent access to material deposited by unauthorized people. Kiosks are clearly labeled with instructions on how to use them, what may and may not be accepted, and how to obtain more information regarding the program. Each kiosk contains a secure sequentially numbered waterproof liner. Liners are removed by the SO designated personnel, recorded, and securely transported to a licensed incinerator out-of-state that records the collection location and weight prior to disposal. A new liner is placed in the kiosks and personnel at the collection location are notified regarding the removal of material.

Mail-back displays with prepaid envelopes are present at pharmacy collection locations that are unable to support a permanent, secure kiosk, either because of floor space restrictions or security concerns. Prepaid mail-back envelopes are also distributed upon request to be made available at public locations (libraries, municipal public offices, and more). Once the prepaid envelope is filled with expired or unwanted drugs, it is then mailed by the consumer and goes directly to the licensed incinerator approved by each SO. The prepaid envelopes are weighed, recorded, and then incinerated.

Each SO is required to provide outreach to make the public aware of the program and how to access both kiosks and mail-back envelopes. The SOs are required to be audited by third-party entities and conduct surveys to measure the effectiveness of the programs. Public awareness outreach includes printed newspaper material, social media, and digital outreach campaigns. The Department also conducts inspections throughout different regions of the state to ensure compliance. During random inspections, compliance has improved from 68% at the beginning of the program to 96% in October of 2025. Rural areas are of great concern to the SO's and the Department. Department staff conducted a recent three-day trip to Aroostook County along the Canadian border to inspect licensed pharmacies in small towns in this rural area and found 98% compliance with collection location requirements. In addition to SO's efforts, the Department has

developed presentations designed to provide an overview of this new program and to promote its positive impact.

As of 2025, there were 342 operational kiosks in Maine and 325 locations that provide mail-back envelopes. The total weight of all pharmaceuticals collected in Maine during the first year of operation was 51,495 pounds, with kiosks providing 50,782 pounds and mail-back envelopes registering at 713 pounds, as shown in Table 3.

Table 3 – 2024 Pharmaceutical Collections

Collection Method	Pharmaceuticals Collected (lbs.)
Kiosk	50,782
Mail-Back	713
Total	51,495

This represents a significant diversion of pharmaceuticals within the state, preventing accidental exposures and overdoses, and keeping the active pharmaceutical ingredients from contaminating Maine's groundwater, surface water, and the overall environment.

It should be noted that the retail pharmacy landscape is undergoing rapid changes and continues to be unsettled. Major pharmacy chains that are well known to the public are undergoing mergers and/or transitions to deal with the changing markets. One chain pharmacy that operated in Maine filed for bankruptcy. Small independent pharmacies are struggling to survive in some cases, and drug take-back convenience standards will require continuous monitoring by the SOs and the Department. Some pharmacies with kiosks have gone out of business, and kiosks from those facilities have been relocated to ensure the local population still has access to a drop-off point. For example, when a pharmacy in Farmington closed, its kiosk was relocated to a different pharmacy within the community. Great emphasis has been placed on locations that go out of business in rural areas to relocate kiosks and provide mail-back opportunities to the same municipality.

Reactions from organizations that participate in the program, including pharmacies, healthcare organizations, veterinarians, libraries, colleges, and law enforcement, have been positive. In 2026, additional efforts will be conducted by the Department to focus on implementing the program to Maine tribal communities, targeted interest groups who will benefit from this program, and working with other states that have a similar program to coordinate efforts and implement strategies that will enhance Maine's program.

K. Packaging (2021) – 38 M.R.S. § 2146

P.L. 2021, ch. 455 – *An Act to Support and Improve Municipal Recycling Programs and Save Taxpayer Money*, was enacted during the First Regular Session of the 130th Legislature. It establishes a stewardship

program for packaging with the purpose of reducing the volume and toxicity and increasing the recyclability of packaging and reimbursing municipalities for some of their costs associated with handling packaging material in their waste stream.

In December 2024, after an extensive and multiyear outreach effort as part of rule development for P.L. 2021, ch. 455, the Board of Environmental Protection ("Board") adopted the program rule, *Stewardship Program for Packaging*, 06-096 C.M.R. ch. 428 ("Chapter 428"). The rule provides details for implementing the *Stewardship Program for Packaging* pursuant to 38 M.R.S. § 2146. The rule characterizes packaging material; establishes methods for determining municipal reimbursements and producer fees; outlines processes and criteria for investing in infrastructure and education; details alternative collection programs; establishes a cap for the Packaging Stewardship Fund; and provides mechanisms for ongoing assessment and updates to the program.

In 2025, the 132nd Maine Legislature enacted L.D. 1423, *An Act to Improve Recycling by Updating the Stewardship Program for Packaging* (P.L. 2025, ch. 383), which amended certain definitions and implementation requirements in 38 M.R.S. § 2146, necessitating corresponding updates to be made to Chapter 428.

Outreach and Rulemaking

In March 2025, the Department began conducting public outreach to inform stakeholders and guide the Department in the development of the Packaging Material Types List ("the List"), which will be added to Chapter 428 as Appendix A. The List defines packaging material types, identifies which packaging materials are considered readily recyclable, and in some instances designates material types as compostable or reusable. The outreach generated 77 comments and engaged approximately 300 entities in the development of the List. Outreach efforts included:

- Development and circulation of a first draft List to the program's listserv of over 868 members with an associated 30-day written comment period.
- Development and circulation of a second draft List to the program's listserv of over 868 members with an associated 14-day written comment period; and
- Three public meetings (two hosted by the Department and one hosted by the Maine Resource Recovery Association) recorded, transcribed, and posted on the program's website.

On September 25, 2025, in accordance with Chapter 428, within 270 days of the effective date of the rule, the Department initiated formal rulemaking for the contents of Appendix A. In addition to proposing the addition of the contents of Appendix A, this rulemaking also proposed changes to

Chapter 428 to reflect statutory changes made as a result of the enactment of P.L. 2025, ch. 383.[33] The changes proposed:

- Update the definitions of "consumer" and "producer" in Section 2 of the rule to match the definitions of those terms amended in statute;
- Remove language requiring participating municipalities to collect and recycle all packaging material designated readily recyclable because participating municipalities are now permitted to collect and recycle any packaging material designated readily recyclable; and
- Remove the requirement for producers to report on UPCs of products sold by packaging material type during annual producer reporting.

The Department anticipates bringing the proposed rule changes to the Board of Environmental Protection for a vote in early 2026.

Packaging Material Exclusion Requests for Federally Regulated Products

As required by 38 M.R.S. § 2146(13)(D), the Department reviewed applicable federal laws and regulations to assess whether any content or construction standards preclude or significantly diminish a producer's ability to increase recyclability or reduce the volume of packaging material. While the Department did not identify any such standards during its initial review, it invited interested parties to submit packaging material exclusion requests for federally regulated products for consideration by May 20, 2024.

In response to the Department's request, 11 exclusion requests were received and made publicly available via a link on the program's website (see right-hand sidebar, "Stakeholder Process Resources," "Exemption Requests").[34] The Department then held a 30-day public comment period, which closed on August 1, 2024, to solicit responses to the packaging material exclusion requests for federally regulated products. In response, 12 comments were received and made publicly available on the program's website (see right-hand sidebar, "Stakeholder Process Documents," "Comments").

The Department continues to evaluate these requests and the feedback received to determine whether any requested exclusions are warranted and further updates to Chaper 428 are necessary. It is important to note that the Packaging Program does not prohibit the use of any types of packaging but rather assesses fees so that producers who do not use readily recyclable materials for their packaging pay more. If any exclusions are recommended and approved through the formal

[33] Pursuant to the Constitution of Maine, Article IV, Part Third, Section 16, the general effective date for nonemergency laws passed in the First Special Session of the 132nd Legislature, which includes P.L. 2025, ch. 383, is September 24, 2025. This proposed rulemaking action will extend beyond the effective date of the new legislation and therefore incorporates the necessary changes to align the rule with statute.

[34] The word "excluded" is used in 38 M.R.S. § 2146(1)(I)(4). However, the word "exemption" has been used in Department documents to solicit responses to the packaging material exemption requests for federally regulated products for consistency.

rulemaking process as an update to Chapter 428, management costs will still need to be covered for excluded materials. Management of any packaging materials excluded from the program in accordance with 38 M.R.S. § 2146(1)(I)(4) will continue to impose costs on municipalities. As a result, participating producers of packaging materials not excluded from the program will need to subsidize these costs. Producers of excluded material will essentially become "free riders" in the program.

The Department received comments recommending exclusion of packaging materials for any product regulated by the U.S. Food and Drug Administration as a drug or medical device, medical equipment, or product used in medical settings. Commenters assert that such exclusions are consistent with clear legislative intent that packaging for these products should be exempted. If it is the Legislature's intent for this packaging to be excluded from regulation under 38 M.R.S. § 2146, the statute should be amended to exempt those product categories.

Stewardship Organization Request for Proposals ("RFP") Development

The Department is currently developing the RFP for the SO that will operate the program. The RFP is expected to be released in early 2026, with selection and contracting of the SO anticipated in the second quarter of 2026.

As part of this process, the Department issued a Request for Information ("RFI") in May 2025 to gather input from potential service providers and other interested entities on the services to be provided by the SO. The Department hosted a virtual informational meeting on May 22, 2025, to solicit questions and provide answers regarding the RFI, which is available at https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfis. The Department received four written responses to the RFI, which was open from May 5, 2025, through May 30, 2025. Feedback received through this outreach effort is being used to inform the structure and scope of the forthcoming RFP.

Once contracted, the SO will open producer start-up registration within 60 days, invoice producers within 60 days of the registration window closing, and collect start-up payments within 180 days of the contract being executed, in accordance with 38 M.R.S. § 2146(6).

The first full producer reporting will occur in calendar year 2027 for packaging material produced in calendar year 2026.

Modernizing Department Recycling Data Systems in MELS

In parallel with ongoing rulemaking and outreach, the Department is modernizing how it collects, analyzes, and manages recycling data through the development of digital tools within the Maine Enterprise Licensing System ("MELS"). MELS is expected to provide an efficient, accurate, and

centralized platform for collecting, processing, and analyzing recycling data, including compiling and verifying municipal recycling tonnage data used in reimbursement determinations.

Alternative Collection Program Applications

In the spring of 2026, the Department will begin accepting applications for Alternative Collection Programs ("ACPs") through MELS. ACPs, the requirements for which are outlined in 38 M.R.S. § 2146(8), are intended to support safe, convenient, and statewide collection infrastructure, reduce risks associated with improper disposal, and potentially facilitate the development of refill and reuse systems. ACPs will provide targeted collection and management systems to Maine residents and offer producers a financial incentive to support end-of-life management of these materials since packaging material collected through an ACP may be eligible to offset the fees assessed to the producer under the program. ACPs must be approved by the Department pursuant to 38 M.R.S. § 2146(8)(A).

Municipal Reimbursements

Beginning in calendar year 2027, participating municipalities will receive reimbursement payments for the costs of managing packaging materials for recycling incurred in the previous calendar year. Eligible costs include those associated with the collection, transportation, and processing of packaging materials for recycling.

The SO will determine reimbursement payments using the method outlined in Chapter 428, along with cost data submitted by participating municipalities and municipal recycling tonnage data reported to the Department via the State's municipal recycling report. The SO will begin conducting cost studies in the summer of 2026. These cost studies will result in a tailored cost reporting plan that specifies which of their recycling program costs a participating municipality must report to the SO on an annual basis.

Municipalities interested in participating in the program are encouraged to contact the Department at MainePackagingEPR@maine.gov with questions or to express their interest. The Department is available to provide information and support, and once onboard, the SO will also be available to provide support. Starting in 2027, the municipal recycling report will be completed through MELS. In MELS, municipalities will have the option to indicate their interest in participating in the program and will provide the required recycling tonnage data directly through the report. This will facilitate their inclusion in the program and will also ensure automatic issuance of reimbursement payments from the SO.

Other States' Programs Updates

Several U.S. states have enacted packaging EPR laws. As of the fall of 2025:

- Oregon (*SB 582: Plastic Pollution and Recycling Modernization Act, 2021*) – Oregon is the first state to launch full program operations. As of July 2025, producer registration and the first producer reporting have occurred.
- California (*SB 54: Plastic Pollution and Packaging Producer Responsibility Act, 2022*) – CalRecycle expects to adopt program rules in 2026. The first producer registration is required to be scheduled within 30 days of the effective date of the regulations, and the first producer reporting is scheduled for one year after approval of the Producer Responsibility Plan for the approved Producer Responsibility Organization ("PRO") or Independent Producer. California will publish the Needs Assessment studies and the updated Covered Material Categories list at the beginning of 2026.
- Colorado *(HB 22-1355: Producer Responsibility Program for Statewide Recycling Act, 2022)* – As of July 2024, producers were required to register and report data to the PRO, Circular Action Alliance ("CAA"). The Colorado Department of Public Health and the Environment will make a final decision on the amended program plan submitted by CAA by late 2025, and the program is expected to launch in 2026.
- Minnesota (*HF 3577DE1: Packaging Waste and Cost Reduction Act, 2024*) – In February of 2025, Minnesota Pollution Control Agency confirmed CAA as a registered PRO for the program. Producers must join a PRO by July of 2025. A program needs assessment is to be carried out in 2026 which will define the scope of the program, and the program is expected to begin in early 2029.
- Maryland *(SB 901: Packaging and Paper Products Producer Responsibility Act, 2025)* – Maryland Department of the Environment ("MDE") published its needs assessment findings in February of 2025. MDE has initiated rule development, with producer registration and select producer reporting scheduled for 2026.
- Washington *(SB 5284: Recycling Reform Act, 2025)* – Washington State Department of Ecology ("WADOE") is scheduled to start rulemaking in 2026 and adopt the program rules in 2028. WADOE is scheduled to approve the PRO plan in 2029, and program operations are expected to begin in 2030.

Federal Litigation and Product Stewardship

A federal lawsuit was filed challenging Oregon's *Plastic Pollution and Recycling Modernization Act* ("RMA"),[35] one of the first EPR for packaging laws implemented in the United States. The lawsuit alleges that the state violated its constitutional "nondelegation" doctrine by transferring regulatory and fee-setting authority to the PRO. It also alleges that RMA violates the U.S. Constitution's Dormant Commerce Clause by unduly burdening interstate commerce. Additional allegations focus on the "unconstitutional conditions" doctrine, contending that market access is conditioned on

[35] https://www.dlapiper.com/en-us/insights/publications/2025/08/federal-lawsuit-targets-oregon-epr

contracts requiring producers to waive certain rights and judicial recourse. Lastly, the lawsuit alleges violations of due process under state and federal law, particularly regarding the standards and procedural safeguards for contesting fees, classifications, and enforcement actions, as well as the requirement that producers enter into binding arbitration with private third parties.

During the initial development of Maine's packaging program law, the potential issue surrounding the "nondelegation" doctrine and other issues brought by the lawsuit were considered and were the impetus behind the Department's recommendation of a program utilizing an SO scheme for program administration, rather than a PRO scheme. The Department will continue to monitor the lawsuit closely.

L. Post Consumer Recycled Content in Plastic Beverage Containers (2022) – 38 M.R.S. § 1615

In 2022, the Maine Legislature passed P.L. 2021, ch. 742 – *An Act To Promote a Circular Economy through Increased Post-consumer Recycled Plastic Content in Plastic Beverage Containers.* This law established reporting requirements for spirits manufacturers of, and entities initiating the deposits on, plastic beverage containers in accordance with 38 M.R.S. §§ 3101-3119 (Maine's Beverage Container Redemption Program). It establishes a desired minimum percentage of post-consumer recycled content ("PCRC") plastic in plastic beverage containers and, starting in 2027, requires that a spirit manufacturer or IOD pay a $0.20 fee for every pound of plastic used for which the desired minimum percentage of PCR plastic was not met.[36]

Beginning in April 2024, IODs and spirits manufacturers were required to report their plastic usage for the previous calendar year. In the 2025 reporting year, the Department received reports for 217 of the 229 entities obligated to report, improving compliance to 95% after receiving reports from just 52% of obligated entities during the first reporting year (2024). IODs and spirits manufacturers have not yet been charged registration fees, but the Department will begin charging registration fees in 2026.

Of the 217 entities that have complied with reporting requirements for 2025 to date, 43% reported using some PCRC in their plastic beverage containers during 2024, up slightly from 40% reporting some PCRC usage during 2023. The overall percentage of PCRC plastic in plastic beverage containers sold in Maine was 24%, down slightly from 28% during 2023. These percentages are as reported, as the Department's efforts to date have been focused on education and outreach to regulated entities and obtaining reports rather than verifying content.

[36] The fee is calculated by adding the total amount by weight in pounds of post-consumer recycled plastic and the total amount by weight in pounds of plastic that is not post-consumer recycled plastic, multiplying by the desired minimum PCR plastic percentage for the prior calendar year, subtracting the weight in pounds of PCR plastic used, and multiplying by $0.20.

The Department conducted limited verification and held two stakeholder meetings in preparation for a more thorough examination of reported data, which will take place in 2026. The limited efforts at verification resulted in corrections to approximately 20% of reports submitted. As part of the Department's verification process, the Department compared the plastic use as reported in the PCRC Reports with the amount of plastic beverage containers brokered as reported by recycling establishments in accordance with "Recycling reporting," 38 M.R.S. § 2145(1). A comparison of these two data sets indicates that in 2023 total plastic use reported to the PCRC Program was likely over reported by approximately 16 million pounds (62%), despite the low number of entities reporting to the program.[37] While PCRC data reported for 2024 does cross check more accurately to data reported under 38 M.R.S. § 2145(1) than the 2023 data, it is clear that initial PCRC reports are not reliably accurate. The current requirement that payments for failure to meet desired PCRC plastic content standards be received concurrently with PCR reports would result in many erroneous payments. Therefore, the Department has proposed changes to 38 M.R.S. § 1615(4) and 38 M.R.S. § 1615(5) to allow the Department to invoice spirits manufacturers and IODs for failure to meet desired plastic content standards after having the opportunity to review the PCR reports (see Appendix A).

III. New Stewardship Programs Enacted in 2024

The 132nd Maine Legislature, First Regular Session, did not enact legislation to create additional product stewardship programs.

IV. Candidate Products and Suggestions for Updates to Stewardship Programs

The following products have been identified as potential program candidates for future consideration using the criteria outlined in Maine's Product Stewardship Law ("Framework Law") 38 M.R.S. § 1772. All of these have been identified in previous stewardship reports. This law charges the Department with the identification of products for which new product stewardship programs might be suitable and outlines the following five criteria upon which the Department should base that decision:

- The product category contains toxics that pose a risk to people or the environment.
- A program would increase materials recovery.

[37] During 2024, spirits manufacturers and IODs reported selling approximately 42 million pounds of plastic in plastic beverage containers in the State. Given an estimated redemption rate of 75%, one would expect recycling establishments to have brokered 32 million pounds of plastic beverage containers; recycling establishments reported selling only 19 million pounds of plastic beverage containers in 2023, which would equate to approximately 26 million pounds sold by spirits manufacturers and IODs. Sales of 26 million pounds of plastic beverage containers by spirits manufacturers and IODs in 2023 would be fairly consistent with the 27 million pounds of total sales reported by these entities in 2024.

- A program would reduce costs to local governments and taxpayers.
- There are demonstrated successful programs for the product in other jurisdictions.
- Any existing voluntary management programs are insufficient.

The Department assesses products or product categories using the criteria outlined in the Framework Law to determine whether they may be a good candidate for a stewardship program. The Department may recommend a product or product category as a candidate for a product stewardship program if it determines that one or more of the five criteria are met.

A. Carpet

Carpet has been identified in the previous stewardship reports as a product of concern. Carpet consistently meets four of the five criteria listed in the Framework Law for identifying stewardship candidate products, and certain carpets contain toxics and therefore meet all five. Research shows that some carpets may contain brominated flame retardants[38] and per- and polyfluoroalkyl substances ("PFAS").[39] In 2021, the Legislature addressed PFAS in carpeting by authorizing P.L. 2021, ch. 477 - *An Act To Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution*, which prohibits the sale or distribution for sale of any carpet or rug that contains intentionally added PFAS beginning January 1, 2023.

Two states currently have end-of-life stewardship programs for carpet: California and New York. The Department is not recommending a stewardship program for carpet at this time but will continue to monitor end-of-life management options.

B. Mattresses

Mattresses have been identified in previous reports as a product of concern. Resolve 2019, ch. 36 - *Resolve, To Require the Department of Environmental Protection to Study the Establishment of a Product Stewardship Program for Mattresses* directed the Department to study the establishment of a new stewardship program for mattresses and report the findings of its study to the ENR Committee. The Mattress Stewardship Report was submitted in December of 2019. The Department concluded that recycling does not appear to be economically or environmentally beneficial at this time, and the most appropriate course of action would be to proceed with pilot projects to determine the viability of a program. Mattresses have been a product of interest for stewardship programs in several other

[38] *Environmental concentrations and consumer exposure data for selected flame retardants (TBB, TBPH, TBBPA, ATO),* Consumer Product Safety Commission, 2015. See https://www.cpsc.gov/s3fs-public/Environmental%20Concentrations%20and%20Consumer%20Exposure%20Data%20for%20Selected%20Flame%20Retardants.pdf.

[39] Columbus, C. (2018, December 13). *PFAS detected in carpets from several U.S. manufacturers.* Retrieved from https://subscriber.politicopro.com/article/eenews/1060109571.

states. Currently only four states (California, Oregon, Connecticut, and Rhode Island) have product stewardship laws specifically addressing mattress end-of-life management.

Since the December 2019 report, the Department has continued to monitor mattress disposal in Maine. Currently, four of Maine's operating landfills that accept MSW also accept mattresses for disposal; one of the operating waste-to-energy facilities does as well. Casella Recycling LLC has submitted an application to the Department for a mattress processing facility in Scarborough, which has an expected capacity of 30,000-60,000 mattresses per year once fully operational.

Generally, mattresses are subject to a fee charged by the facility accepting the mattress at the time of disposal. Two of the landfills that accept mattresses for disposal charge an extra fee per mattress. Many of the municipal transfer stations also charge fees for accepting mattresses to cover the fee by the disposal facility and their handling costs, which can be up to $65 per mattress. The Department will continue to monitor whether mattress litter increases as a result of these fees. Littering has been one of the driving factors for the development of other successful stewardship programs, such as the beverage container redemption program and e-waste program. A mattress program may be appropriate if mattress litter increases significantly due to increases in cost of mattress disposal.

C. Household Hazardous Waste

Household hazardous waste ("HHW") has been identified in previous reports as a product of concern. HHW is a term used to describe common household products that exhibit the characteristics of hazardous waste as defined in the Resources Conservation and Recovery Act but are exempt from the precautionary handling requirements that apply to commercially generated hazardous waste.[40] HHW meets at least four of the five criteria.

Options to manage HHW are extremely limited in most of Maine, as there are only two operations open to all Maine residents; both of which are located in Southern Maine and do not operate during the winter months. Additionally, disposal at these facilities is expensive.[41] Due to the limited disposal options, the Department has experienced an increase in inquiries regarding HHW disposal but does not have much to offer regarding options for the public. The Department does not anticipate an expansion in management opportunities unless a funding source can be identified. In the meantime, hazardous wastes such as cleaning solutions and other solvents, oils, waste gas, and pesticides from households are most likely being handled as if they were not hazardous and are disposed of in the trash like any municipal solid waste. HHW products may catch fire, react, or explode or may be corrosive or toxic if not managed properly. These risks to human health and the

[40] Retrieved from https://www.epa.gov/hw/household-hazardous-waste-hhw.
[41] Fee structures vary from $3.50 per pound or $6.50 per gallon to $33-$40 per unit, depending on the facility and whether the person dropping materials off is part of a municipality that has arranged for reduced fees.

environment underscore the importance of managing HHW cautiously. In 2023, Vermont passed an HHW stewardship law (Household Hazardous Waste EPR | Department of Environmental Conservation (vermont.gov), which will begin requiring HHW collection plan submissions in July of 2026. The Department continues to monitor the roll-out and implementation of this law.

D. Solar Panels

Solar Panels have been identified as a potential candidate product in previous Annual Product Stewardship Reports (2019-2025). In 2023, the legislature passed Resolve 2023, ch. 52 – *Resolve, to Evaluate Options for the Recycling of Solar Panels and Wind Turbine Blades,* which required the Department to evaluate whether solar panels meet the criteria of 38 M.R.S. § 1772(2) to be a candidate for a product stewardship program. The Resolve required that the evaluation include comprehensive information on solar panel recycling facilities operating in the eastern United States, including costs for recycling, recommendations, and any proposed legislation. The Department completed this evaluation and it is presented in the 2024 Annual Product Stewardship Report. As the evaluation detailed, solar panels were found to meet three of the five criteria outlined in 38 M.R.S § 1772(2) as described below.

Certain solar panels may be considered a hazardous waste according to 40 C.F.R. Parts 239-282, the Resource Conservation and Recovery Act ("RCRA"), depending on the leachability of RCRA hazardous materials present in the solar panels.

On October 23, 2023, EPA announced a new rulemaking effort to improve the recycling and management of end-of-life solar panels.[42] EPA is developing a proposed rule to add solar panels to federal universal waste regulations. This rulemaking initiative began in response to a petition submitted by a broad coalition of industry associations requesting that solar panels be managed as universal waste. Designating solar panels as universal waste would ease requirements on solar panel waste decommissioning, transport, storage, and recycling.[43]

Currently, owners of broken or nonfunctioning solar panels must manage those wastes in accordance with applicable solid and hazardous waste regulations enforced by the Department and the U.S. EPA. A non-functioning solar panel may meet the definition of a hazardous waste under Maine's *Identification of Hazardous Waste* (06-096 C.M.R. ch. 850, § 3(A)(5)(d)(vi)) if constructed from hazardous components and if it exceeds hazardous waste thresholds when analyzed with the toxicity characteristic leaching procedure ("TCLP"). The Department recommends continuing to follow

[42] U.S. Environmental Protection Agency, *End-of-Life Solar Panels: Regulations and Management*. Retrieved from https://www.epa.gov/hw/end-life-solar-panels-regulations-and-management.
[43] U.S. Environmental Protection Agency, *Improving Recycling and Management of Renewable Energy Wastes: Universal Waste Regulations for Solar Panels and Lithium Batteries*. Retrieved from https://www.epa.gov/hw/improving-recycling-and-management-renewable-energy-wastes-universal-waste-regulations-solar.

current end-of-life handling requirements as discussed in the 2024 Annual Product Stewardship Report for managing solar panels until U.S. EPA finalizes any federal regulatory changes, and more readily available options for recycling come online as the U.S. Department of Energy ("DOE") continues its work in photovoltaic cell end-of-life management. The Department will continue to monitor federal and state regulations as well as disposal options pertaining to end-of-life management of solar panels.

E. Wind Turbine Blades

Resolve 2023, ch. 52 – *Resolve, to Evaluate Options for the Recycling of Solar Panels and Wind Turbine Blades* required the Department to evaluate if wind turbine blades meet the criteria of 38 M.R.S. § 1772(2) to be a candidate for a product stewardship program. The Resolve required that the evaluation include information regarding available recycling facilities operating in the eastern United States, identification of costs for recycling, recommendations on best ways to manage wind turbine blades, and any proposed legislation. This evaluation was specific to wind energy development projects of a grid-scale size, and not small wind energy generation systems designed for residential or commercial structures. The Department completed this evaluation and it is presented in the 2024 Annual Product Stewardship Report.

Wind turbine blades meet two of the five criteria in 38 M.R.S. § 1772(2) as described further below. Wind turbine blades are generally manufactured from glass fiber, plastics, wood and carbon fiber and non-toxic materials. Thus, toxicity is not generally a concern with management and disposal of these blades; however, end-of-life challenges do exist due to the size, bulk, and rigidity retention of the materials.

As the 2024 Annual Product Stewardship Report states, the Department does not recommend the development of a product stewardship program for wind turbine blades at this time. The Department recommends following the growth of recycling technologies and management programs in other jurisdictions and the U.S. DOE efforts for turbine blade recycling. The Department will continue to monitor any developing U.S. EPA regulations or regulations from other jurisdictions on wind turbine blades.

F. Rechargeable Battery Recycling Program

The Department supports a legislative update to the rechargeable battery program laws set by 38 M.R.S. § 2165**.** As stated in Section II(C) of this report, only batteries with a nickel cadmium chemistry are included as a covered product in Maine's current rechargeable battery program. Other "modern" battery chemistries, such as lithium-ion, and primary batteries are not included in Maine's program as they are in some other U.S. jurisdictions.

In addition to the issues discussed in Section II(C) of this report, the lack of proper disposal of these batteries has created concerns in Maine's waste stream. The absence of guidance for proper disposal

and transport has led to safety concerns for collection, transportation, and disposal/recycling of these batteries. One such issue is lithium-ion battery-related fires that have occurred in Maine. Since July 2023, ecomaine reports that it has had 12 fires that were traceable to lithium-ion batteries. Of these, 11 were discovered and mitigated by ecomaine personnel, with one incident requiring response and intervention by the Portland Fire Department. In June of 2023, Casella reported 12 lithium-ion battery-related fires that year. Many of these fires were due to smaller lithium-ion batteries such as the ones found in power tools, cell phone chargers, and e-cigarette/vaping devices.

If lithium-ion batteries are not handled safely, they run the risk of going into thermal runaway. Thermal runaway[44] is a phenomenon in which the lithium-ion cell enters an uncontrollable, self-heating state. This can result in ejection of gas, shrapnel and/or particulates, extremely high temperatures, smoke, and fire. Thermal runaway can occur for many reasons. A battery can be overcharged, exceeding the voltage threshold of the battery. A battery can have an internal short circuit; this is often caused by physical damage or manufacturing defects caused by using inferior products. Extreme temperatures and physical damage can also be factors. Lastly, the age of the battery can be an important factor. When batteries age, they deteriorate over time. This can present in the battery through swelling and heating. When batteries are placed in the waste stream and not managed with special care, there are more chances of the battery becoming compromised, which may present a fire and/or explosion hazard. Many batteries that are suspected of fires are linked to those that are manufactured and sold with inferior construction.

As described in more detail in Section II(C) of this report, the Department provided an opportunity for stakeholder engagement and reviewed current battery recycling and stewardship laws in other jurisdictions. As a result of this process, the Department has developed a draft concept bill to update Maine's battery recycling program. The proposed program outlined in the concept bill would expand the existing battery recycling program by adding in primary batteries and products with embedded batteries in a phased approach designed to address future evolution of battery chemistry and designs. This concept bill can be found in Appendix B. The Department encourages comments regarding this concept bill as part of the comment process for this report as discussed in Section I, and recommends that the Legislature delay incorporating embedded battery products in the battery recycling program until at least 2030.

G. Electronic Vape Pens and Cartridges

The Department is proposing the consideration of electronic vape pens and cartridges ("vape pens") as potential candidate products for a product stewardship program, which were first proposed in the 2025 Annual Product Stewardship Report. Vape pens have grown in popularity with little regulatory

[44] UL Research Institutes, What Is Thermal Runaway? | UL Research Institutes

oversight regarding their disposal. Tobacco/nicotine vape pens meet all five criteria under 38 M.R.S. § 1772. Cannabis-specific vape pens meet three criteria. However, it should be noted that any vape pen with refillable or replaceable cartridges could be used for any type of vape fluid.

There are three main types of vape pens: large-sized tanks, rechargeable pod systems, and disposable devices. Large-sized tanks have refillable tanks and removable and replaceable batteries. Rechargeable pod systems use pods that are pre-filled or filled by the consumer, and may be replaced when empty, with batteries that are embedded into the device which are not easily removable. Disposable devices are those where the pod and battery are embedded into the device and the battery may or may not be rechargeable but cannot be removed for replacement. Many products with embedded batteries become waste when the battery dies as they can no longer operate as intended.

Nicotine, which is an active ingredient in e-liquid and e-cigarettes, is listed as an acutely toxic hazardous waste, P075, and is regulated as a hazardous waste for purposes of disposal.[45] Liquid nicotine in e-cigarettes can be easily absorbed through the skin, potentially causing nicotine poisoning with symptoms that include difficulty breathing, fainting, or seizures. Nicotine can also harm fish and other aquatic organisms.[46] Cannabis is a federally controlled substance, which poses additional difficulties in transport and disposal. Cannabis vape cartridges are constructed and used similarly to tobacco vape pens. The vape pens contain vegetable glycerol, propylene glycol, and benzoic acid.

Vape pens may also contain microprocessor chips which can contain toxic metals, such as lead and mercury. Plastics and other metals are also part of the devices' construction. Improper management of batteries in vape pens may lead to fires as described in previous sections of this report and in previous Product Stewardship Reports. Even the simple act of tossing a vape pen in a trash can cause a fire, as shown when a vape pen started a fire at a University of Southern Maine dormitory.

The Department is not aware of any existing voluntary collection programs in Maine. However, the Department is aware of one collection program for vape pens in Boulder County in Colorado. Collections from schools and from retail stores in Boulder County in 2023 included 7,706 devices (790 pounds) and 26 pounds of pods and e-liquid. Quebec has recently implemented a vape pen disposal program to recycle vape pens, operated by Call2Recycle.

[45] Vapes are sold for personal use and therefore considered to be a household hazardous waste product exempt from hazardous waste regulations. See EPA RCRA Online Number 14850 – Hazardous Waste Status of E-Cigarettes Under RCRA.
[46] U.S. EPA – How to Safely Dispose of E-Cigarettes: Information for Individuals

During the 132nd Maine State Legislature, two bills were introduced addressing the end-of-life management and regulation of vape pens: L.D. 754 – *An Act to Ban the Sale, Use and Possession of Single-use Electronic Cigarettes and to Review Extended Producer Responsibility Options for All Batteries* and L.D. 1519 – *An Act to Create a Stewardship Program for Electronic Smoking Devices and Related Products.* L.D. 754, as currently written, would prohibit the sale, use and possession of single-use electronic nicotine delivery devices, which include electronic cigarettes, electronic cigars, electronic pipes, electronic hookahs and so-called vape pens, and also establish penalties for such sale, use, and possession that are similar to the penalties for the sale of nicotine liquid containers that are not child resistant. Additionally, L.D. 754 would direct the Department to convene a stakeholder group of interested parties to review the feasibility and viability of establishing an EPR approach to all batteries not currently covered by an EPR requirement. L.D. 1519 provides for establishment of a vape pen product stewardship program by requiring producers of electronic smoking devices, individually, collectively or through an SO, to submit to the Department for review and approval a plan for the establishment of a stewardship program to manage unwanted electronic smoking devices sold by the producer at the end of the device's life. Any producer that is not participating in a stewardship program would not be allowed to sell or offer for sale an electronic smoking device in the State. The Department testified in support of L.D. 1519.[47]

L.D. 754 was carried over by the Committee on Environment and Natural Resources to any special or regular session of the 132nd Legislature. L.D. 1519 was voted ought to pass by the Environmental and Natural Resources Committee and passed to be engrossed as amended by the House and Senate and sent to the Committee on Appropriations and Financial Affairs. L.D. 1519 was then carried over by the Committee on Appropriations and Financial Affairs to any special or regular session of the 132nd Legislature.

The Department will monitor the final outcome of these two bills and recommend further action for vape pens in the next Annual Product Stewardship Report depending on their final disposition.

H. Sharps

Each year, thousands of Mainers use millions of syringes, pen needles, and lancets or "sharps" to control medical conditions like diabetes, arthritis, and allergies. Needles must be managed with extreme care and prepared for disposal with specific tools to cut the syringe and specific storage containers to ensure they do not pose a risk in the waste stream.

Due to the challenges of safe management, sharps may be stockpiled in the home or improperly disposed of in the trash or by flushing them down the toilet, which puts janitorial staff, and solid

[47] Testimony of Brian Beneski, Maine Department of Environmental Protection, Speaking in Support of L.D. 1519, April 23, 2025.

waste and wastewater facility operators at risk for accidental and painful needle sticks that can lead to infection, tetanus, and transmission of diseases. End-of-life management for sharps is expected to be a growing problem, as the long-term use of biologics and prefilled injectables is expected to nearly double by 2035.[48,49,50] However, the Department is unaware of any reporting requirements or data on the collection of or injuries from sharps.

Current guidance provided by the Department for sharps end-of-life management to the public is to place used sharps in a plastic detergent bottle or equivalent, tape the lid on, and label it "DO NOT RECYCLE" and place in the trash for disposal, or to purchase a Food and Drug Administration ("FDA") approved container for sharps.

Currently, California is the only state which has a specific product stewardship program that includes sharps. The California legislature passed Senate Bill 212, "*Solid waste: pharmaceutical and sharps waste stewardship"* (Jackson, Chapter 1004, Statues of 2018)[51] in 2018, establishing a comprehensive stewardship program that included pharmaceutical drugs and home sharps, becoming the first state in the nation to pass such a law. The Oklahoma legislature passed Senate Bill 511, "*An Act relating to controlled dangerous substances*" in 2021,[52] legalizing harm reduction services statewide and enabling privately funded programs to capture sharps. However, Oklahoma's Safe Medial Disposal program has identified that there is still a need for safe, affordable disposal options that would be provided by a convenient statewide sharp collection program.[53]

Adding sharps to Maine's drug take-back program would require additional collection infrastructure, as sharps cannot be disposed of in the existing drug take-back program due to the nature of the packaging design. Drug take-back kiosks are lined with waterproof liners to prevent leakage and should not be punctured. Drug mail-back envelopes could easily be punctured by sharps. Used sharps must be stored and shipped in an FDA-approved container. These containers typically take up a significant amount of storage space, and this has proven to adversely impact limited pharmacy space.

I. Compressed Gas Cylinders

In the 132nd Maine Legislature, First Regular Session, L.D. 1035, *Resolve, to Study the Safe Disposal of Single-use Propane Canisters*, was proposed but did not become law. This proposed legislation would

[48] Injectable Drug Industry Analysis in North America | Global Market Analysis Report - 2035
[49] https://www.globenewswire.com/news-release/2025/09/12/3149134/28124/en/US-Generic-Injectables-Market-Report-2025-2033-Key-Players-Expand-Portfolios-Invest-in-R-D-and-Pursue-Strategic-Partnerships-to-Strengthen-Market-Position-Across-Therapeutic-Areas.html
[50] https://www.grandviewresearch.com/industry-analysis/us-specialty-injectable-generics-market
[51] Pharmaceutical and Sharps Waste Stewardship - CalRecycle Home Page
[52] Oklahoma Safe Medical Disposal
[53] https://oksafemeddisposal.org/medical-sharps/

have directed the Department to evaluate statewide infrastructure available to residents for managing single-use propane canisters, provide recommendations to improve those management options, and assess the possibility of banning single-use propane canisters in favor or refillable canisters. Although L.D. 1035 did not pass, the Department indicated during its testimony at the public hearing for the bill that it would include a summary of cylinder end-of-life management in this report.

Industry sources estimate that 40-60 million one-pound disposable propane cylinders are produced annually in the United States.[54] Assuming Maine accounts for approximately 0.4% of the national population and that consumer purchasing behavior is consistent with national trends, it is reasonable to estimate that at least 160,000 single-use propane cylinders are sold in Maine each year. Residents are typically instructed by Department staff to check with their local municipal transfer station to determine whether they accept empty cylinders, but acceptance policies vary.

Some manufacturers and distributors will collect refillable propane cylinders greater than five pounds due to their higher scrap metal value and compatibility with established refillable exchange programs. However, smaller, non-refillable cylinders are generally excluded from traditional recycling systems. In the absence of accessible, designated collection options, these containers are often disposed of in the municipal solid waste stream, contrary to best practices for managing potentially hazardous materials. This improper handling increases the risk of injury to sanitation workers, equipment damage at waste processing facilities, and environmental harm due to residual pressurized gas.

A few U.S. jurisdictions have recently enacted measures addressing the management of both reusable and single use pressurized cylinders. Currently, Connecticut remains the only state with an EPR law specifically targeting these types of cylinders.[55] Vermont has enacted an EPR law for HHW, which encompasses certain pressurized cylinders.[56] California has adopted legislation to prohibit, beginning January 1, 2028, the sale of propane cylinders that cannot be refilled or reused.[57] Among the six other states that have enacted EPR laws for packaging, Colorado[58] and Oregon[59] include single-use compressed gas cylinders within the scope of their programs.[60]

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[54] https://trackbill.com/s3/bills/CA/2021/SB/1256/analyses/assembly-judiciary.pdf
[55] An Act Concerning Extended Producer Responsibility for Certain Gas Cylinders, Public Act No. 22-27 (Conn. 2022).
[56] 10 V.S.A. § 7181(5)(A) currently includes nonrefillable containers less than or equal to fifty pounds and refillable containers less than or equal to one pound.
[57] Senate Bill 1280 states that beginning January 1, 2028, only refillable propane canisters and cylinders will be offered for sale in California.
[58] Colorado currently includes nonrefillable propane cannisters of any size, however they are currently reviewing a list of covered materials.
[59] Oregon currently includes nonrefillable and industrial propane cannisters of any size. https://www.oregon.gov/deq/recycling/Documents/CAAamendOPPa2.pdf
[60] California, Maryland, Minnesota, and Washington have exemptions for materials regulated by 2012 federal OSHA hazard communications standard (29 C.F.R. § 1910.1200).

Single-use propane pressurized cylinders meet the definition of packaging material in Maine's Stewardship Program for Packaging (38 M.R.S. § 2146).[61] Under this program, a producer or a group of producers may apply to establish an Alternative Collection Program ("ACP") for a type of packaging material, such as metal pressurized cylinders. An ACP for cylinders would provide targeted collection and management systems to Maine residents and offer producers a financial incentive to support end-of-life management of these materials because packaging material collected through an ACP would be eligible to offset the fees assessed to the producers under this program. An approved ACP would need to support safe, convenient, and statewide collection infrastructure, reduce risks associated with improper disposal, and facilitate the development of refillable and reusable systems. Given the complications with cylinder end-of-life management, the Department would encourage an ACP for pressurized cylinders.

Alternatively, the State may consider legislative action to establish a stand-alone product stewardship program for pressurized cylinders, similar in structure to the previously mentioned EPR law in Connecticut for certain gas cylinders, and to the state's current paint and pharmaceuticals programs previously mentioned in this report. This pathway would ensure a collection program specific to cylinders would exist in the state, as the Packaging Program cannot require producers to set up an ACP. Implementation of a stand-alone program would likely require additional resources to be allocated to the Department to administer and oversee a program, whereas an ACP would take advantage of existing Department and SO resources for oversight. Additionally, an ACP provides a greater incentive for a robust collection system than a stand-alone program. As stated earlier, material collected through the ACP would offset payment obligations to the Packaging Program. However, producers are still financially responsible for the material that is not collected in the ACP, thereby incentivizing them to collect as much material as possible through their ACP.

Refillable cylinders are ideal from an environmental perspective, providing significant climate and environmental benefits as well as cost savings. The use of refillable cylinders prevents the resource extraction, production, and transportation required to produce new cylinders, which are often made from steel. Currently, there is no data available on annual single-use cylinder sales.

However, there is currently limited availability of suitable refillable alternatives capable of meeting current consumer demand, particularly for smaller-size cylinders commonly used in outdoor recreation and portable appliances. While refillable propane canisters of comparable size are available for purchase in some markets, the current supply and distribution infrastructure is insufficient to support a full transition. Additionally, aftermarket refill kits that allow consumers to refill single-use cylinders exist; however, these devices raise significant safety concerns. Given these limitations, the Department recommends that efforts focus first on expanding safe, voluntary collection options prior to considering any future restrictions on the sale or use of non-refillable

[61] As proposed in 06-096 C.M.R. ch. 428, Appendix A.

cylinders. However, encouraging refillable cylinder use is an important long-term goal once the immediate issues of safe management for the current disposable cylinders have been addressed.

V. Conclusion

Maine's product stewardship programs continue to divert a significant amount of material from disposal to recycling and ensure the safe handling of products containing toxics. As noted in the Department's 2026 Waste Generation and Disposal Capacity report, Maine's product stewardship programs diverted 2,378 tons of material and 1,578 tons of lead-acid batteries in 2024, roughly 0.1% of the weight of municipal solid waste and construction and demolition debris generated in Maine in that same year. The Department is currently focused on implementing recent legislative changes to the beverage container redemption program and continuing with the implementation of the stewardship program for packaging while it continues to oversee existing core product stewardship programs.

As recommended by Maine's Product Stewardship Framework law, the Department will continue to assess other candidate products presenting end-of-life management challenges that may be addressed by carefully constructed programs in the future, and review current programs and recommend updates as necessary. However, as discussed in all previous Product Stewardship Reports, implementation of any new product stewardship programs will require no less than one full-time equivalent ("FTE") staff position. While the Department supports continuing to utilize product stewardship strategies to reduce waste, increase recycling, and further support the State's solid waste management hierarchy, evaluation and regulation development of new product categories will require additional resources for successful program administration.

APPENDIX A
Proposed Changes to 38 M.R.S. § 1615(4) and 38 M.R.S. § 1615(5)

Sec. 1. 38 MRSA §1615, sub-§4 is amended to read:

4. Initiator of deposit and spirits manufacturer reporting; payment of fees; product removal for noncompliance. On or before April 1, 2024, and annually thereafter, an initiator of deposit or spirits manufacturer that has in the prior calendar year sold, offered for sale or distributed for sale in the State a plastic beverage container shall submit a report to the department identifying, by resin type when applicable, the amount by weight in pounds of post-consumer recycled plastic, the amount by weight in pounds of plastic that is not post-consumer recycled plastic and the percentage of post-consumer recycled plastic in the total weight of all plastic beverage containers the initiator or spirits manufacturer sold, offered for sale or distributed for sale in the State in that prior calendar year.

A. If the initiator of deposit or spirits manufacturer has determined the data required to be reported under this subsection using regional or territorial data, the initiator or spirits manufacturer shall describe in the report the methodology used to determine the Maine-specific figures. [PL 2021, c. 742, §3 (NEW); RR 2021, c. 2, Pt. A, §134 (RAL).]

B. A~~t the time that a~~n initiator of deposit or spirits manufacturer ~~submits a report~~ required to report under this subsection~~, the initiator or spirits manufacturer~~ shall pay to the department an annual registration fee~~ and, on or after January 1, 2026, any fee required by subsection 5~~. The department shall set the amount of the annual registration fee, which may not exceed $500 and which must be designed to offset the costs to the department of administering and overseeing this section. Any fees received by the department pursuant to this section must be deposited in the Maine Environmental Protection Fund established in section 351.

An initiator of deposit or spirits manufacturer that in the prior calendar year sold, offered for sale or distributed for sale in the State less than 10,000 plastic beverage containers or, in the aggregate, less than 200 pounds of plastic that is not post-consumer recycled plastic is not required to pay an annual registration fee under this paragraph but shall otherwise comply with all applicable requirements of this section, including, but not limited to, submission of the report required under this subsection and payment of any fee required by subsection 5. [PL 2021, c. 742, §3 (NEW); RR 2021, c. 2, Pt. A, §134 (RAL).]

C. The department may conduct audits or take other necessary actions to verify the accuracy of initiator of deposit or spirits manufacturer data reported under this subsection. [PL 2021, c. 742, §3 (NEW); RR 2021, c. 2, Pt. A, §134 (RAL).]

D. After reviewing the report submitted by a spirits manufacturer or initiator of deposit, the department will send an invoice for any fee required by subsection 4, paragraph B and subsection 5.

E. ~~D.~~ Proprietary information submitted to the department in a report required under this subsection or submitted to the department as part of an audit or other action taken by the department under paragraph C that is identified by the submitter as proprietary information is confidential and must be handled by the department in the same manner as confidential information is handled under section 1310-B. [PL 2021, c. 742, §3 (NEW); RR 2021, c. 2, Pt. A, §134 (RAL).]

F. ~~E.~~ The department shall make available on its publicly accessible website all reports submitted under this subsection, except that the department shall redact or remove from such reports any proprietary information identified pursuant to paragraph D. [PL 2021, c. 742, §3 (NEW); RR 2021, c. 2, Pt. A, §134 (RAL).]

G. ~~F.~~ An initiator of deposit may submit the report required under this subsection using information provided to the initiator by a manufacturer. An initiator of deposit or a spirits manufacturer may contract with a 3rd party to submit the report on the initiator's behalf. The submission of the report required under this subsection by an initiator of deposit using information provided by a manufacturer or by a 3rd party on an initiator's or spirits manufacturer's behalf does not relieve the initiator or spirits manufacturer from complying with the other requirements of this section. [PL 2021, c. 742, §3 (NEW); RR 2021, c. 2, Pt. A, §134 (RAL).]

H. ~~G.~~ Not more than once every 5 years, the department may require initiators of deposit and spirits manufacturers to fund a 3rd-party verification of accuracy of the information submitted under this subsection. The 3rd party selected by the department to conduct such verification must be agreed upon by the initiators of deposit and spirits manufacturers.

An initiator of deposit or spirits manufacturer may elect to satisfy the requirements of this paragraph by submitting to the department a 3rd-party verification, or, in the case of an initiator of deposit, a manufacturer's verification, of the accuracy of substantially similar information to that required to be reported under this subsection that was submitted to another state with a post-consumer recycled plastic content requirement that is substantially similar to the requirements of this section as long as that other state is included in the region or territory identified by the initiator or spirits manufacturer under paragraph A. [PL 2021, c. 742, §3 (NEW); RR 2021, c. 2, Pt. A, §134 (RAL).]

I. ~~H.~~ Except as provided in paragraph I, if an initiator of deposit or spirits manufacturer fails to submit the report and pay all applicable fees required under this subsection within 60 days of the reporting deadline, the department may prohibit the initiator or spirits manufacturer from selling, offering for sale or distributing for sale in the State any plastic beverage container.

(1) If, pursuant to this paragraph, the department prohibits an initiator of deposit from selling, offering for sale or distributing for sale in the State any plastic beverage container, the department shall provide written notification of that prohibition to any manufacturer whose plastic beverage containers are sold, offered for sale or distributed for sale in the State by the initiator and to dealers and distributors in the State. A manufacturer, dealer or distributor that receives such written notification and, 3 calendar days or more after receipt of the notification, sells, offers for sale or distributes for sale in the State a plastic beverage container of the initiator commits a violation of this section.

(2) If, pursuant to this paragraph, the department prohibits a spirits manufacturer from selling, offering for sale or distributing for sale in the State any plastic beverage container, the department shall provide written notification of that prohibition to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, which shall ensure that the plastic beverage containers of the spirits manufacturer are promptly removed from sale in the State.

(3) An initiator of deposit or spirits manufacturer prohibited by the department pursuant to this paragraph from selling, offering for sale or distributing for sale in the State any plastic beverage container that subsequently sells, offers for sale or distributes for sale in the State a plastic beverage container commits a violation of this section. [PL 2021, c. 742, §3 (NEW); RR 2021, c. 2, Pt. A, §134 (RAL).]

J. ~~I.~~ Notwithstanding any provision of this section to the contrary, if an initiator of deposit lacks the information necessary to submit the report required under this subsection by the

reporting deadline and calculate the fee required under subsection 5 due to the failure of one or more manufacturers whose plastic beverage containers the initiator sold, offered for sale or distributed for sale in the State during the prior calendar year to provide such information to the initiator, the department may:

(1) Allow the initiator to submit the required report and calculate and pay the required fee based only on the manufacturer information available to the initiator and to thereby be deemed in full compliance with those requirements;

(2) Allow the initiator to sell, offer for sale or distribute for sale in the State any plastic beverage container of any manufacturer that provided the initiator with the information necessary to satisfy the reporting requirement and calculate the required fee but prohibit the initiator from selling, offering for sale or distributing for sale in the State any plastic beverage container of any manufacturer that failed to provide such information to the initiator. If the initiator of deposit sells, offers for sale or distributes for sale in the State a plastic beverage container subject to a prohibition imposed under this subparagraph, the initiator commits a violation of this section; and

(3) Provide written notification of a prohibition imposed under subparagraph (2) to manufacturers, dealers and distributors in the same manner as in paragraph H, subparagraph (1). A manufacturer, dealer or distributor that receives such written notification and, 3 calendar days or more after receipt of the notification, sells, offers for sale or distributes for sale in the State a plastic beverage container of an initiator of deposit subject to a prohibition imposed under subparagraph (2) commits a violation of this section. [PL 2021, c. 742, §3 (NEW); RR 2021, c. 2, Pt. A, §134 (RAL).]

[PL 2021, c. 742, §3 (NEW); RR 2021, c. 2, Pt. A, §134 (RAL).]

Sec. 1. 38 MRSA §1615, sub-§5 is amended to read:

5. Post-consumer recycled plastic content fee. Pursuant to the provisions of this subsection, ~~an initiator of deposit or spirits manufacturer~~ the department shall calculate the amount of a post-consumer recycled plastic content fee and shall invoice the initiator of deposit or spirits manufacturer ~~remit such amount to the department~~ pursuant to subsection 4, paragraph B as follows:

A. The department ~~initiator of deposit or spirits manufacturer~~shall add the total amount by weight in pounds of post-consumer recycled plastic and the total amount by weight in pounds of plastic that is not post-consumer recycled plastic used by the initiator in all plastic beverage containers it sold, offered for sale or distributed for sale in the State during the prior calendar year. The department ~~initiator of deposit or spirits manufacturer~~ shall calculate the figure under this paragraph based on the information reported by the initiator or spirits manufacturer pursuant to subsection 4; [PL 2021, c. 742, §3 (NEW); RR 2021, c. 2, Pt. A, §134 (RAL).]

B. The department ~~initiator of deposit or spirits manufacturer~~shall multiply the figure calculated under paragraph A by the minimum post-consumer recycled plastic percentage required under subsection 2 during the prior calendar year; [PL 2021, c. 742, §3 (NEW); RR 2021, c. 2, Pt. A, §134 (RAL).]

C. The department~~initiator of deposit or spirits manufacturer~~shall subtract from the figure calculated under paragraph B the total amount by weight in pounds of post-consumer recycled plastic used by the initiator or spirits manufacturer in all plastic beverage containers it sold,

offered for sale or distributed for sale in the State during the prior calendar year; and [PL 2021, c. 742, §3 (NEW); RR 2021, c. 2, Pt. A, §134 (RAL).]

D. The department ~~initiator of deposit or spirits manufacturer~~shall multiply the figure calculated under paragraph C by 20¢. If the figure calculated under this paragraph is less than or equal to zero, the initiator of deposit or spirits manufacturer is not required to pay a post-consumer recycled plastic content fee to the department pursuant to subsection 4, paragraph B. [PL 2021, c. 742, §3 (NEW); RR 2021, c. 2, Pt. A, §134 (RAL).]

[PL 2021, c. 742, §3 (NEW); RR 2021, c. 2, Pt. A, §134 (RAL).]

APPENDIX B
Concept Draft Bill for Battery Program Modernization

Sections:

1. **Definitions**.
2. **Battery stewardship organization; requirements; registration.**
3. **Battery stewardship plan**.
4. **Collection and management requirements.**
5. **Performance goals.**
6. **Annual reporting by battery stewardship organization.**
7. **Retailer requirements**
8. **Administration and enforcement; rules.**
9. **Investments in education and infrastructure.**
10. **Battery stewardship fund; authorized expenditures.**
11. **Marking requirements for batteries**.
12. **Cost and reimbursement.**
13. **Antitrust exclusions.**
14. **Proprietary information.**

Draft language:

1. **Definitions**. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Battery stewardship organization" means an organization designated by a producer or a group of one or more producers that directly implements a battery stewardship plan approved by the department.

B. "Battery stewardship program" means a program implemented by a battery stewardship organization consistent with an approved battery stewardship plan.

C. "Battery-containing product" means a product that contains or is packaged with rechargeable or primary batteries that are covered batteries. A "battery-containing product" does not include a covered electronic product under section 1610.

D. "Collection" means the gathering of waste, including the preliminary sorting and storage of waste for the purposes of transport to a recycling establishment.

E. "Collection container" means a container accessible to persons bringing batteries for collection. This does not include a container used to store collected batteries.

F. "Collection rate" means a percentage, by weight, that a battery stewardship organization collects that is calculated by dividing the total weight of primary and rechargeable batteries collected by the battery stewardship organization during the previous calendar year by the average annual weight of primary and rechargeable batteries that were estimated to have been sold into the State during the previous three calendar years by all producers participating in an approved battery stewardship plan.

G. "Collection site" means any
   1. Political subdivision of the State;
   2. Transfer station, materials recovery facility, drop-off location or event, or disposal facility in the State; or
   3. Other entity that has been approved by the battery stewardship organization to participate in its approved battery stewardship plan.

H. "Covered battery" means a portable battery or a medium format battery (TEXT EFFECTIVE 1/1/30) or an embedded battery. "Covered battery" does not include:

1. A battery contained within a medical device that is not designed and marketed for sale or resale principally to consumers for personal use;
2. A battery that contains an electrolyte as a free liquid;
3. A lead acid battery weighing greater than 11 pounds;
4. (TEXT EFFECTIVE UNTIL 1/1/30) (TEXT REPEALED 1/1/30) An embedded battery in a battery-containing product that is not intended or designed to be easily removable from the battery-containing product.

I. "Damaged or defective battery" means a battery that has been damaged or identified by the manufacturer as being defective for safety reasons and that has the potential of producing a dangerous evolution of heat, fire, or short circuit.

J. "Easily removable" means designed by the manufacturer to be removable by the user of the product with no more than commonly used household tools.

K. "Embedded battery" means a battery that is contained in a product and that is not easily removable.

L. "Large format battery" means:

1. A rechargeable battery that weighs more than 25 pounds or has a rating of more than 2,000 watt-hours; or
2. A primary battery that weighs more than 25 pounds.

M. "Medium format battery" means the following primary or rechargeable covered batteries:

1. For rechargeable batteries, a battery weighing more than 11 pounds or has a rating of more than 300 watt-hours, or both, and no more than 25 pounds and has a rating of no more than 2,000 watt-hours;
2. For primary batteries, a battery weighing more than 4.4 pounds but not more than 25 pounds.

N. "Municipality" means a city, town, county, township, village or plantation; a refuse disposal district under chapter 17; or a regional association.

O. "Tribal Government" means a federally recognized Indian tribe or its political subdivisions.

P. "Portable battery" means the following primary or rechargeable covered batteries:

1. For rechargeable batteries, a battery weighing no more than 11 pounds and has a rating of no more than 300 watt-hours;
2. For primary batteries, a battery weighing no more than 4.4 pounds.

Q. "Primary battery" means a battery that is not capable of being recharged.

R. "Producer" means:

1. A person that sells, offers for sale, or distributes for sale a covered battery or battery containing product in or into the State and that is any of the following:
   (a) If the covered battery or battery-containing product is sold under a brand of the battery's or product's manufacturer, the person that manufactures the battery or product;
   (b) If the covered battery or battery-containing product is sold under a retail brand or under a brand owned by a person other than the battery's or product's manufacturer, the person that owns the brand;
   (c) If divisions (a) and (b) do not apply, the person that is the licensee of a brand or trademark under which the covered battery or battery-containing product is sold, offered for sale, or distributed for sale in or into the State, regardless of whether the trademark is registered in the State;
   (d) If divisions (a) through (c) do not apply to any person within the United States, the person that is the importer of record for the covered battery or battery-containing product into the United States for the purpose of

selling, offering for sale, or distributing for sale the battery or product in or into the State; or

(e) If divisions (a) through (d) do not apply to any person with a commercial presence in the State, the person who first sells, offers for sale, or distributes for sale the covered battery or battery containing product in or into the State.

2. Producer does not include a person that only sells, offers for sale, or distributes for sale a battery containing product if the battery is supplied by another producer that has designated a battery stewardship organization to implement a battery stewardship plan and if the producer certifies this fact in writing to the person that only sells, offers for sale, or distributes for sale the battery containing product "into the State".

3. A person is the producer of a covered battery or battery-containing product containing one or more covered batteries sold, offered for sale, or distributed for sale in or into this State, as defined in this Section, except if another party has contractually accepted responsibility as a responsible producer and has joined a registered battery stewardship organization as the producer for that covered battery or battery-containing product containing one or more covered batteries under this section.

S. "Rechargeable battery" means a battery that contains one or more voltaic or galvanic cells, electrically connected to produce electric energy, designed to be recharged.

T. "Recycling" has the same meaning as in section 1771, subsection 7.

U. "Recycling efficiency rate" means the percentage calculated by dividing the weight of components and materials recycled by a battery stewardship organization by the weight of covered batteries collected by the battery stewardship organization.

V. "Retailer" means a person that sells or offers for sale a covered battery or battery-containing product in or into the State or offers, distributes, or otherwise makes available covered batteries or battery-containing products to a customer, including other businesses, for use by the customer in the State.

2. **Battery stewardship organization; requirements; registration.**

A. Each producer selling, offering for sale, or distributing covered batteries or battery-containing products in or into the State shall participate in an approved battery stewardship program through participation in and appropriate funding of a battery stewardship organization; and

B. A producer that does not participate in a battery stewardship organization may not sell, offer for sale, or distribute covered batteries or battery-containing products covered by this section in or into the State.

C. (TEXT EFFECTIVE 1/1/27) (TEXT REPEALED 1/1/30) A producer selling, making available for sale, or distributing embedded battery-containing products may not sell or offer for sale embedded battery-containing products into the State if not compliant with the annual reporting requirement in subsection 6, paragraph D.

D. Qualifications for a battery stewardship organization.

1. To qualify as a battery stewardship organization under this section, an organization shall:

(a) Commit to assume the responsibilities, obligations, and liabilities of all producers participating in the battery stewardship organization;

(b) Not create unreasonable barriers for participation by producers in the battery stewardship organization; and

(c) Maintain a public website that lists all producers and producers' brands covered by the battery stewardship organization's approved battery stewardship plan.

E. Registration requirements.

1. Annually, a battery stewardship organization shall file a registration form with the department on forms provided by the department. The registration form shall require submission of the following information:
   (a) A list of the producers participating in the battery stewardship organization;
   (b) The name, address, and contact information of a person responsible for ensuring a producer's participation with this section;
   (c) A description of how the battery stewardship organization proposes to meet the requirements of this section, including any reasonable requirements for participation in the battery stewardship organization; and
   (d) The name, address, and contact information of a person for a non-member manufacturer to contact on how to participate in the battery stewardship organization to satisfy the requirements of this section.
2. A renewal of a registration without changes may be accomplished through notifying the department on a form provided by the department.

3. **Battery stewardship plan**.

A. Within six months of the effective date of rules adopted under this section, a producer, individually or jointly with one or more producers, or a battery stewardship organization contracted by one or more producers, shall submit to the department for review and approval a proposed plan. The battery stewardship plan shall have a term of no more than five years and shall be reviewed and approved if it:

1. Lists and provides contact information for each producer, battery brand, and battery-containing product brand covered in the plan, including identifying producers who have contractually accepted responsibility as a producer in accordance with subsection 1, paragraph R.
2. Proposes performance goals, consistent with subsection 5, including establishing performance goals for each of the next 3 upcoming calendar years of program implementation;
3. Describes how the battery stewardship organization will make retailers aware of their obligation to sell only covered batteries and battery-containing products from producers participating in an approved plan;
4. Describes an education and communications strategy that will be implemented to promote participation in the approved battery stewardship program and provide the information necessary for effective participation of consumers, retailers, and others;
5. Describes how the battery stewardship organization will make available to collection sites, for voluntary use, signage, written materials, and other promotional materials that collection sites may use to inform consumers of the available end-of-life management options for covered batteries collected by the battery stewardship organization;
6. Lists promotional activities to be undertaken, and the identification of consumer awareness goals and strategies that the program will employ to achieve these goals after the program is implemented;

7. Includes collection site safety training procedures related to covered battery collection activities at collection sites, including a description of operating protocols to reduce risks of spills or fires, response protocols in the event of a spill or fire, and protocols for safe management of damaged batteries that are returned to collection sites;
8. Describes the method to establish and administer a means for fully funding the program in a manner that equitably distributes the program's costs among the producers that are part of the battery stewardship organization. For producers that choose to meet the requirements of this section individually, without joining a battery stewardship organization, the plan must describe the proposed method to establish and administer a means for fully funding the program;
9. Describes the financing methods used to implement the plan, consistent with subsection 10;
10. Describes how the program will collect all covered battery chemistries and brands on a free, continuous, convenient, visible, and accessible basis, and consistent with the requirements of subsection 4, including a description of how the statewide convenience standard will be met and a list of collection sites supported by the battery stewardship program that includes the address of each collection site;
11. Provides explanation for any delay anticipated by the battery stewardship organization for the implementation of the management of medium-format batteries such that implementation will begin later than [INSERT DATE], including a delay in the ability to collect, package, transport, or process medium-format batteries in accordance with the requirements of this section, and establishes an expected date of compliance for management of medium-format batteries that is not later than [INSERT DATE] if a delay occurs;
12. Describes the criteria to be used in the program to determine whether an entity may serve as a collection site for covered batteries under the program;
13. Identifies proposed service providers, such as sorters, transporters, and processors, to be used by the program for the final disposition of batteries and proposed provisions for recordkeeping, tracking, and documenting the fate of collected covered batteries;
14. Details how the program will achieve recycling efficiency rates for rechargeable and primary batteries, calculated in accordance with subsection 5; and
15. Proposes goals for increasing public awareness of the program and describes how the public education and outreach components of the program under subsection 9 will be implemented.

B. A battery stewardship organization must submit a new plan to the department for review and approval no less than every 5 years. If the performance goals established by (refer to section of law or "department rule") have not been met, the new plan shall include corrective measures to be implemented by the battery stewardship organization to meet the performance goals, which may include improvements to the collection site network or increased expenditures dedicated to education and outreach.

C. A battery stewardship organization must provide plan amendments to the department for review and approval when there is a change to the method of financing plan implementation under subsection 10. This does not include changes to the fees or fee structure established in the plan, or the addition or removal of a collection location to the battery stewardship program.

D. The department shall review stewardship plans and stewardship plan amendments for compliance with this section and shall approve, disapprove, or conditionally approve the plans or plan amendments in writing within 120 days of their receipt. If the department disapproves a stewardship plan or plan amendment submitted by a battery stewardship organization, the department shall provide documentation of how the stewardship plan or plan amendment does not comply with this subsection. The battery stewardship organization shall resubmit to the department a revised stewardship plan or plan amendment or notice of plan withdrawal within 60 days of the date the written notice of disapproval is issued, and the department shall review the revised stewardship plan or plan amendment within 90 days of resubmittal. If a revised stewardship plan is disapproved by the department, a producer operating under the stewardship plan shall not be in compliance with this subsection until the department approves a stewardship plan submitted by a battery stewardship organization that covers the producer's products. Disapproval by the department of a revised stewardship plan may be appealed in accordance with section 341-D or 346.

E. When a stewardship plan or an amendment to an approved plan is submitted under this subsection, the department shall make the proposed plan or amendment available for public review and comment for at least 30 days.

F. A battery stewardship organization must provide written notification to the department within 30 days of a producer beginning or ceasing to participate in a battery stewardship organization or of adding or removing a processor or transporter.

4. **Collection and management requirements.**

A. Battery stewardship organizations implementing a battery stewardship plan must provide for the collection of all covered batteries, including all chemistries and brands of covered batteries, on a free, continuous, convenient, visible, and accessible basis to any person, business, governmental agency, or nonprofit organization. Except as provided in subparagraphs (1) and (2) of paragraph (B), each battery stewardship plan must arrange for the collection of each chemistry and brand of covered battery from any person, business, governmental agency, or nonprofit organization at each collection site that counts toward satisfaction of the collection site criteria in paragraph (C).

B. For each collection site used by the program, each battery stewardship organization must provide suitable collection containers for covered batteries that are segregated from other solid waste or make mutually agreeable alternative arrangements for the collection of batteries at the site. The location of collection containers at each collection site used by the program must be within view of a responsible person and must be accompanied by signage that is made available to the collection site by the battery stewardship organization and informs customers regarding the end-of-life management options for batteries provided by the collection site under this section.

1. Medium-format batteries may be collected only at household hazardous waste collection sites or other staffed collection sites that meet applicable state requirements to manage medium-format batteries.
2. Damaged and defective batteries may only be collected at collection sites staffed by persons trained to handle and ship those batteries.
   (a) Each battery stewardship organization must provide for the collection, with qualified staff as specified in paragraph(A), of damaged and defective batteries at each permanent household hazardous waste collection site.
   (b) As used in this subparagraph, "damaged and defective batteries" means batteries that have been damaged or identified by the manufacturer as

being defective for safety reasons and that have the potential of producing a dangerous evolution of heat, fire, or short circuit, as referred to in 49 CFR 173.185(f) as of January 1, 2023.

C. Each battery stewardship organization implementing a battery stewardship plan shall ensure statewide collection opportunities for all covered batteries that are convenient and adequate to serve the needs of persons in both rural and urban areas. Statewide collection opportunities must be determined by geographic information modeling that considers permanent collection sites. A program may rely, in part, on collection events to supplement the permanent collection services required in subparagraphs (1) and (2). However, only permanent collection services specified in subparagraphs (1) and (2) qualify toward the satisfaction of the requirements of this subsection.

1. For portable batteries, each battery stewardship organization must provide statewide collection opportunities that include:
   (a) At least one permanent collection site for portable batteries within a 15-mile radius for at least 95% of state residents; and
   (b) Allow and provide, within 90 days of receiving the request, all appropriate collection receptacles and ancillary material and necessary training to staff for any municipality or Tribal Government at their municipal or tribal waste transfer station to participate as a collection site for covered batteries;
   (c) Allow and provide, within 90 days of receiving the request, all appropriate collection receptacles and ancillary material and necessary training to staff for any retailer to participate as a collection site if the retailer requests to do so and provides appropriate space for collection receptacles;
2. For medium-format batteries, a battery stewardship organization must provide statewide collection opportunities that include:
   (a) Reasonable geographic dispersion of collection sites throughout the State;
   (b) A permanent collection site in each county; and
   (c) A distribution of collection sites that includes at least one additional collection site for each 30,000 residents in a population center that is located to provide convenient and reasonably equitable access for residents within the population center unless otherwise approved by the commissioner
3. (TEXT EFFECTIVE 1/1/30) For embedded batteries, a battery stewardship organization must provide statewide collection opportunities that include:
   (a) Reasonable geographic dispersion of collection sites throughout the State;
   (b) A permanent collection site in each county; and
   (c) A distribution of collection sites that includes at least one additional collection site for each 30,000 residents in a population center that is located to provide convenient and reasonably equitable access for residents within the population center unless otherwise approved by the commissioner
4. The department may waive the requirements of subparagraphs (1) and (2) and (3) with respect to a county or city if a proposed battery stewardship plan demonstrates to the department's satisfaction that alternative collection methods would provide substantially equivalent collection convenience.

D. A battery stewardship organization shall ensure the minimum number of collection sites specified in paragraph (C) are established by no later than one year after the approval of the battery stewardship plan.

E. Battery stewardship programs must use existing public and private waste collection services and facilities, including battery collection sites that are established through other battery collection services, transporters, consolidators, processors, and retailers, if cost-effective, mutually agreeable, and otherwise practicable.

1. Battery stewardship programs must use as a collection site for covered batteries any retailer, wholesaler, municipality, solid waste management facility, household hazardous waste facility, or other entity that meets the criteria for collection sites in the approved plan up to the minimum number of sites required for compliance with paragraph (C), upon the submission of a request by the entity to the battery stewardship organization to serve as a collection site. Battery stewardship programs may use additional collection sites in excess of the minimum required in paragraph (C) as may be agreed between the battery stewardship organization and the collection site.
2. Battery stewardship programs must use as a site for a collection event for covered batteries any retailer, wholesaler, municipality, tribal government, solid waste management facility, household hazardous waste facility, or other entity that meets the criteria for collection events in the approved plan up to the minimum number of sites required for compliance with paragraph (C), upon the submission of a request by the entity to the battery stewardship organization to serve as a site for a collection event. Battery stewardship programs may use additional sites for collection events in excess of the minimum required in paragraph (C) as may be agreed between the battery stewardship organization and the collection site.
3. A battery stewardship organization may issue a warning, suspend, or terminate a collection site or service that does not adhere to the collection site criteria in the approved plan or that poses an immediate health and safety concern, after consultation with department staff.

F. Battery stewardship programs are not required to provide for the collection of the following battery-containing products.

1. (TEXT EFFECTIVE UNTIL 1/1/30) (TEXT REPEALED 1/1/30) Battery stewardship programs are not required to provide for the collection of batteries that: (i) are not easily removable from the product other than by the manufacturer; and (ii) remain contained in a battery-containing product at the time of delivery to a collection site.
2. Battery stewardship programs are not required to provide for the collection of batteries still contained in covered electronic devices that are subject to the requirements of section 1610.

5. **Annual reporting by battery stewardship organization.** In accordance with rules adopted by the department, the battery stewardship organization shall annually submit to the department and make available on its publicly accessible website a report that includes, at a minimum, the following information:

A. Contact information for the battery stewardship organization;

B. A list of participating producers and the brands and the UPCs of products associated with those producers;

C. The total amount, whether by weight or volume, of each type of battery sold, offered for sale or distributed for sale in or into the State by each participating producer;
D. (TEXT EFFECTIVE 1/1/27) (TEXT REPEALED 1/1/30) A list of producers and the brands and the UPCs of embedded battery-containing products sold in or into the State in the previous year/reporting period;
E. As applicable, the total amount, whether by weight or volume, of each type of battery collected and managed by each participating producer through alternative collection programs approved by the department under subsection 4;
F. A complete accounting of payments made to and by the battery stewardship organization during the prior calendar year, including information on how the battery stewardship organization determined the amount of such payments in accordance with subsections 10 and 12;
G. A complete accounting of revenue from the sale of covered batteries collected for recycling the prior calendar year;
H. A list of producers that are not participating in the program that are required to participate in the program and any product-specific noncompliance, if known by the stewardship organization;
I. A description of education and infrastructure investments made by the stewardship organization during the reporting period and an evaluation of how those investments were designed to increase access to recycling in the State and to encourage proper battery management;
J. A description of the results of the representative audits required pursuant to paragraph M;
K. An assessment of the progress made toward the achievement of any program goals required by subsection 5;
L. An assessment of whether the payment schedule for producer payments in accordance with subsections 10 and 12 has been successful in incentivizing improvements to battery recycling;
M. Any proposals for changes to the battery stewardship program or investments in education and infrastructure, increase access to recycling, increase the recycling of or recyclability of batteries, reduce program costs or otherwise increase program efficiency, which may include an analysis of best practices for municipal recycling programs;
N. The results of a third-party financial audit of the battery stewardship organization;
O. An estimate of the annual greenhouse gas emissions effects in the State associated with the operation of the battery stewardship program, calculated using methodologies that the Department will identify during rulemaking; and
P. Any additional information required by the department.

6. **Administration and enforcement; rules.** The department shall enforce this section and may adopt rules as necessary for the purposes of implementing, administering, and enforcing this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A battery stewardship organization shall retain all records related to the implementation and administration of a battery program for not less than five years from the time the record was created and make the records available for inspection by the department upon request.

A. In accordance with the applicable provisions of Title 5, chapter 375 relating to contested case proceedings, the department may issue an order requiring compliance with the provisions of this section.

B. In accordance with the applicable provisions of Title 5, chapter 375 relating to contested case proceedings, and in accordance with chapter 2, section 349 and rules adopted pursuant to chapter 2, section 349, the department may issue civil penalties for violations of the provisions of this section and rules adopted under this section. All penalties recovered for violations of this section and rules adopted under this section shall be paid to the Treasurer of State and credited to the battery stewardship fund established under subsection 10.

C. The department may issue an order under paragraph (C) to suspend or revoke a battery stewardship plan in accordance with section 342, subsection 11-B if the department determines that:

1. A violation or repeated violations of this section presents a risk to the environment or public health; or
2. A violation has had a material impact on the implementation and administration of the battery stewardship plan.

7. **Investments in education and infrastructure.** In accordance with the provisions of this subsection and the rules adopted by the department, the battery stewardship organization shall make investments in education and infrastructure that support the recycling of batteries in the State.

A. The battery stewardship organization shall submit any proposed investment in education or infrastructure to the department for approval prior to making any expenditure for such investment. The proposal must incorporate any input received by the battery stewardship organization regarding the proposed investment from producers, recycling establishments, and participating municipalities and tribal governments.

B. The department shall adopt rules setting forth the criteria for evaluation and approval or denial of investments in education and infrastructure proposed by the battery stewardship organization. The department shall approve or deny a proposed investment within 90 days of receipt of the proposal from the battery stewardship organization.

C. The department shall ensure that preference for funding is given to proposals that support the State's solid waste management hierarchy under section 2101, promote a circular economy for covered batteries, increase the recyclability of batteries that are not readily recyclable, increase access to recycling infrastructure in the State, improve consumer education in the State regarding recycling and recyclability and equitably support recycling and education efforts in participating municipalities, particularly in those participating municipalities that have received minimal or no prior funding pursuant to this paragraph.

8. **Battery stewardship fund; authorized expenditures.** In accordance with the provisions of this subsection and the rules adopted by the department pursuant to subsection 8, the battery stewardship organization shall establish and manage a battery stewardship fund. The battery stewardship organization shall deposit into the fund all payments received from producers in accordance with subsection 12 and shall expend those funds for the following purposes:

A. To reimburse participating municipalities in accordance with applicable provisions in subsection 12 and the applicable rules adopted by the department;

B. To cover the operating costs of the stewardship organization, which must be annually verified by a 3rd-party financial audit paid for by the battery stewardship organization as required by subsection 6, paragraph M;

C. To pay to the department all applicable fees required, including reimbursement of any costs incurred by the department in adopting rules and in administering and enforcing this section prior to the effective date of the contract entered into by the department and the stewardship organization; and
D. To support investments in education and infrastructure made in accordance with subsection 9.

9. **Marking requirements for batteries**.
A. Except as otherwise provided in rules adopted by the department under paragraph (B), a producer or retailer may sell, offer for sale, or distribute in or into the State a covered battery or battery-containing product containing one or more covered batteries only if the battery is:
    1. Beginning [INSERT DATE], marked with an identification of the producer of the battery, unless the battery is less than one-half inch in diameter or does not contain a surface whose length exceeds one-half inch; and
    2. Beginning [INSERT DATE], marked with proper labeling to ensure proper collection and recycling, by identifying the chemistry of the battery and including an indication that the battery should not be disposed of as household waste.
B. The department may adopt rules establishing marking requirements for batteries as needed to maintain consistency with the labeling requirements or voluntary standards for batteries established in federal law.

10. **Cost and reimbursement.**
A battery stewardship organization implementing a plan approved under this section shall do all the following:
    1. Be responsible for all costs associated with implementing the battery stewardship plan; and
    2. Reimburse local and tribal governmental units for demonstrable costs incurred as a result of a local government facility, tribal facility or solid waste facility serving as a collection site under the plan; and
    3. Collect charges from participating producers sufficient to cover the costs of implementation, including battery collection, transportation, and processing; education and outreach; program evaluation; and payment of the annual fee to the department under subsection 10, paragraph C.

11. **Antitrust exclusions.** A producer or battery stewardship organization, including a producer's or battery stewardship organization's officers, members, employees and agents that organize a battery stewardship program or an alternative collection program under this section, is immune from liability for the producer's or battery stewardship organization's conduct under state laws relating to antitrust, restraint of trade, unfair trade practices and other regulation of trade or commerce only to the extent necessary to plan and implement the producer's or battery stewardship organization's battery stewardship program or alternative collection program consistent with the provisions of this section.

12. **Proprietary information.** Proprietary information submitted to the department pursuant to the requirements of this section or the rules adopted pursuant to this section that is identified by the submitter as proprietary information is confidential and must be handled by the department in the same manner as confidential information

Appendix C
Comments Received to the Report

MAINE
STATE
CHAMBER
of
COMMERCE

The voice of Maine business

February 12, 2026

Brian Beneski
Department of Environmental Protection
17 State House Station
Augusta, ME 04333
Sent via email: brian.beneski@maine.gov

RE: Draft 2026 Annual Stewardship Report

Dear Mr. Beneski:

On behalf of the Maine State Chamber of Commerce and our network of more than 5,000 employers, thank you for the opportunity to provide comments on the Department of Environmental Protection's (Department) Draft 2026 Annual Stewardship Report. The Chamber represents businesses of all sizes and sectors across Maine, from manufacturers and retailers to hospitals, utilities, and waste management facilities. The Chamber supports environmental policy that balances stewardship with practical and consistent implementation.

Our comments are specific to Appendix B, Concept Draft Bill for Battery Program Modernization. Although primary batteries are not currently part of Maine's rechargeable battery collection, we recognize that they are ending up in collection sites and posing a fire risk due to improper disposal. As a result, we believe expanding the program to include primary batteries is a reasonable step forward. States such as Vermont and Washington have successfully implemented or are expanding programs to manage both rechargeable and primary batteries under a unified framework, and Maine could look to them for guidance and consistency.

The Chamber appreciates the Department's recognition in the proposed draft that not all batteries can or should be treated the same. We were grateful to see that large format, electric vehicle and, more broadly, automotive batteries are not being proposed for inclusion in the state's Battery Program. In addition to what "Covered batteries" should not include, the Chamber requests that legislation follow that of other states, such as Washington, by adopting language that also excludes the following from being considered a "Covered battery".

1. A battery contained within, or used in conjunction with, a medical device as specified in 21 U.S.C. § 321(h) as it existed as of the effective date of this section, that is not designed and marketed for sale or resale principally to consumers for personal use;
2. A battery contained within a product developed or manufactured for the purposes of public health, environmental or water quality testing;
3. A battery that contains an electrolyte as a free liquid;
4. A lead-acid battery weighing greater than 11 pounds;
5. A vehicle battery capable for use in any vehicle that has a core consisting of elemental lead and a capacity of six or more volts; or
6. A battery in a battery-containing product that is not intended or designed to be easily removable.

This language ensures alignment with existing state frameworks while recognizing the unique role of each.

The Chamber further recommends that the program exclude battery energy storage systems. These systems play a critical role in meeting Maine's renewable energy and grid reliability goals and are already subject to comprehensive oversight. Under 35-A M.R.S. Chapter 34-E, a battery energy storage system with a capacity of 2 MW or more must obtain approval of a decommissioning plan from the Department or the Land Use Planning Commission (LUPC). These decommissioning plans require the full physical removal of all components of the system and financial assurance that the cost of decommissioning will be fully covered by the system's owner or operator. Since these systems are regulated through a separate, specialized permitting process, including them in a consumer-oriented product stewardship program would be unnecessary and duplicative.

Finally, it's important to recognize that several states are moving forward on battery management policy, and Maine can benefit from alignment. The Maine State Chamber of Commerce therefore urges consistency across programs. States such as Vermont, Washington, and Oregon have established EPR programs or legislative frameworks that share common elements — standardized

definitions, reporting requirements, and producer responsibilities. The greater alignment Maine can achieve with these programs, the easier and more cost-effective implementation will become for all parties, including the state, producers, and end-use customers.

We appreciate the opportunity to provide feedback and look forward to continued engagement on this matter.

Sincerely,

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February 12, 2026

Brian Beneski
Division of Materials Management
Maine DEP
17 State House Station
Augusta, ME 04333-0017

RE: Comments on the January 2026 Product Stewardship Report

Dear Mr. Beneski:

The Maine Grocers & Food Producers Association and the Retail Association of Maine are providing joint comments on this year's 2026 Product Stewardship Report. Our business trade associations represent Main Street businesses including independently owned and operated grocery stores and supermarkets, general merchandise and specialty retailers, convenience stores, distributors, and supporting partners — together representing more than 450 members statewide. Maine's retail sector employs more than 82,000 Mainers.

We share the Department's goal (and goal of many of the members of whom we represent) of improving recycling outcomes and reducing environmental impacts. However, several elements of the report and the conceptual battery framework raise concerns regarding cost, feasibility, and unintended consequences for Maine businesses and consumers.

Maine's product stewardship framework has expanded significantly in recent years. While each individual program or modification may seem manageable on its own, the combined effect of new mandates, reporting requirements, administrative tasks, and fee structures creates real cost and compliance pressures, particularly for businesses that sell a wide range of products. The cumulative impact of these layered programs warrants careful evaluation.

Beverage Container Redemption ("Bottle Bill," 1976) – 38 M.R.S. §§ 3101-3119

We are pleased to see that the recent changes have been effective, with the number of redemption centers remaining steady since 2023. We also appreciate the Department's recommendation to maintain the current handling fee at this time, which provides much-needed stability and predictability for the system's participants in particular as the program is still modernizing with the development of the Commingling Cooperative.

Recent statutory reforms required substantial operational adjustments by initiators of deposit, distributors, retailers, and redemption centers. Those changes are still being implemented. Additional modifications, particularly those affecting deposit levels, reporting obligations, or the allocation of unclaimed deposits, should not be considered until the current system has stabilized and performance data can be fully evaluated.

We are pleased to see that out-of-state wine manufacturers are being brought into compliance when shipping products into Maine. This helps create a more level playing field with wines produced in-state and reinforces fairness across the marketplace. Establishing consistent compliance expectations also sets a positive precedent should the Legislature consider additional direct-to-consumer beverage models in the future.

We also appreciate the recognition that retail and distributor partners continue to serve as an important and effective pathway to consumers.

F. Electronic Waste (2006) – 38 M.R.S. § 1610

We appreciate the Department's plan to review and update the e-waste rules in 2026, particularly given that they have not been revised since 2018. However, it is worth noting a couple of items. In 2021 during the 130th Legislature, LD 1208 was submitted as an update to Maine's e-waste law. The 130th Maine Legislature chose not to advance that measure, and during the committee deliberations, Maine DEP noted that they planned to work with stakeholders on updated rulemaking. Hence, a majority of the Environment and Natural Resources Committee voted the measure Ought Not to Pass on the promise that update were coming. That was five years ago. Since that time, we wanted to call out the statements regarding e-waste from the 2026, 2025, 2024, 2023 and 2022 reports:

2026 Report: **The Department intends to review and update the e-waste rules (*Reasonable Costs for Handling, Transportation, and Recycling of Electronic Wastes*, 06-096 C.M.R. ch. 415 in 2026 as they have not been updated since 2018. This effort will include ongoing communications with stakeholders as part of the process.**

2025 Report: **The Department intends to conduct a review and update the e-waste rules (*Reasonable Costs for Handling, Transportation, and Recycling of Electronic Wastes*, 06-096 C.M.R. ch. 415, in first half of 2025, as they have not been updated since 2018. This effort will include ongoing communications with stakeholders as part of the process.**

2024 Report: **The Department intends to conduct a review and update the e-waste rules (*Reasonable Costs for Handling, Transportation, and Recycling of Electronic Wastes*, 06-096 C.M.R. ch. 415, in 2024, as they have not been updated since 2018. This effort will include ongoing communications with stakeholders as part of the process.**

2023 Report: **The Department has been working to revise the rules (e-waste/rules/06/096/096c415.docx) associated with this statute. This effort has included ongoing communications with stakeholders.**

2022 Report: **The Department has been working to revise the rules (e-waste/rules/06/096/096c415.docx) associated with this statute. This effort has included ongoing communications with stakeholders.**

2021 Report: **The e-waste statute was amended in 2018 (P.L. ch. 391) to increase efficiency by reducing brand-sorting, among other things. Issues discussed but not addressed at the time of the 2018 amendment included consideration of appropriate product scope and an increase or removal of the per pound cap of recycling costs that can be approved by the Department. The Department will continue to examine these issues in the year ahead. Other issues under consideration include: the sufficiency of the credits provided to manufacturers of environmentally preferable products, potential cost control mechanisms, potential alterations to the current process of approving consolidators, and the proper end-of-life management of e-waste plastics containing brominated flame retardants. Except for changes to product scope, these items could be largely addressed through changes to Department rule and policy.**

In 2021, we noted that Maine's e-waste program has remained virtually unchanged since its inception, and it is regarded as one of the most expensive in the country. Other states have e-waste programs on the books that are more efficient and cost effective. Five years later, we are in the same position waiting for action. We look forward to participating in the upcoming rulemaking process and engaging in the Department's stakeholder communications to help ensure the updated rules are practical, balanced, and reflective of on-the-ground realities.

K. Packaging (2021) – 38 M.R.S. § 2146

We reiterate our concerns regarding the unknown and potentially significant costs this program may place on producers. The administrative burden of estimating packaging tons based on prior-year sales is real. Small to mid-sized businesses (who do not meet the small business exemptions) don't have the staff or systems to easily reconcile and project these figures. This uncertainty makes it difficult for businesses to budget accurately and plan for the year ahead.

We remain concerned about the limited outreach and promotion surrounding Maine's Extended Producer Responsibility (EPR) for Packaging program. While the policy represents a significant shift in how packaging waste is financed and managed, there has not yet been a clear, consistent, or highly visible communications effort to ensure that all affected businesses understand their obligations. Many producers particularly small and mid-sized companies (that do not qualify for the small business exemptions), out-of-state suppliers, and emerging brands, may not be aware that they will soon be required to register and report their packaging data. We strongly question whether the current level of education and promotion is sufficient to reach the full universe of affected businesses. Without a more visible and coordinated effort, the program risks uneven compliance, confusion across the supply chain, and an administrative burden that could have been avoided through earlier and more robust communication

We note a potential inconsistency between the report and the Department's website regarding the initial producer reporting timeline. While the report states that the first full producer reporting will occur in 2027 for material produced in 2026, the website indicates that producers must register and submit estimated 2025 data in May 2026, and we encourage clarification to ensure all stakeholders are working from a consistent understanding of the requirements.

Federal Litigation and Product Stewardship

As likely included in other industry's comments, as of February 10th, A federal judge has temporarily blocked Oregon from enforcing its plastics and packaging extended producer responsibility law against members of a distributors association that filed a lawsuit questioning the Constitutionality of the program.

L. Post Consumer Recycled Content in Plastic Beverage Containers (2022) – 38 M.R.S. § 1615

We are generally indifferent to the proposed changes related to post-recycled content reporting and associated fines. We understand the importance of ensuring accuracy within the program and appreciate the Department's effort to provide an opportunity for thorough review and verification of the data. As the Department conducts its analysis, initiators of deposit (IODs) will also have access to their own reporting information, allowing them to confirm accuracy and address any discrepancies. This shared review process should help support a fair and reliable implementation of the program.

F. Rechargeable Battery Recycling Program
APPENDIX B Concept Draft Bill for Battery Program Modernization

We appreciate the Department's continued efforts to improve battery collection and recycling outcomes in Maine. However, we reiterate several concerns regarding how the proposed structure may impact retailers and consumers across the state.

First, the proposal places significant compliance expectations on retailers, who may only sell covered batteries and battery-containing products from producers participating in an approved stewardship program. This effectively shifts a portion of the enforcement burden onto retailers, who may not have the tools or resources to verify producer compliance in real time. Any gaps or delays in producer participation could lead to product shortages, confusion at the store level, or the unintentional removal of common consumer products from shelves.

Second, while the program is structured as producer-funded, it is widely understood that these costs will ultimately be passed through the supply chain. Retailers, particularly independent and rural stores, operate on thin margins and will have limited ability to absorb new cost increases. As a result, these costs are likely to be reflected in higher retail prices, placing additional financial pressure on Maine consumers who are already highly price sensitive, especially in border communities.

We also remain concerned about the administrative complexity associated with the reporting, auditing, and compliance requirements in the proposal. The extensive data tracking, annual reporting, and financial audit provisions will carry significant administrative costs, which will ultimately be borne by producers, retailers, and consumers. For smaller manufacturers and retailers, these requirements may be particularly challenging.

The proposal also contemplates retailers serving as voluntary collection sites. While some retailers may be willing partners, many small and mid-sized stores lack the physical space, staffing, or safety infrastructure to manage battery collection containers, particularly for damaged or defective batteries. These operational and liability concerns should be carefully considered to avoid placing unintended burdens on retail locations.

In addition, the proposed labeling and marking requirements could create supply chain disruptions if they differ from federal standards or neighboring states' requirements. Retailers rely on consistent, multi-state product packaging, and any Maine-specific labeling mandate risks creating inventory challenges and reduced product availability.

Finally, we are concerned that the prohibition on selling products from non-participating producers could result in reduced product selection, delayed shipments, or higher costs for consumers, particularly during the early phases of implementation.

For these reasons, we encourage the Department to carefully evaluate the potential impacts on retailers and consumers, minimize administrative complexity, ensure consistency with federal and regional standards, and provide sufficient implementation timelines and flexibility to avoid unintended supply chain disruptions.

G. Electronic Vape Pens and Cartridges

We reiterate our concerns regarding proposals to include vape pen batteries within a state stewardship or recycling program. Such an approach would not address the underlying issue in the marketplace, which is the prevalence of illicit and unauthorized disposable vape products being sold outside of lawful supply chains. These products already violate federal law, and additional state-level battery regulations would primarily impact compliant Maine retailers and distributors, while doing little to curb the illegal products that dominate portions of the market.

Available federal enforcement data and import analyses consistently indicate that the majority of illicit vape devices, and their batteries, originate overseas, particularly from China, and enter the United States outside of lawful import channels. State-specific battery requirements cannot meaningfully reach these foreign manufacturers or smugglers, who routinely mislabel or conceal shipments to avoid customs and FDA oversight. As a result, any new stewardship obligation would fall almost entirely on Maine's law-abiding businesses, while the dominant source of unsafe or noncompliant products remains unaffected.

We also note that vape devices and their batteries are already regulated at the federal level by the FDA as part of electronic nicotine delivery systems. Lawful products must undergo the Premarket Tobacco Product Application (PMTA) process, and even minor design changes (such as alterations to battery components or performance) can trigger the need for additional federal review. Imposing separate state battery requirements could create conflicting or duplicative standards that are difficult or impossible for compliant manufacturers to meet without extensive and costly federal reauthorization.

For these reasons, including vape pen batteries in a state stewardship program risks placing disproportionate costs and administrative burdens on compliant Maine businesses, while incentivizing further market shifts toward unregulated and illicit products, rather than improving public safety or environmental outcomes.

One final item of note: We would urge the department to doublecheck the footnote links regarding Call2Recycle. That organization has rebranded itself as The Battery Network, and this link[1], for example, is no longer active nor could we find relevant content on the new website regarding the GreenVantage program.

Thank you for the opportunity to provide comments.

Curtis Picard, President & CEO,
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[1] Page 6, Footnote 10: Information on GreenVantage may be requested through Call2Recycle: https://www.call2recycle.org/greenvantage-suite.

Pharmaceutical Product Stewardship Work Group
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February 12, 2026

SENT VIA ELECTRONIC MAIL

Brian Beneski
Division of Materials Management
Maine DEP
17 State House Station
Augusta, ME 04333-0017
Email: brian.beneski@maine.gov

Re: Responding to the Draft 2026 Annual Product Stewardship Report

To Brian Beneski:

The Pharmaceutical Product Stewardship Work Group ("PPSWG") is a membership association with over six hundred members and affiliated companies that produce a broad spectrum of pharmaceutical products. PPSWG relies on MED-Project USA ("MED-Project") and its affiliates, including MED-Project LLC, to implement household pharmaceutical drug and sharps take-back programs in Maine and across the country on behalf of its members. PPSWG submits these comments to the Division of Materials Management of the Maine Department of Environmental Protection (the "Department") on its Draft 2026 Annual Product Stewardship Report.

PPSWG believes that the proper disposal of household unwanted medicine and sharps is essential. However, considering the extensive and growing network of existing disposal options, PPSWG believes that mandated pharmaceutical and sharps takeback programs are redundant. PPSWG supports the education of the public on existing disposal options.

In Maine, there are numerous free and convenient methods of sharps disposal, and the Department's website provides extensive guidance on those methods.

At PPSWG, we have long promoted safe use, storage, and disposal of unwanted medicine through our MyOldMeds.com website which, among other features, has a nationwide locator tool for the public to quickly and easily find locations where they can dispose of their unwanted medicine for free. We are now in the process of expanding MyOldMeds.com to include information on sharps disposal.

Given the myriad existing disposal options, PPSWG encourages the Department to focus on public education rather than the creation of a new mandated sharps stewardship program.

Thank you for considering PPSWG's comments.

Respectfully submitted,

Irina S. Butler

Irina Butler
Executive Director

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February 10, 2026

Ms. Carla Hopkins, Director
Division of Materials Management
Maine Department of Environmental Protection

Mr. Brian Beneski, Recycling Programs Supervisor
Division of Materials Management
Maine Department of Environmental Protection

RE: Comments on the January 2026 Annual Product Stewardship Report

I want to thank the Department staff for their diligent work in putting this report together, and we certainly appreciate the opportunity to provide these comments on the various and successful product stewardship programs for Maine. As you might expect, the majority of my comments are related to the proposed expansion of the battery product stewardship program, for which we are very optimistic.

Thank you in advance for consideration of my comments, and I look forward to the continued discussions around these programs.

Section H. Mercury-Added Lamps; page 14:

This section states that "The mercury-added lamps law will also continue to require manufacturers to collect and recycle any lamp to which mercury has been added,,.." However, "the law limits free non-CFL drop-offs to 10 per person per visit. Additional non-CFL's received above the allowable 10 lamps per person per visit must be managed separately by the collection site." This limitation is the primary reason AWS does not participate in the program, and recycles all lamps (for a fee) through a separate program. Having a dual program adds to confusion and increases the complexity for staff and the public. If the law requires manufactures to recycle any (and presumably all) lamps, then it should not include the 10-lamp limit. This, in part, likely contributes to the low collection rate of these lamps. For these programs to be effective, they need to be exceptionally convenient and free.

Section F. Rechargeable Battery Recycling Program; page 31:

AWS enthusiastically supports the Department's proposed expansion of the product stewardship program for batteries. Similar to the statistics reported for ecoMaine and Casella, AWS experienced a total of eleven (11) fires-at Tri-Community Landfill in 2025. Nine (9) of those were positively-identified as being caused by a battery and were handled by AWS personnel. Two (2) of the fires required response by the Fort Fairfield Fire Department, and one of those required multiple responses over three (3) days. Two (2) AWS bulldozers sustained minor damage during those events, and there was concern that the landfill liner system may have been damaged during one particular fire. Subsequent inspections proved that not to be the case, but this is a major concern for our facility. The urgency to implement a program to remove as many of these batteries from the waste stream as possible cannot be overstated. Specific comments on the proposed program will be provided below.

Appendix B: Concept Draft Bill for Battery Program Modernization

Section 2. Battery stewardship organization; requirements; registration

According to the language in this section, multiple battery stewardship organizations could exist and operate in Maine. This may cause confusion as different producers could participate with varied stewardship organizations, with potentially different collection processes. Complexity and confusion may dissuade potential collection sites from participating in the program, thus reducing effectiveness. If multiple stewardship organizations are allowed, then the program should require consistent, uniform collection requirements for all. Collection sites should not be required to sort batteries into different collection containers, post varying signage and instructions for consumers, etc. This comment also applies to the collection and management requirements specified in Section 4.

Section 4.B.2.: As I read and understand this section, damaged and defective batteries, (and also medium-format batteries), may only be collected at "permanent household hazardous waste collection sites." This would severely restrict the collection opportunities for these units. Instead, perhaps these units could be collected at DEP-licensed Central Accumulation Facilities for Universal Wastes? Most of the batteries we encounter at the landfill have been damaged by either the waste collection process, or by our own landfill equipment. Furthermore, if a resident (for example) drops and damages a battery, but there is no convenient drop-off location, then the damaged battery is likely to end up in the trash. These are the units that are most likely to experience thermal runaway and start fires. I believe sufficient training and appropriate collection containers can be provided to the staff of licensed Central Accumulation Facilities to allow them to safely accept and manage these batteries, and would provide a more expansive network of collection sites.

Does the convenience standard apply to damaged and defective batteries? If the convenience standard for "portable" batteries is not used, an alternative convenience standard should be

implemented for damaged and defective batteries. The proposed standard for medium-format batteries is that they need to be "reasonably geographically dispersed", and at a minimum include at least one permanent collection site in each County. Given the large geographic size of Aroostook County, and the subjective nature of "reasonable", I would suggest that this is not an adequate standard. Again, damaged and defective batteries are arguably the most hazardous in terms of fire potential, so the collection of these units needs to be convenient to incentivize participation.

In summary, AWS is thankful and optimistic that the Department is proposing to expand the battery product stewardship program to include additional battery types and chemistries. We look forward to participating in the upcoming process to develop a program that is as effective as possible.

Respectfully submitted,

Mark Draper, Solid Waste Director
Aroostook Waste Solutions

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February 12, 2026

Brian Beneski
Division of Materials Management
Maine DEP
17 State House Station
Augusta, ME 04333-0017

RE: Draft 2026 Annual Product Stewardship Report

Dear Mr. Beneski,

Thank you for the opportunity to provide feedback on Maine's Draft 2026 Annual Product Stewardship Report. On behalf of AdvaMed, I am providing comments regarding the *Packaging Material Exclusion Requests for Federally Regulated Products* section of the report.

AdvaMed is the largest medical technology association, representing the innovators and manufacturers transforming health care through earlier disease detection, less invasive procedures, and more effective treatments. Our nearly 650 members range from emerging companies to large multinationals, and include traditional device, diagnostic, medical imaging, and digital health technology companies.

AdvaMed would like to respectfully reiterate our request from May 2024 that packaging for medical devices is excluded from 38 M.R.S. § 2146 Stewardship program for packaging.

We recommend the additional exemption for medical devices:

- *Are packaging for a product regulated as a drug or medical device, as specified in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Secs. 321(g), 321(h), and 353(b)(1)), by the United States Food and Drug Administration, including associated components and consumable medical equipment;*

- *Are packaging for a medical equipment or product used in medical settings that is regulated by the United States Food and Drug Administration, including associated components and consumable medical equipment*

As part of the United States Food and Drug Administration's regulatory process for medical devices coming to market, the materials of the product as well as the

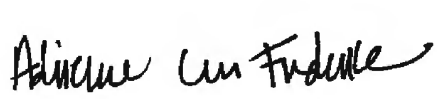
packaging may be considered a component of the device itself or it could be a part of the final design specifications of the device as it's meant to be sold and distributed. The FDA also ensures the packaging used is safe and effective at keeping the contents clean and germ-free. The packaging used to seal and deliver medical devices is tested to ensure it will protect the sterility of instruments and implants. This resilient packaging must also meet rigorous labeling standards which let the FDA trace devices in use.

Without making a clear exemption under "packaging material", medical device manufacturers will be subject to the material goals and fees of this EPR law, effectively penalizing them for using packaging that complies with FDA regulations and keeps patients and healthcare providers safe.

Maine was one of the first states to adopt a law implementing an EPR program for packaging, and since that adoption, other states have implemented their programs. Other states that have implemented their EPR packaging programs like California, Colorado, and Minnesota have exempted medical device packaging, recognizing the important considerations for medical devices.

Thank you for your consideration and we are happy to provide additional information or serve as a resource. Please feel free to reach out to me at afrederick@advamed.org.

Sincerely,



Adrienne Frederick
Director, State Government & Regional Affairs
AdvaMed

Bob Cappadona
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February 12, 2026

Mr. Brian Beneski
Division of Materials Management
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

Sent Via Email: brian.beneski@maine.gov

Re: Comments on the Draft 2026 Annual Product Stewardship Report

Dear Mr. Beneski,

Casella Waste Systems, Inc. ("Casella") is an integrated materials management company and a leading provider of sustainable recycling and solid waste services throughout the Northeast and Mid-Atlantic. We are proud to have been operating in the State of Maine for over 50 years and appreciate the opportunity to submit comments on the draft 2026 Annual Product Stewardship Report (the "Draft Report").

For the following reasons, Casella respectfully requests that the Maine Department of Environmental Protection ("the Department") include, under Section IV.B of the Draft Report, a recommendation to implement a statewide mattress product stewardship program.

1. **Conditions in Maine have changed materially since the Department's 2019 Mattress Stewardship Report.**

At that time, in-state mattress recycling capacity did not exist and available cost data were limited. Today, Maine faces increasing financial and operational challenges associated with managing bulky mattresses through disposal, while viable recycling infrastructure is now proposed within the state.

From a cost perspective, disposal of residential mattresses in Maine can exceed $50 per unit and places a significant burden on municipalities. In contrast, states with mattress stewardship programs typically fund recycling through a consumer purchase fee in the range of $15–$25 per unit, significantly reducing municipal handling and disposal costs. A stewardship framework would shift responsibility upstream while providing a more predictable and lower-cost management option for communities.

Assumptions regarding transportation and emissions have also evolved. The 2019 report assumed mattresses would be transported out of state for recycling at low load efficiency, resulting in high hauling costs and greenhouse gas emissions. Proposed in-state recycling capacity would eliminate the need for long-distance transport and allow mattresses to be recycled efficiently within the state.

Modern mattress recycling operations recover more than 75 percent of mattress materials by weight, including steel, wood, and polyurethane foam. This level of material recovery generates environmental and economic value and is consistent with Maine's solid waste hierarchy. Recycling mattresses also addresses well-documented operational challenges across the solid waste system. Mattresses consume excessive landfill airspace, reduce hauling efficiency, increase wear and tear on equipment, and require significant effort at transfer stations and waste-to-energy facilities. Each mattress diverted from disposal conserves approximately one cubic yard of limited landfill capacity.

2. **Maine is now well positioned to implement mattress stewardship due to the availability of proposed in-state infrastructure.**

Casella Recycling, LLC, a subsidiary of Casella, operates a recycling facility in Scarborough and has applied for permit approval to add mattress recycling operations at that location. Upon approval, the facility would provide in-state capacity to process approximately 30,000 to 60,000 mattresses annually.

Casella has extensive experience operating successful mattress recycling programs across the broader Northeast Region. Our processing facilities in Connecticut and New York, process hundreds of thousands of units annually, and serve municipalities, institutions, retailers, and commercial generators through proven collection and processing systems.

The Department has already recognized that mattress recycling advances Maine's public benefit and waste reduction goals. Notably, the Public Benefit Determination for the Juniper Ridge Landfill expansion conditions approval on implementation of a mattress recycling program, underscoring the importance of integrating innovative recycling initiatives into the state's solid waste management framework.

In conclusion, the availability of proposed in-state recycling capacity, combined with demonstrated operational experience and clear environmental and economic benefits, fundamentally alters the conclusions reached in 2019. Updating the Department's recommendations in the 2026 Annual Product Stewardship Report to support a mattress stewardship program would align Maine's policy framework with its solid waste hierarchy, conserve limited disposal capacity, and deliver measurable cost and sustainability benefits for communities statewide.

Casella appreciates the Department's continued leadership on sustainable materials management in Maine, and would appreciate the opportunity to discuss these comments further at your convenience.

Respectfully submitted,

Bob Cappadona

Bob Cappadona
Vice President
Casella Waste Systems, Inc.

CHPA® | CONSUMER HEALTHCARE PRODUCTS ASSOCIATION

Taking healthcare personally.

February 12, 2026

Brian Beneski
Division of Materials Management
Maine DEP
17 State House Station
Augusta, ME 04333

Re: Comments on Maine DEP Annual Product Stewardship Report (Jan. 2026) – Ongoing Evaluation of Packaging Material Exclusion Requests for FDA Regulated Products

Dear Mr. Beneski:

On behalf of the Consumer Healthcare Products Association (CHPA)[1], we submit these comments on the Department of Environmental Protection's Annual Product Stewardship Report, January 2026. Specifically, we write to address the ongoing evaluation process described on pages 22-23 of the report concerning packaging material exclusion requests for federally regulated products.

Unresolved Exemptions Create Ongoing Regulatory Uncertainty

The report states that the Department "continues to evaluate these requests and the feedback received to determine whether any requested exclusions are warranted and further updates to Chapter 428 are necessary." We respectfully urge the Department to prioritize completion of this evaluation and grant comprehensive exemptions for Food and Drug Administration (FDA) regulated drugs, dietary supplements, and medical devices.

Legislative Intent Is Clear and Compelling

The Legislature's enactment of LD 1423 demonstrates unmistakable intent that these products warrant special consideration. By specifically calling out these products for mandatory departmental review, the Legislature clearly signaled that:

1. These products are fundamentally different from general consumer packaging
2. Federal regulatory requirements create unique constraints that justify exemption
3. The Department has both the authority and the responsibility to grant appropriate exclusions

The statutory language requiring the Department to review packaging for federally regulated products "whether any content or construction standards preclude or significantly diminish a producer's ability to increase recyclability or reduce the volume of packaging material" is not merely permissive—it reflects legislative recognition that such standards do exist and do warrant exemptions.

[1] Consumer Healthcare Products Association (CHPA) is the Washington, D.C. based national trade association representing the manufacturers of over-the-counter (OTC) medications, dietary supplements, and OTC medical devices

Without Exemption, Manufacturers Face Penalty for Federal Compliance

The packaging EPR program structure creates a fundamentally unjust outcome for FDA-regulated products: manufacturers would be financially penalized for their legal obligation to comply with federal safety requirements.

As the report acknowledges (page 23), the program "does not prohibit the use of any types of packaging but rather assesses fees so that producers who do not use readily recyclable materials for their packaging pay more." This fee structure is designed to incentivize producers to choose more sustainable packaging options.

However, pharmaceutical manufacturers have no "choice" in this matter. The FDA's absolute prohibition on post-consumer recycled materials in primary and secondary pharmaceutical packaging means that:

- Manufacturers cannot opt for recycled content even if willing to do so
- Manufacturers cannot avoid higher fees through packaging redesign
- Manufacturers would pay permanent penalties for compliance with federal law
- Higher fees would punish safety compliance rather than incentivize environmental improvements

This is not a case of manufacturers choosing packaging aesthetics over sustainability—it is federal law mandating specific packaging standards to protect public health. Charging higher fees under these circumstances constitutes a penalty for doing exactly what federal regulators require.

Maine Is the Sole Regulatory Outlier

As we have previously detailed, every other state that has enacted packaging EPR legislation—California, Oregon, Washington, Colorado, Minnesota, and Maryland—has exempted in some form or combination OTC drugs, dietary supplements, and medical devices. Maine deserves recognition as the pioneering state that enacted the nation's first packaging EPR law in 2021. However, this first-adopter status likely explains why FDA-regulated products were not expressly exempted in the original legislation as the conflicts between federal pharmaceutical safety requirements and state packaging mandates were not yet fully apparent. Subsequent states had the benefit of Maine's experience, deeper analysis of federal regulatory frameworks, and input from FDA-regulated industries during their legislative processes. These states learned from Maine's groundbreaking work and crafted their laws to avoid the federal-state conflicts that have now become evident. Maine should now benefit from this collective experience by updating its program to align with the national consensus that has emerged.

The report's ongoing evaluation process has now extended for nearly a year since the May 2024 submission deadline, while manufacturers serving Maine consumers face unprecedented regulatory uncertainty.

This delay and potential denial of exemptions would:

- Make Maine the sole regulatory outlier in the nation—not as a leader, but as the only state penalizing manufacturers for federal compliance
- Create a unique financial penalty for manufacturers who sell federally compliant products in Maine
- Establish impossible conflicts between federal safety mandates and state packaging requirements
- Impose duplicative compliance costs given Maine's existing pharmaceutical stewardship program
- Risk product availability in Maine as manufacturers evaluate compliance feasibility against penalty exposure
- Undermine the national uniformity essential for pharmaceutical supply chain operation

FDA Requirements Satisfy Statutory Exclusion Criteria And Create Penalty Risk

The FDA's prohibition on post-consumer recycled materials in primary pharmaceutical packaging is absolute and non-negotiable. The 1999 FDA guidance stating that "postconsumer recycled plastic should not be used in the manufacture of a primary packaging component" directly satisfies the statutory test: federal regulations do preclude modifications that would increase recyclability through recycled content use.

These are not theoretical concerns. Primary and secondary packaging for drugs and dietary supplements must ensure:

- Product stability and self-life
- Prevention of contamination or adulteration
- Maintenance of efficacy
- Compliance with tamper-evident requirements
- Protection from chemical migration

Manufacturers complying with these requirements would face ongoing financial penalties under the packaging EPR program—not because they chose less sustainable packaging, but because federal law prohibits alternatives. This outcome is not what the Legislature intended when it specifically directed the Department to evaluate whether federal requirements "preclude or significantly diminish" packaging modifications.

Federal Compliance Distinguishes These Products from 'Free Rider' Concerns

The report expresses concern (page 23) that excluded materials would make producers "essentially become 'free riders' in the program." This concern, while understandable in the context of general consumer packaging, fundamentally mistakes the situation with pharmaceutical products:

- These are not "free riders"—they are federally regulated products subject to mandatory safety standards. A "free rider" chooses not to participate while benefiting from others' contributions. Pharmaceutical manufacturers essentially have no choice.
- These products are already subject to Maine's pharmaceutical stewardship program (38 M.R.S. § 1612), which addresses end-of-life management comprehensively. Manufacturers

are already paying for product stewardship—just in a different, more appropriate program.
- The alternative to "free riding" is financial penalty for federal compliance. If the concern about free riders outweighs the concern about penalizing federal safety compliance, the program would impose ongoing punitive fees on manufacturers who are legally prohibited from using alternatives.
- Federal safety requirements—not producer choice—drive packaging decisions, meaning producers cannot "choose" to use more recyclable materials even if they wanted to pay lower fees or avoid the free rider designation.
- The Legislature specifically anticipated these exclusions by mandating departmental review of these exact product categories, suggesting that any "free rider" concern was already considered and addressed through the statutory framework.
- National uniformity across all other EPR states demonstrates broad consensus that these exclusions are appropriate policy and that the "free rider" concern is outweighed by other considerations.

The Penalty Would Be Perpetual and Substantial

Because federal regulations are unlikely to change in the foreseeable future, pharmaceutical manufacturers would face ongoing, perpetual higher fees for packaging EPR participation. This is not a temporary cost while industry develops alternatives—there are no alternatives permitted under federal law.

The cumulative financial impact would be substantial:

- Annual fees assessed on all pharmaceutical packaging sold in Maine
- No pathway to reduce fees through packaging modifications
- Costs passed to consumers or absorbed as a Maine-specific market penalty
- Potential impact on product pricing or availability in Maine

This penalty structure could force manufacturers to make difficult choices: absorbing ongoing punitive costs unique to Maine, passing those costs to Maine consumers through higher prices, discontinuing certain product lines in the state, or reducing their overall market presence in Maine. None of these outcomes serves Maine consumers or public health interests.

Duplicative Programs Waste Resources and Compound the Penalty

As the report details (pages 18-20), Maine's pharmaceutical stewardship program collected over 51,000 pounds of pharmaceuticals in 2024, with 342 operational kiosks and 325 mail-back locations. This program already addresses OTC drugs. Subjecting the same products to packaging EPR requirements would:

- Impose dual stewardship costs on the same products
- Create a packaging penalty on top of existing pharmaceutical stewardship obligations
- Create consumer confusion about proper disposal
- Violate sound policy principles against duplicative regulation

Manufacturers would effectively be penalized twice: once through pharmaceutical stewardship program costs, and again through packaging EPR fees they cannot avoid due to federal requirements. At a time when healthcare affordability is a critical concern for Maine families and a priority for policymakers at both state and federal levels, this dual penalty structure would add inflationary pressure to consumer healthcare product costs. Rather than eliminating unnecessary cost drivers, the policy would create a new, ongoing expense with no corresponding public health or environmental benefit, since federal law prohibits the packaging changes that might otherwise justify such fees. Maine should not adopt policies that artificially inflate the cost of over-the-counter medications and health products, particularly when those costs stem from penalties for complying with federal safety requirements rather than from genuine environmental improvements. Ultimately, this means Maine consumers would bear the costs of higher fees assessed on packaging that federal regulators mandate for consumer safety.

Timeline for Resolution

With the Stewardship Organization RFP expected in early 2026 and producer registration anticipated in Q2 2026, time is critically important. Manufacturers need clarity on program scope to:

- Determine compliance obligations
- Assess potential penalty exposure
- Evaluate product portfolio decisions for Maine market
- Budget appropriately for 2027 reporting year
- Decide whether penalty costs justify continued Maine market participation

Request for Action

We respectfully request that the Department:

1. Complete its evaluation of the packaging material exclusion requests for FDA-regulated products
2. Grant comprehensive exemptions for all FDA-regulated consumer healthcare products, specifically:
    - Medications
    - Dietary supplements
    - Medical devices
3. Incorporate these exclusions into the final version of Chapter 428, Appendix A
4. Clarify the interplay between the statutory exclusions in LD 1423 and any additional exclusions granted through the departmental review process
5. Acknowledge in the decision that denying these exemptions would impose financial penalties on manufacturers for compliance with federal safety requirements—an outcome inconsistent with legislative intent and sound policy

Conclusion

These products clearly satisfy the statutory criteria for exclusion — criteria the Legislature deliberately built into the law, anticipating that certain exemptions would need to be evaluated. Every peer state that has enacted similar legislation has recognized and granted these same exemptions. Federal safety requirements independently compel them. And Maine's own pharmaceutical stewardship program already governs end-of-life management for these products, making additional oversight redundant.

Most fundamentally, without these exemptions, Maine would impose ongoing financial penalties on manufacturers for complying with federal law.

We appreciate the Department's ongoing consideration of these critical issues and stand ready to provide any additional information that would support timely resolution.

Respectfully submitted,

Carlos I. Gutiérrez
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Consumer Healthcare Products Association
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February 12, 2025

Brian Beneski
Division of Materials Management
Maine Department of Environmental Protection
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Augusta, Maine 04333

Via email at brian.beneski@maine.gov

Re: CTA Comments on Maine's Annual Product Stewardship Report (January 2026)

Dear Maine Department of Environmental Protection,

On behalf of Consumer Technology Association (CTA), we respectfully submit these comments on the Annual Product Stewardship Report (January 2026) as it relates to the Electronic Waste Program and the proposed updates to the Rechargeable Battery Recycling Program.

CTA is the trade association representing the U.S. consumer technology industry. Our members are the world's leading innovators – from startups to global brands to retailers – helping support more than 18 million American consumer technology jobs. CTA's members include manufacturers of consumer electronic devices such as televisions, computer monitors, laptops and game consoles covered by the Maine Electronic Waste Program. As an industry, CTA's members have supported the proper collection and recycling of electronics in Maine under the program for almost 20 years, diverting more than 100 million pounds of electronics from the waste stream.[1]

Comments on E-Waste

The Annual Product Stewardship Report indicates that "The Department intends to review and update the e-waste rules (*Reasonable Costs for Handling, Transportation, and Recycling of Electronic Wastes*, 06-096 C.M.R. ch. 415) in 2026 as they have not been updated since 2018." CTA is not clear from the information in the report what specific aspects of the e-waste rules warrant an update or what aspects of the rules may be in focus for updating. CTA requests that Maine DEP provide additional details in the Annual Product Stewardship Report on what it intends to update related to the e-waste rules.

CTA will play an active role in any stakeholder process, and we encourage the Maine Department of Environmental Protection (DEP) to thoughtfully and thoroughly consider any

[1] Data pulled from Maine DEP's Report to the Joint Standing Committee on the Environment and Natural Resources, Annual Product Stewardship Report, February 2025. Report available at the Maine DEP website at 2025-Product-Stewardship-Report-With-Comments-FINAL.pdf.

updates to the program. Several electronics extended producer responsibility (EPR) laws have been updated in the timeframe since Maine's last update (and others like Minnesota and Maryland are actively pursuing updates) and there are many lessons learned across those state programs. CTA is ready to serve as a resource to Maine DEP.

Comments on Battery Embedded Products

CTA was an active stakeholder in the 2025 DEP process to evaluate a proposal for a battery stewardship program in Maine. CTA participated in the stakeholder meetings held by the Maine DEP on August 12 and September 25 and submitted written comments to the Maine DEP in September and October 2025. Those written comments can be found attached to these comments.

First, CTA would like to highlight that the Rechargeable Battery Association (PRBA) has model legislation establishing a stewardship program for portable batteries. This law or a similar equivalent has been adopted in 7 states plus the District of Columbia (DC) with over 20 additional states introducing the model legislation in 2026. Maine must seek alignment with other states to ensure harmonization across jurisdictions and a consistent program across the U.S. for manufacturers and stewardship organizations.

Second, CTA strongly opposes the inclusion of battery embedded products in a battery stewardship program as stated in the proposed legislative language found in Appendix B of the Annual Product Stewardship Report. CTA has been consistent in our messaging across the public comments we submitted in 2025 as well as our comments during the stakeholder meetings.

The "Strawman proposal for Maine's Battery Stewardship program" that was shared by Maine DEP with stakeholders on September 24, 2025, indicated that Maine DEP would be conducting additional evaluation around how best to handle battery embedded products. It is unclear from this report what additional evaluation occurred between September 2025 and January 2026, and how Maine DEP decided upon including battery embedded products as part of its recommended battery stewardship program. Those details must be included and outlined for transparency purposes.

This is not the right approach which was stressed in CTA's prior comments. The scope of what falls into the category of battery embedded products is still being discovered. California's recent advanced recovery fee law[2] for battery embedded products went into effect on January 1, 2026, and, what's been determined so far, is a very diverse set of products ranging from consumer electronics to pet products to textiles to toys to large appliances to gardening and lawn care equipment. The product list in California continues to expand almost weekly. Most of the industries representing those products did not participate in the stakeholder dialogue in Maine in 2025, and are likely unaware of the Maine DEP's interest in this topic.

Most importantly, not all of these products can be handled in the same system nor are they compatible with the battery recycling system. The collection and recycling infrastructure for products is vastly different than for batteries. Batteries are much smaller than products and can

[2] Under SB1215, consumers in California will pay a fee at the point of purchase of any battery embedded product. Those fees fund the collection and recycling system for battery embedded products at rates established by CalRecycle. More information can be found at https://calrecycle.ca.gov/electronics/embeddedbatteries/.

be easily collected at collection infrastructure (e.g. The Battery Network, formerly Call2Recycle, designed boxes) that are not compatible for the majority of battery embedded products. Additionally, the producer responsibility organization or stewardship organization (the Battery Network, formerly Call2Reycle) that operates for batteries has no experience in the U.S. with collecting products. Maine DEP would be forcing products upon a system and organization built around the collection and recycling for batteries which are incompatible.

As it relates to battery embedded products, some product types may need a separate system for collection and recycling based on their material composition and the economics of the value of that material; the mandate of a single PRO structure prevents that from occurring. For example, a large appliance is made primarily of metals with some plastic and a battery embedded on the circuit board of the product while a singing teddy bear or a light-up tennis shoe is a textile with a battery. Vapes can contain nicotine or cannabis both of which are heavily regulated substances and issues arise in being able to transport used vapes across state borders for handing or recycling. We know electronics recyclers do not want vaping devices at their facilities; items such as lawn equipment that may also contain gasoline present a significant problem for electronics recyclers; and textiles are incompatible with electronics recycling systems. Maine DEP cannot treat all products as equal and force them into the same collection and recycling system just because they all share the same characteristic of an embedded battery.

There are studies underway in Illinois, Vermont and Washington on recommendations for managing battery embedded products that will yield additional information that can better inform Maine's approach to these products. As noted, California just began its program requiring consumers to pay a fee at the point of purchase for any battery embedded product on January 1. The fees will then fund the collection and recycling system for battery embedded products in the state. Maine will be able to learn more about the universe of battery embedded products as California's list of products continues to expand and more information on how products are being managed in the recycling stream in California is made available.

Other jurisdictions such as the Quebec, Canada are pursuing a phased in approach via small groupings of similar product categories[3] that involved building the collection and recycling infrastructure from the ground up. The product responsibility organization had to build from scratch the collection locations as well as viable downstream recyclers for the material. It is notable that Quebec has EPR systems for batteries and electronics but determined none of these battery embedded products were compatible with those existing systems.

CTA strongly recommends that the Maine DEP take a similar approach to other jurisdictions and further study the best path forward for managing battery embedded products within the state. Again, this was also the recommendation that was included in the Maine DEP's "Strawman proposal for Maine's Battery Stewardship program" back in September. Additional dialogue and evaluation are needed via a stakeholder process specific to Maine to determine whether these products fit into an existing collection and recycling infrastructure (e.g. a battery EPR program or the existing electronics EPR program) or if a new and unique collection and recycling infrastructure needs to be developed based on a variety of factors.

[3] The product groupings include: vapes, personal care products (e.g. toothbrushes, shavers), personal sexual wellness devices, smoke and carbon monoxide detectors, and small floor cleaning devices.

All signs point to battery embedded products being a complex issue that requires additional evaluation and study. CTA is supportive of a solution for battery embedded products, but further discussion and evaluation is the right next step, not just requiring a battery stewardship organization to collect battery embedded products when it doesn't want those products nor is it equipped to handle those products.

Conclusion

CTA appreciates this opportunity to provide comments on Maine's Annual Product Stewardship Report for 2026. We hope Maine DEP takes our concerns seriously and amends the current language reflecting CTA's comments above. CTA looks forward to future stakeholder engagement.

If you should have any questions, please do not hesitate to reach out to me at kreilly@cta.tech.

Sincerely,

Katie Reilly
VP, Environmental Affairs and Industry Sustainability
Consumer Technology Association

CTA Prior Comments to Maine Department of Environmental Protection in Response to the Maine Battery Management Program Stakeholder Process

1919 S. Eads St.
Arlington, VA 22202
703-907-7600
CTA.tech

September 24, 2025

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

Via email at DNRWIe-cycling@wisconsin.gov

Re: CTA Comments on Maine Battery Management Program Stakeholder Process

Chair Maine Department of Environmental Protection,

On behalf of Consumer Technology Association (CTA), we respectfully submit these comments as part of the stakeholder process seeking public input on Maine's battery management program.

CTA is the trade association representing the U.S. consumer technology industry. Our members are the world's leading innovators – from startups to global brands to retailers – helping support more than 18 million American consumer technology jobs. As an industry, we have supported the proper collection and recycling of electronics in Maine for almost 20 years, diverting more than 100 million pounds of electronics from the waste stream.[1]

CTA participated in the first stakeholder meeting held by the Maine Department of Environmental Protection (DEP) on August 12. CTA appreciates the "Strawman proposal for Maine's Battery Stewardship program" shared with stakeholders on September 24. In response to the proposal, CTA has one question and one comment.

Question on Products

CTA would like to seek clarity on the listed covered products, specifically "Products that have batteries included in sale (ex: remote control, etc.)". CTA would like to clarify which of the following scenarios is the intention of DEP:

1. Require producers of "products that have batteries included in sale" to pay into the producer responsibility program for the batteries included in the sale of the product but not require the products themselves to be collected in the system.
2. Require producers of "products that have batteries included in sale" to pay into the producer responsibility program for both the batteries and the products sold in Maine and require the collection of both the batteries and the products.

[1] Data pulled from Maine DEP's Report to the Joint Standing Committee on the Environment and Natural Resources, Annual Product Stewardship Report, February 2025. Report available at the Maine DEP website at 2025-Product-Stewardship-Report-With-Comments-FINAL.pdf.

Scenario 1 is the standard approach here in the U.S. for battery stewardship laws and CTA would recommend that approach.

Comments on Battery Embedded Products

CTA appreciates Maine DEP's approach for battery embedded products to do additional evaluation and development of how best to handle battery embedded products. The scope of what falls into the category of battery embedded products is still being discovered and, what's been determined so far, is a very diverse set of products ranging from consumer electronics to light up tennis shoes to gardening and lawn care equipment to vaping products. The studies underway in several states will yield additional information that can better inform Maine's approach to these products.

Additional dialogue and evaluation are needed via a stakeholder process specific to Maine to determine whether these products fit into an existing collection and recycling infrastructure or if a new and unique collection and recycling infrastructure needs to be developed based on a variety of factors. For example, we know electronics recyclers do not want vaping devices at their facilities and items such as lawn equipment that may also contain gasoline present a significant problem as well. Other jurisdictions such as the Quebec, Canada are pursuing a phased in approach via small groupings of similar product categories that, in many cases, have involved building the collection and recycling infrastructure from the ground up including finding viable downstream outlets for the material.

CTA is supportive of a solution for battery embedded products, but further discussion and evaluation is the right next step.

Conclusion

CTA appreciates this opportunity to engage as part of Maine's stakeholder process for battery management plan, and we look forward to next steps in the process.

If you should have any questions, please do not hesitate to reach out to me at kreilly@cta.tech.

Sincerely,

Katie Reilly
VP, Environmental Affairs and Industry Sustainability
Consumer Technology Association

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October 7, 2025

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

Via email at Battery.DEP@maine.gov

Re: CTA Comments on Maine's Battery Management Program

Dear Maine Department of Environmental Protection,

On behalf of Consumer Technology Association (CTA), we respectfully submit these comments as part of the stakeholder process seeking public input on Maine's battery management program.

CTA is the trade association representing the U.S. consumer technology industry. Our members are the world's leading innovators – from startups to global brands to retailers – helping support more than 18 million American consumer technology jobs. As an industry, we have supported the proper collection and recycling of electronics in Maine for almost 20 years, diverting more than 100 million pounds of electronics from the waste stream.[1]

CTA participated in the first stakeholder meeting held by the Maine Department of Environmental Protection (DEP) on August 12 and the second meeting on September 25. CTA appreciates the "Strawman proposal for Maine's Battery Stewardship program" shared with stakeholders on September 24. In response to the proposal, CTA would like to address the issue of products with embedded (aka non-removable) batteries.

Comments on Battery Embedded Products

CTA appreciates Maine DEP's approach for battery embedded products to do additional evaluation and development of how best to handle battery embedded products. The scope of what falls into the category of battery embedded products is still being discovered and, what's been determined so far, is a very diverse set of products ranging from consumer electronics to light up tennis shoes to gardening and lawn care equipment to vaping products.

The studies underway in several states on recommendations for managing battery embedded products – including Illinois, Vermont and Washington – will yield additional information that can better inform Maine's approach to these products. California will also begin requiring consumers to pay a fee at the point of purchase for any battery embedded product beginning January 1,

[1] Data pulled from Maine DEP's Report to the Joint Standing Committee on the Environment and Natural Resources, Annual Product Stewardship Report, February 2025. Report available at the Maine DEP website at 2025-Product-Stewardship-Report-With-Comments-FINAL.pdf.

2026. The fees will then fund the collection and recycling system for battery embedded products in the state. Maine will be able to learn more about the universe of battery embedded products once California makes publicly available information on the products where the fee will be applied as well as how products are managed in the waste and recycling stream.

CTA strongly recommends that the Maine DEP take a similar approach to states like Vermont in further studying the best path forward for managing battery embedded products. Additional dialogue and evaluation are needed via a stakeholder process specific to Maine to determine whether these products fit into an existing collection and recycling infrastructure (e.g. a battery EPR program or the existing electronics EPR program) or if a new and unique collection and recycling infrastructure needs to be developed based on a variety of factors. For example, we know electronics recyclers do not want vaping devices at their facilities; items such as lawn equipment that may also contain gasoline present a significant problem as well. Other jurisdictions such as the Quebec, Canada are pursuing a phased in approach via small groupings of similar product categories that, in many cases, have involved building the collection and recycling infrastructure from the ground up including finding viable downstream outlets for the material.

All signs point to battery embedded products being a complex issue that requires additional evaluation and study. CTA is supportive of a solution for battery embedded products, but further discussion and evaluation is the right next step. CTA would welcome the opportunity to be a part of any stakeholder process on this issue.

Conclusion

CTA appreciates this opportunity to engage as part of Maine's stakeholder process for battery management plan, and we look forward to next steps in the process.

If you should have any questions, please do not hesitate to reach out to me at kreilly@cta.tech.

Sincerely,

Katie Reilly
VP, Environmental Affairs and Industry Sustainability
Consumer Technology Association

Healthcare Distribution Alliance
HEALTH DELIVERED

March 12, 2026

Brian Beneski
Division of Materials Management
Maine DEP
17 State House Station
Augusta, ME 04333-0017

RE: Draft 2026 Annual Product Stewardship Report

On behalf of the Healthcare Distribution Alliance (HDA), thank you for the opportunity to comment on **Draft 2026 Annual Product Stewardship Report.**

HDA is the national trade association representing healthcare wholesale distributors, the vital link between the nation's pharmaceutical manufacturers and more than 200,000 pharmacies, hospitals, long-term care facilities, clinics and others nationwide, including over 260 pharmacies and other sites of care across Maine. Healthcare wholesale distributors are unique entities in the supply chain operating 24 hours a day, 365 days a year, shipping approximately 10 million products across the nation every day. Distributors do not research, develop, manufacture or market pharmaceutical products. Wholesalers also do not prescribe or dispense medications to patients or have any impact on a patient's pharmacy benefit design. Wholesale distributors' role is to serve as the logistical experts who purchase pharmaceutical products from manufacturers, securely store, and safely deliver manufacturer's products to state and federally licensed healthcare providers. Pharmaceutical distribution is a high-volume, high-value, yet very low margin industry.

HDA appreciates the ongoing consideration and work that the Department of Environmental Protection has put into the rulemaking, such as including in the Draft 2026 Annual Product Stewardship Report a sentence stating "the Department continues to evaluate these requests and the feedback received to determine whether any requested exclusions are warranted and further updates to Chapter 428 are necessary."

Accordingly, HDA would like to respectfully renew our ongoing request from 2024 and 2025 that the Department add language to Chapter 428 to appropriately exempt the packaging for drugs, medical devices, dietary supplements as regulated by the U.S. Food and Drug Administration:

> **Packaging material does not include packaging used for products regulated as a drug or medical device by the U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321 et seq., sec. 3.2(g)(1) of U.S. Code of Federal Regulations.**

Such exemption language is appropriate, necessary, and in alignment with the exclusion requirements in Chapter 428 because the packaging of drugs is subject to stringent and robust federal regulations, as well as to a general body of safety standards, which ensure the drugs are appropriately labeled, sterile, stable, and traceable. Such requirements significantly limit or preclude the healthcare supply chain's ability to increase recyclability of packaging material of FDA-regulated drugs. Failing to exclude drug packaging risks penalizing wholesale distributors for federal requirements- something particularly detrimental for the pharmaceutical wholesale distribution industry which has a net profit margin of under 1% on branded products.

In summary, the pharmaceutical supply chain is unlike any other and must be regulated appropriately and precisely to avoid disrupting patient access to essential medications. Due to the unique complexities described above, several other states such as California, Colorado, and Minnesota have accordingly exempted drug packaging from their EPR programs, and again HDA requests that the Maine DEP follow this precedent. Thank you again for any further consideration, and please contact me for any further discussion at kmemphis@hda.org.

Sincerely,

Kelly Memphis
Director, State Government Affairs

To: Brian Beneski
Division of Materials Management
Maine DEP
17 State House Station
Augusta, ME 04333-0017

From: Kathryn Oak
76 Millett Road
Minot, ME 04258

Kathryn's personal submission of comments to draft Annual Product Stewardship Report, 2026.

Hi Brian,

My years in the solid waste industry and visits to more than 100 transfer stations in Maine have provided me with a lot of insight, compelling me to provide comments on Maine's Product Stewardship programs.

All bold text references the section of the report and italicized text are direct plugs from the report and used as context for my comments.

II. Existing Programs' Performance and Recommendations

C. Rechargeable Batteries - *Many municipalities across the state have not signed up as a battery recycling site through either the free or Green Vantage program*

The reason for this is that it presents a burden on transfer stations. They are required to complete online safety training to receive boxes. While this is not a bad thing, it creates a burden for transfer station operators with no access to internet and computers at their facilities. They then need the space and staff to manage the sorting out of batteries from all other e-waste.

F. Electronic Waste -*The Department intends to review and update the e-waste rules (Reasonable Costs for Handling, Transportation, and Recycling of Electronic Wastes, 06-096 C.M.R. ch. 415 in 2026 as they have not been updated since 2018. This effort will include ongoing communications with stakeholders as part of the process.*

Please consider consolidating collection of bulbs & batteries with e-waste to make it more efficient for municipalities. Establishing regional take back centers paid for by producers would also help alleviate the burden on municipal transfer stations and offer collection for areas lacking municipal collection.

H. Mercury-Added Lamps – *As mentioned earlier, in the beginning of 2025, FedEx, the provider for shipping services for the program, announced they would no longer support parcel*

shipments for universal wastes such as batteries, bulbs, and mercury-containing products. However, in October of 2025, FedEx announced they would reinstate the Universal Waste Shipping Program, with new guidelines and rules to be released at the beginning of 2026.

Again, collection is not convenient. Those municipalities using the service underwent disruption with the change in FedEx's universal waste hauling procedures. Many of Maine's rural transfer stations misunderstood the issue and discontinued collection of mercury containing bulbs and many don't have the staff and space to manage multiple material sorts. Having all bulbs and batteries handled by one system would be much easier. Many of the towns are not participating in the stewardship programs due to the hinderances mentioned above (staff & space) and have opted to have their e-waste vendor manage all those materials. This keeps the transfer station operation streamlined and efficient but more costly for the municipality.

IV. Candidate Products and Suggestions for Updates to Stewardship Programs

B. Mattresses

Mattresses are a collection and fiscal burden to municipalities. Many municipalities are being charged additional per unit fees for mattress disposal. Mattresses are a bulky waste taking up precious landfill space.

Connecticut and Rhode Island have product stewardship programs (voluntary) like paint care with a fee attached to the sale of mattresses to manage end of life. Rhode Island lists the purposes of their law:

> **(1)** To establish a system for the collection, recycling, and reuse for discarded mattresses in Rhode Island.
> **(2)** To develop a comprehensive strategy, with the participation of state agencies, producers, retailers, and consumers for waste prevention and reduction of discarded mattresses in the state, which addresses the collection, recycling and reuse of mattresses in a safe and environmentally sound manner;
> **(3)** To promote the development of infrastructure for the reuse and recycling of discarded mattresses;
> **(4)** To minimize costs incurred by Rhode Island municipalities to collect, dispose of, or recycle mattresses discarded by residents; and
> **(5)** To eliminate waste generated in the state from the disposal of discarded mattresses from landfill and other forms of disposal.

If and when Casella begins mattress recycling in Maine, they will have a monopoly for mattress recycling in this state which doesn't bode well for competitive pricing. It's important to consider one of the goals Rhode Island had in mind with their law which was

to promote the development of infrastructure for recycling mattresses which leads to a more competitive market keeping pricing fair.

C. Household Hazardous Waste

The cost for municipalities to participate in HHW collection events rises every year with many opting to not offer the service due to cost. A consideration would be to tap into the recent Climate Superfund Bill (if passed) to have oil companies pay for waste oil and old gasoline collected at HHW events as these items are quite prevalent at HHW events.

Otherwise, this is a very complex waste stream to attempt producer responsibility for end of life management.

I. Compressed Gas Cylinders

These are still a problem, and the State of Oregon is struggling to have them collected under their EPR for packaging framework. Many transfer stations don't collect them, or they recommend puncturing a hole in them before they can be received in bulk metal collection. The one-pound cylinders are often mixed with MSW for disposal. There's value in the steel for collecting these cylinders in a safe manner. Maine currently lacks safe collection.

APPENDIX B
Concept Draft Bill for Battery Program Modernization

1. Definitions

H. "Covered battery" – What's the difference between #2 and #3? Is it referencing Pb acid batteries? Is it redundant and thereby confusing?

3. Battery Stewardship Plan – It would be helpful to have a plan for conducting a statewide needs assessment regarding collection infrastructure available and needed. As mentioned, many municipal facilities lack the staff and space to manage multiple sorts for materials which will inhibit their participation.

4. Collection and management requirements

B. 2. (a) – Damaged and defective batteries should be collected separately but at the same location as all other batteries. E-waste recyclers have containers with vermiculite available for the collection of compromised batteries. It would be better to ensure all or most collection sites are equipped with these containers and have trained personnel to manage them. HHW events or the State's only permanent HHW facility are not suitable for or equipped to collect damaged batteries.

Will this be a voluntary product stewardship program or will there be a disposal ban on batteries as well? A disposal ban would be preferred due to the hazards of Li-ion batteries in the waste stream and to maximize participation.

Thanks for considering my comments and feel free to reach out if I didn't communicate anything clearly.

Sincerely,

Kathryn Oak

Comments regarding the 2026 Product Stewardship Report
Lucy Sullivan, Director of Communications and Public Affairs, ecomaine
Februrary 12, 2026

Brian Beneski and the Maine DEP Staff:

Thank you for the opportunity to provide comment on the recent Product Stewardship Report.

Regarding Appendix B: Concept Draft Bill for Rechargeable Battery Recycling Program Modernization

On behalf of ecomaine, I am writing in full support of expansion to Maine's product stewardship program for batteries. We are especially encouraged by the proposed inclusion of rechargeable and lithium-ion batteries, which pose an escalating threat to safe, sustainable recycling and waste management.

ecomaine's recycling facility has suppressed 63 fires since late 2023; in 78% of those incidents, lithium-ion batteries were the determined cause. In addition to the inherent safety risks to ecomaine personnel, each of these fires has a significant operational impact. Pausing operations for thorough fire suppression, inspection, and clean-up limits our facility's ability to process recyclables.

Thanks to investments in fire safety and continued vigilance of ecomaine staff, fires have been suppressed quickly and without substantial impact to the facility or its equipment. But each battery fire presents the very real risk of a more substantial impact – including the potential for a large fire event that could stop recycling for days, weeks, or even longer. Such a catastrophic fire would lead to a significant disruption of recycling access for more than 70 communities.

Ecomaine is co-owned by nearly 30 Maine municipalities, who bear shared responsibility for the costs of safe, sustainable waste management. Increased investments in fire suppression systems, rising insurance costs, the operational cost of down time and repairs, the lost revenue from recyclable materials damaged by fire, the potential costs of major structural repairs and equipment replacement: all of these costs would be borne by our co-owning municipalities and ultimately, the taxpayers. The safer and more economical solution is a more robust product stewardship program for batteries that expands to meet today's most pressing concern: lithium-ion batteries.

For the safety of Maine workers and residents and for cost-effective, sustainable waste management, it is imperative to reduce the number of lithium-ion batteries entering the waste and recycling streams.

Product stewardship is a valuable tool for curbing the tide. We support a robust product stewardship program for batteries. We would like to see the final bill address the following challenges directly:

- **Coordination and consistency across collection sites.** If multiple stewardship organizations are responsible for the battery program, these organizations must be required to operate consistently and under well-coordinated guidelines and procedures that will not confuse the public.
- **Communication and education.** The program must include extensive statewide education efforts to ensure that residents understand new and updated disposal options. A substantial investment should be made in public awareness campaigns.
- **Increased access to safe disposal of damaged and defective batteries.** A program that does not provide for more convenient collection of damaged or defective batteries would disregard a substantial risk to the public and to waste management facilities. Very few public access points currently exist for disposal of damaged or defective batteries. Providing for the safe collection of damaged units at all collection sites would minimize confusion, reduce the number of damaged batteries disposed of improperly outside of collection site; and would be the most effective way to ensure that the public has access to safe disposal.

About ecomaine:

ecomaine is a 501(c)3 nonprofit organization that connects 70+ member communities throughout Maine and New Hampshire to manage municipal solid waste and recycling. Our mission is to provide comprehensive, long term solid waste solutions in a safe, environmentally-responsible, economically-sound manner, and to be a leader in raising public awareness of sustainable waste management strategies.

Personal Care Products Council

February 11, 2026

Brian Beneski
Division of Materials Management
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

Submitted via electronic mail to: brian.beneski@maine.gov

Mr. Beneski,

The Personal Care Products Council ("PCPC")[1] is pleased to comment on Maine's *Annual Product Stewardship Report* ("Report"), released in January 2026. Our member companies are involved in the distribution and sale of over-the-counter drug products, cosmetics, toiletries, fragrances, and ingredients in Maine. Therefore, our comments are focused specifically on subsection "K. Packaging (2021) – 38 M.R.S. § 2146."

Subsection K of the Report summarizes Maine's Department of Environmental Protection ("the Department") 2025 outreach and rulemaking activities related to the development of the Packaging Material Types List ("Appendix A"). PCPC appreciates the Department's consistent engagement with stakeholders throughout this process. PCPC continues to support Maine's goals to execute an effective stewardship program and implement the Extended Producer Responsibility (EPR) law. PCPC submitted written comments to the Department in April, August, and October 2025. As previously stated in comments, PCPC welcomes the opportunity to discuss our concerns and suggestions, as well as share relevant information, technical data, and experience with the Department.

PCPC encourages the Department to consider the following points as it continues the implementation of Maine's EPR laws:

1. Continue to seek harmonization with existing U.S. and international EPR laws.

The Report briefly summarizes existing U.S. states with enacted packaging EPR laws. We urge the Department to continue to look for alignment and harmonization with other existing U.S. state

[1] Based in Washington, D.C., PCPC is the leading national trade association representing the cosmetic and personal care products industry. Founded in 1894, PCPC's more than 600-member companies manufacture, distribute, and supply the vast majority of finished personal care products marketed in the United States. As the makers of a diverse range of products that millions of consumers rely on every day, from sunscreens, toothpaste, and shampoo to moisturizer, lipstick, and fragrance, member companies are global leaders committed to product safety, quality, and innovation.

EPR laws and international packaging laws as the implementation process moves forward in 2026 and beyond. Cosmetic products, over-the-counter drugs, and the ingredients used to make them are distributed worldwide and harmonization amongst states is crucial to reduce confusion and encourage the use of recyclable materials in products and packaging. Without harmonization, the rapidly expanding framework of EPR laws both nationally and internationally, like the Packaging and Packaging Waste Regulation in Europe, will result in many more producer reporting categories, making compliance significantly more complex for producers. PCPC is appreciative of Maine's previously stated efforts to align packaging material types with other states' producer reporting categories to facilitate producer compliance but believe more can be done overall for harmonization.

In 2026, the Department will take the significant step of selecting and contracting with a stewardship organization in the second quarter of 2026. PCPC emphasizes the importance of selecting a stewardship organization that promotes harmonization with existing U.S. EPR programs, reduces unnecessary administrative burdens, and has a clear understanding of the operational and supply-chain complexities faced by manufacturers, producers, and distributors globally. It is essential that the stewardship organization.

2. Adopt best practices and utilize existing recycling technologies for material categories determinations on recyclability.

    a. Best Practices for Small Format Packaging

PCPC has consistently advocated for clarification on the recyclability of small packaging (two inches by two inches). Packaging plays a vital role in ensuring the safety of cosmetic products. It is the first critical step to protecting product formulas from contamination and degradation. Packaging material and structure are critical to maintaining product integrity. Material selection, including small packaging, is dependent on "fit for use," a metric that determines the effectiveness and functionality of a packaging material. Plastics specific to cosmetic and personal care products provide benefits that other types of packaging materials may not be able to achieve and do not pose the hazard and environmental issues caused by other materials. Companies must consider a wide variety of technical specifications when determining packaging designs, including helping consumers dispense and apply products appropriately, contributing to overall consumer safety and satisfaction, often resulting in smaller packaging. Increasing minimum size thresholds or restrictions may disproportionately affect cosmetic brands, especially those already investing in recyclable designs.

Currently, the Department's Packaging Materials Type List (Appendix A) does not categorize any material type less than two inches by two inches in size as recyclable. We remain disappointed by this categorical exclusion because small format packages are recyclable with existing technology and equipment. A study on the recyclability of small-format packaging released in February 2025

by Closed Loop Partners found that with upgrades and reconfigurations, significant volumes of small-format packaging materials could be recycled rather than lost to residue.[2]

PCPC recommends the Department add language to recognize the APR sortability test "Evaluation of the Size Sorting Potential for Articles with at Least 2 Dimensions Less than 2 Inches" as the industry standard for ensuring smaller materials are successfully processed at recycling facilities. This incorporation is both appropriate and aligned with best practices, as the APR Design Guide reflects the operational realities and equipment capabilities of modern materials recovery facilities (MRFs). Specifically, this methodology provides a function-based assessment of sortability, accounting for packaging form and construction, rather than relying solely on arbitrary physical dimensions such as size thresholds. By considering the actual performance of materials within automated sortation systems, this approach enables a more accurate classification of covered materials based on their real-world potential for recovery and market viability. Furthermore, the incorporation harmonizes with California's EPR program which updated its small form material categories with language that includes the APR reference in 2025.[3]

PCPC encourages the Department to adopt and implement the APR Design Standard for small format packaging in Appendix A. Doing so would promote regulatory clarity, incentivize packaging design for recyclability, and reduce the risk of misclassification that could limit the capture of recoverable materials. The use of technically grounded and operationally validated criteria—such as those found in the APR Design Guide—is essential to ensuring that the regulatory framework supports both environmental outcomes and practical feasibility for producers.

b. Existing Recycling Technologies

PCPC also notes our concerns with the Department's current assessment on certain materials, like PP, HDPE, and LDPE squeeze tubes, flexible films, and small forms, as well as PET #1 colored bottles, jugs, and jars. This assessment does not reflect advancements in recycling technologies, some of which are capable of recycling these materials. Preemptively designating such materials as non-recyclable, undermines innovation and stifles the growth of a promising sector that is essential for scaling recycling capacity and addressing waste.

Moreover, limiting material options to only those deemed recyclable under today's infrastructure ignores the full environmental profile of alternatives, including water use, greenhouse gas emissions, and end-of-life impacts. This risks unintended consequences, such as discouraging investment in advanced recycling technologies and creating a self-fulfilling loop, for example:

[2] Updated-Final_Small-Plastics-Recovery-Report_2025.pdf

[3] In the Draft Covered Material Categories Reporting Guidelines, released in June 2025, CalRecycle included a "size sorting potential" assessment for small packaging which referenced the APR Design Guide as a technical standard.

fewer flexible plastics are used, resulting in fewer packaging utilizing flexible films from being collected, in turn reinforces the narrative that the materials are not recyclable when in fact they are.

In this way, the Department's designation of readily recyclable material will inadvertently hamper the very goal it seeks to achieve—building a circular economy—by disincentivizing innovation and reducing the volume of recyclable material entering the system.

3. Dedicate Resources to Increase Consumer Education to Increase Throughput

Appendix A categorizes several different materials as not recyclable for failure to meet the throughput requirement, in other words the materials are not being recycled. In a 2024 report, the Recycling Project found that 78% of households in Maine have access to recycling, but only 43% of households actually participate in recycling.[4]

Throughput increases with consumer education. Manufacturers and producers who use widely recyclable materials should not be penalized in Maine due to a lack of education regarding recyclable materials or the materials recovery facilities (MRFs) inability to recycle them. Recycling pellets should be allowed to move within the country to maximize recycling if a local MRF lacks the ability to recycle the material. PCPC encourages the Department to use resources to increase consumer education and utilize new technology to increase throughput to make more materials recyclable.

Respectfully,

Emily Manoso
Executive Vice President, Legal & Regulatory Affairs and General Counsel
Personal Care Products Council

Bridget Corridon
Staff Counsel, Legal & Regulatory Affairs
Personal Care Products Council

[4] https://recyclingpartnership.org/wp-content/uploads/dlm_uploads/2024/05/SORR_Methodology-1-1.pdf

THE CARPET AND RUG INSTITUTE

February 2, 2026

Mr. Brian Beneski
Division of Materials Management
Maine DEP 17 State House Station
Augusta, ME 04333-0017

Via E-Mail - brian.beneski@maine.gov

Re: Annual Product Stewardship Report 2026 - Carpet

Dear Mr. Beneski,

I read with interest your January 2026, “Annual Product Stewardship Report.” As president of the Carpet & Rug Institute (CRI), a not-for-profit trade association that represents carpet manufacturers who are responsible for more than 95% of the carpet produced in the United States, I am concerned about the possible ramifications of over-regulating post-consumer carpet products. Carpet is one of the last remaining major U.S. textile industries, and tens of thousands of American jobs depend on the U.S. carpet industry, in manufacturing, transportation, installation, retail sales, recycling, and more. Your report references the amount of carpet going into Maine’s landfills, and while carpet is neither toxic nor hazardous, we understand that landfill space is significantly limited.

The carpet industry has been a leader in forging product sustainability. One of our significant accomplishments is The Carpet America Recovery Effort (CARE). CARE is a voluntary, non-profit organization dedicated to increasing landfill diversion, reuse, and recycling of waste carpet through market-based solutions that benefit the economy as well as the environment. Reduction in the amount of carpet going to landfills each year is already happening. Since 2002 U.S. carpet manufacturers, working with independent recyclers and processors, have diverted more than 5 billion pounds of used carpet from landfills. CARE’s four hundred-plus members include independent carpet recyclers, carpet manufacturers, dealers, retailers, suppliers, and non-governmental organizations.

Unlike newspapers and aluminum cans which are relatively easy to recycle, carpet is a complex product that is difficult to separate into its component parts. However, there are multiple products currently in use that contain materials recovered from used carpet.

o New carpet and carpet padding
o Plastic components for automobiles and consumer products
o Building materials – architectural moldings, boat docks, and decks
o Sound barriers – along interstates and elsewhere
o Erosion control, silt, and oil filtration materials
o In addition, post-consumer carpet, which burns hotter and produces less greenhouse gases than coal, can be used as an alternative fuel when other uses are not practical.

CRI and its members have not only worked hard to ensure that their products are completely safe for the consumer, but they have made great effort towards producing sustainable products. We are therefore particularly concerned that the carpet industry, which has been a leader in addressing environmental concerns in a proactive manner, would have carpet highlighted as one of the first non-hazardous products to be considered for extended producer responsibility.

Carpet is one of the safest and healthiest products in the home, office, or school. It adds comfort, warmth, and beauty to any home. In fact, carpet's use in virtually every residential and commercial interior setting is so accepted that we are not aware of any federal or state requirements covering its sale or use. As such, carpet, because of its long track record of performance and sustainability initiatives, should not be subjected to the kind of extreme product stewardship or take-back programs referenced in your report.

These approaches rely on the flawed premise that assigning product manufacturers the end-of-life costs of recycling or disposing of products will result in more environmentally preferred product designs, eliminate product disposal costs, and reduce disposal of products in landfills. However, current product-mandated manufacturer take-back programs have not successfully demonstrated positive cost-benefit results in collecting products at the end of their life cycles. It is unrealistic to expect that consumers will utilize individual and separate product take-back programs for diverse product categories or that those programs would use resources efficiently.

Manufacturers are continually producing more environmentally preferable products and using the most recyclable and environmentally friendly components and packaging available and feasible. These activities serve the best interests of the environment and are also necessary to be cost-effective with limited resources and responsive to consumer demands.

Mandates for product take-back and recycling can harm the environment in unforeseen ways, by forcing companies to switch from materials that are perhaps more energy-efficient to produce, lighter to transport, or safer, to heavier materials that are more recyclable, but require more energy to produce and use and could pose greater safety concerns. Market processes encourage innovation in the use of limited resources throughout a product's life cycle, while mandated product take-back programs override this natural research and development process and only drive manufacturers toward materials that have more positive recycling or take-back attributes.

Even though the COVID 19 pandemic has ended, our industry and retailers still face economic challenges. In these times of extreme fiscal pressures on both industry and government, it seems prudent to include a requirement for cost-effectiveness or a cost/benefit analysis in any proposed new mandate. However, there appears to be no such requirement included in this program. Consequently, the mandates of this program could effectively put an industry and/or retailers out of business and drain state resources in staggering administration costs, while still mandating DEQ to move forward. We urge the inclusion of a cost-benefit analysis component in any extended producer program, to prioritize limited resources and prevent fiscally questionable mandates.

As an alternative to mandates, CRI supports continued voluntary initiatives to find cost-effective solutions. We feel a much more prudent and effective approach to the landfill diversion of carpet lies in using the power of government in a different way; by driving the use of products that

contain recycled or recyclable materials through the state's product specification process. Why not use the expertise of DEP to identify products containing post-consumer recycled and recyclable materials and requiring state purchase of such products? This approach would drive the market to develop products that meet these requirements and thereby reduce the amount of material going to landfills.

On behalf of the members of the Carpet and Rug Institute, I thank you for your consideration of these concerns. If you have any questions, please do not hesitate to contact Jennifer Stowe, CRI Vice President, Government Relations at jstowe@carpet-rug.org or 571-435-7851.

Regards,

Russ Delozier
President

Brian Beneski,

As a concerned citizen and an environmental professional, I am submitting public comments on the Draft January 2026 Annual Product Stewardship Report.

II. C. Call2Recycle GreenVantage program no longer exists. Call2Recyle has also changed its name to The Battery Network.

IV. Candidate Product Suggestions.
Antifreeze is a widely generated product that meets all five criteria for inclusion in the Product Stewardship Program.

1. Contains a toxic. Antifreeze contains propylene glycol or ethylene glycol. Ethylene glycol is commonly used in vehicle and manufacturing applications due to its superior heat transfer abilities. Ethylene glycol poses a significant health risk to humans and aquatic life. Additionally, antifreeze used in vehicles may have toxic lead present and could be a hazardous waste. Many generators of antifreeze do not characterize it properly due to laboratory problems or lack of regulatory understanding.

2. Increase material recovery. There are currently limited recycling and disposal opportunities in Maine for antifreeze. Adopting it in the Product Stewardship program and regulating it as a universal waste would increase recycling opportunities. This would also decrease improper disposal methods. Antifreeze is a mandatory Comprehensive Procurement Guidelines product that requires purchasing recycled content antifreeze, under certain conditions. This regulation applies to state agencies as well. This regulation establishes a market for recycled content products, so adding it as a product stewardship program item would help increase the product availability for recycling to meet the purchase requirements.

3. Reduce costs. Recycling antifreeze will reduce costs to generators and taxpayers. Recycling antifreeze is cheaper than disposal of antifreeze. Recycling antifreeze will also save generators costs of laboratory analysis. According to the EPA recycled antifreeze costs less than virgin antifreeze.

4. Demonstrated programs. There are fifteen states that have successful programs for antifreeze recycling. Including our only neighbor state, New Hampshire. According the EPA antifreeze is managed as Universal Waste and recycled in Louisiana, Michigan, New Hampshire, Ohio and Utah. According to the former Transportation Environmental Resource Center (TERC), which was funded by the EPA, an additional ten states exempt antifreeze from hazardous waste rules if it is recycled.

5. Insufficient programs. There are no voluntary antifreeze recycling programs in the state. Implementation of antifreeze as a universal waste, or

exemption from hazardous waste rules would encourage recycling and provide regulatory clarity to generators.

IV.B. Mattresses.
DEP concluded that mattress recycling does not appear to be economically or environmentally beneficial at this time. I do not agree with this conclusion and believe recycling mattresses is feasible due to the following reasons.

1. According to the Mattress Recovery Council 75% of a mattress can be recycled. Currently none are recycled in Maine and take up valuable limited landfill space.

2. Costs to recycle are comparable to the $15 fee Juniper Ridge Landfill charges. Connecticut and Rhode Island charge a $16 and $20.50 fee for each mattress sold to fund the program.

3. Four states currently have a mattress recycling laws, including two in New England in Connecticut and Rhode Island. Additionally, the following New England states have mattress recycling facilities: Connecticut has one, Massachusetts has nine, Rhode Island has two, and Vermont has one.

4. There is no voluntary product stewardship program for mattresses currently. Implementation should be easy with other state examples to follow.

5. A core charge for the old mattress could be charged by mattress resellers. As stated in section II.B the core charge model has proven success for vehicle battery recycling. It is also successful in vehicle parts remanufacturing. The amount of the core charge could be roughly equivalent to the average transfer station or landfill cost for mattress disposal. When the mattress is picked up or returned the consumer receives the core charge back. If the mattress is not returned within a year the money goes to a solid waste fund to help pay for illegal disposal of mattresses.

IV. C. Household Hazardous Waste

Maine could consider a small tax or fee on any item that meets OSHA hazardous chemical definition to fund household hazardous waste disposal for the state. If it has a pictogram, it could have a fee. Like the fee on paint to fund the paint recycling program.

DEP regional offices are spread throughout the state. The regional offices could be a location for household hazardous waste generation. DEP regional offices have active hazardous waste generator identification numbers currently used for annual obsolete pesticide disposal. Household hazardous waste could be collected at those locations at the same time as pesticides. Or alternatively it could operate year-round with current

on-site DEP staff. Or DEP could contract out its annual operations. No matter what way it is operated it could be paid for by fees on hazardous chemicals.

IV.F. Other battery types are already regulated by MEDEP Chapter 858 Universal Waste.

IV.G. Electronic Vape Pens and Cartridges

MEDEP Chapter 859 Hazardous Waste Pharmaceuticals section 3 Definitions for pharmaceuticals include vaping pens and electronic cigarettes. So electronic vape pens and cartridges could be managed under the current product stewardship program for Pharmaceuticals, as outlined in section II.J.

Thanks for your consideration. Contact me with any questions.

Andrew Moore, CHMM

mooreat@yahoo.com

724-7478

Comments regarding the 2026 Product Stewardship Report

Victor Horton, Executive Director
Maine Resource Recovery Association (MRRA)
February 9, 2026

Brian Beneski and Maine DEP Staff,

The Maine Resource Recovery Association (MRRA) supports the annual reporting of the various product stewardship programs and appreciates the opportunity to provide input. Below are the comments the MRRA would like to provide for the 2026 Product Stewardship Report.

Section II, Subsection H: Mercury-Added Lamps
MRRA is a strong supporter of the current program to collect and manage mercury-added lamps. The program was designed to prevent these products from ending up broken in landfills or incinerators.

We do have some concerns about the program regarding the limits on the collection of lamps from residents, which is currently capped at 10 lamps. If residents are turned away for exceeding this limit, such as bringing 11 or 12 bulbs, there is a real risk that those bulbs will instead be discarded improperly.

We recommend eliminating or significantly increasing the current collection limit from statute, and for limits to be set in place by collection sites depending on their capacity. For example, a delivery of 100 bulbs could present logistical challenges for small towns with limited staff during operating hours.

Section IV: Candidate Products and Suggestions for Updates to Stewardship Programs

Mattresses: Manufacturers should be encouraged to develop a statewide program accessible to all Maine municipalities. Currently, towns often face additional fees for disposal options.

Household Hazardous Waste: The cost of providing these services continues to rise. Ideally, manufacturers could offer more cost-effective end-of-life solutions for their products. Again, all Maine towns should have access to collection sites.

Compressed Gas Cylinders: These items remain difficult to dispose of, with inconsistent collection options across the state. We urge the industry to establish a comprehensive, convenient collection program accessible to all communities. Reducing transportation distances improves both safety and efficiency.

Appendix B: Rechargeable Battery Recycling Program

MRRA is encouraged by the inclusion of new battery chemistries in Maine's battery product stewardship program, as proposed by the Department in Appendix B. Currently, Maine's product stewardship program does not include lithium ion rechargeable batteries, primary batteries, or batteries that are embedded in products, which poses significant risks to our municipal waste management infrastructure. Additionally, the costs to collect and manage those batteries for recycling are being passed along to the recyclers, rather than the producers of those batteries. We believe that battery manufacturers should cover the financial responsibility of managing this material at the end of life.

We also recommend allocating funding for a public education and advertising campaign to inform residents how to properly manage batteries at end of life. While we understand that some battery types (such as certain liquid batteries) may be covered under other programs, lithium batteries should be included in the standard program administered by the Battery Network (formerly Call2Recycle).

Battery-related fires continue to be a serious concern. Standalone batteries and batteries embedded in products that are damaged during collection or processing can pose fire risks. External pressure on battery casings can cause spontaneous combustion, endangering waste handlers, vehicles, and facility staff. Further clarification is needed regarding how pre- and post-consumer damaged batteries are handled and which entity is responsible for their management. MRRA recommends that producers should provide infrastructure needed to safely and conveniently collect defective and damaged batteries.

If Maine has more than one battery stewardship organization, the statute should require coordination among them to ensure full statewide coverage and a seamless program. Drop-off sites must be convenient in order to ensure participation from consumers.

Conclusions

We appreciate the opportunity to provide feedback on the Product Stewardship report. Maine's product stewardship programs help save municipalities and taxpayers money while also keeping problematic materials out of landfills.

To make these programs more effective, we recommend the following changes:

- To facilitate diversion of mercury-added lamps, eliminate or increase the collection limit and allow collection sites to implement their own limits based on site capacity. (Section II)
- MRRA fully supports exploration of additional product stewardship programs for difficult materials like mattresses, household hazardous waste, and compressed gas cylinders. We welcome the opportunity to participate in stakeholder discussions. (Section IV)
- We support the proposal to modernize Maine's product stewardship program for batteries, especially the following provisions:
    - Inclusion of additional battery chemistries, ensuring full participation from battery manufacturers
    - Establishing central accumulation facilities for damaged or defective batteries, and providing proper collection bins and training to collection sites for safe and convenient disposal across the state
    - Require coordination between one or more stewardship organizations to facilitate collection for municipalities and consumers (Appendix B)

Respectfully submitted,

Victor Horton

Maine Resource Recovery Association (MRRA)
The Maine Resource Recovery Association is a nonprofit organization founded in 1984 to promote professional and sustainable materials management practices across Maine. With over 160 municipal members, MRRA supports the operation of 60 transfer stations and recycling centers. Through conferences, newsletters, and webinars, MRRA provides ongoing education on waste regulations, emerging waste streams, and best practices. The organization also assists members in identifying markets for recyclable materials, further advancing Maine's commitment to environmental stewardship.

Natural Resources Council of Maine
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February 12, 2026

Brian Beneski
Division of Materials Management
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

Comments on the Maine Department of Environmental Protection's 2026 Annual Product Stewardship Report to the Legislature

Thank you for the opportunity to submit comments regarding Maine's 2026 Annual Product Stewardship Report. The Natural Resources Council of Maine (NRCM) strongly supports programs and policies that reduce waste, conserve natural resources, and help Maine communities sustainably manage materials.

Existing Programs' Performance and Recommendations

Maine has an impressive number of product stewardship programs that successfully recover valuable resources and prevent environmental contamination, but NRCM will focus our comments on recommendations to improve existing programs and proposed materials that are strong candidates for future product stewardship programs that we urge this and future Legislatures to consider.

Beverage Container Redemption "Bottle Bill"
Maine's Returnable Beverage Container Program has proven to be one of Maine's most successful litter prevention and recycling programs. Despite data quality concerns flagged by the Department, a redemption rate of 74 percent clearly demonstrates the strength of Maine's container redemption infrastructure.

In 2023, the 131st Legislature worked hard to modernize and improve the Bottle Bill and address inefficiencies that were driving up management costs for redemption centers. Convenience of redemption centers and bag drop locations directly affects the amount of containers that get recycled through the Bottle Bill, and NRCM remains committed to protecting this critical infrastructure.

We are eager for the Initiators of Deposit to achieve full commingling of containers by October of this year and to see the results of the statewide assessment outlined in 38 MRS §3107, sub-§1-B, which will provide insights into the collection of containers across the state that inform strategic investments in infrastructure and education. Because of the need for these changes, we strongly encourage the 132nd Legislature to maintain these provisions within the Bottle Bill to keep the modernization effort on track and support Maine's redemption centers.

Electronic Waste
Since 2006, Maine's e-waste program has recycled more than 100 million pounds of electronics including printers, televisions, and other devices. There have been challenges in recent years

that have limited the ability for consumers to recycle their e-waste, most notably the loss of one-day collection events around the state. While convenient for Maine residents, these events are costly to operate and are less efficient than ongoing local collection sites, which are not universally provided throughout the state. NRCM will continue to engage in stakeholder discussions to update the rules of the e-waste program, advocating for convenient access to e-waste recycling for all Maine people.

In alignment with Maine's Solid Waste Management Hierarchy, extending product lifespans would prevent the creation of electronic waste and save Maine people money by reducing the need to replace costly devices. This is why NRCM strongly supports LD 1908, which would better allow for repair of electronics and keep these valuable natural resources in use and out of the waste stream.

We hope the 132nd Legislature will support LD 1908 and continue to explore solutions that will promote durability in consumer goods and prevent the creation of waste.

Packaging

NRCM is excited about the rollout of Maine's Stewardship Program for Packaging, which requires producers to provide much-needed financial relief to municipalities for the end-of-life management and recycling of packaging waste. Since 2022, the Department has worked tirelessly to engage with stakeholders through rulemaking for both the program rules and the determination of "readily recyclable" materials.

Since the approval of the program rules by the Board of Environmental Protection last year, our organization has developed resources and presented to many regional groups around the state to help municipalities prepare for recycling reimbursements and we will continue to be involved to ensure the success of the program.

Candidate Products and Suggestions for Updates to Stewardship Programs

The Maine Department of Environmental Protection (DEP) evaluates new candidates for product stewardship through the following criteria:

- The product category contains toxics that pose a risk to people or the environment.
- A program would increase materials recovery.
- A program would reduce costs to local governments and taxpayers.
- There are demonstrated successful programs for the product in other jurisdictions.
- Any existing voluntary management programs are insufficient.

Based on these criteria, several materials clearly warrant legislative action. NRCM strongly supports the prompt development of product stewardship programs for the collection and management of primary and rechargeable batteries and electronic vape pens and cartridges. We also support further exploration of product stewardship for additional materials including Household Hazardous Waste (HHW), sharps, and compressed gas cylinders.

Household Hazardous Waste (HHW)

In DEP's past three Product Stewardship reports, NRCM has submitted comments emphasizing the need for development of a product stewardship program for HHW. By definition, materials that are considered HHW are hazardous, toxic, flammable, or explosive. It

is critically important that these materials are separated from household trash and recovered responsibly, both for environmental protection and for public and worker safety.

As highlighted in the Department's report, Maine people have fewer opportunities than they have in the past to properly dispose of HHW. The increased cost of collection days sponsored by municipalities are limiting the prospects for the recovery and safe disposal of HHW unless we can identify sources of funding to manage HHW.

NRCM strongly supports the development of a product stewardship program to facilitate the collection and responsible management of HHW, requiring producers to establish convenient collection for Maine consumers and provide relief for municipalities that are currently struggling to manage HHW.

With very limited options for residential management of HHW, lack of year-round collection opportunities, and the concerning reality of pollution without proper collection in place, the case for product stewardship is strong. We urge the ENR Committee to request the Department to evaluate Vermont's product stewardship program, engage with municipal and materials management stakeholders, and draft language for a product stewardship program to be presented to the 133rd Legislature.

Rechargeable Battery Recycling Program

Batteries continue to pose serious issues in Maine's solid waste and recycling infrastructure. NRCM has provided comments on DEP's prior annual reports related to the severe need for a more modernized and comprehensive product stewardship program to ensure responsible, safe management of both primary and other rechargeable batteries currently excluded from the existing program.

NRCM has provided more detailed comments on the proposed draft legislation in Appendix B for the Committee to consider below. We strongly urge the Committee to move forward with the proposed bill language to expand Maine's battery product stewardship program.

Electronic Vape Pens and Cartridges

Last year, the 132nd Legislature voted in support of a bill (LD 1519) to create a product stewardship program for electronic vape pens and cartridges, which is currently awaiting appropriations for funding needed to kick-start the program. As the Department states, vapes are growing in popularity amongst consumers but have very little regulatory oversight when it comes to end-of-life management. These vapes pose risks of fire and contain potentially toxic materials.

The pending legislation provides a solution for vapes that currently does not exist in the state. This will make disposal safer and reduce the burden on municipalities to manage these products. We are eager to see this policy implemented and look forward to engaging with the Department as the program unfolds.

Sharps

With recent boosts in the use of injectable medications, sharps increasingly pose a risk to sanitation staff, solid waste and wastewater facility staff, and others. Current best practice encourages consumers to dispose of sharps contained within hard plastic containers with a "DO NOT RECYCLE" label and to discard the container in household trash, but even with this solution does not completely eliminate the risk of harm to facility workers.

NRCM would support stakeholder engagement, facilitated by the Department, to identify solutions for the collection of sharps, potentially within the existing framework of the pharmaceutical take-back program. Ideally, we would like to see industry voluntarily provide collection infrastructure and support the management of sharps. NRCM is prepared to engage in further discussions related to program logistics and consumer education to maximize participation in safe disposal methods.

Compressed Gas Cylinders

Last year, the ENR Committee considered a resolve (LD 1035) to study the viability of a distinct product stewardship program for gas cylinders. Because of the pressurized gas contained within these cylinders, there is tremendous risk of explosion at facilities that handle solid waste and recycling of metals. In NRCM's testimony, I shared my own personal experience with an explosion that occurred in a baling machine because of a non-refillable propane cylinder.

Currently, there is insufficient guidance for consumers on how to dispose of small containers of compressed gas, and often these are stockpiled or disposed of improperly in household trash or in municipal recycling.

NRCM is optimistic that the inclusion of compressed gas cylinders within Maine's Stewardship Program for Packaging will address some of the challenges facing collection and management of these products. We agree with the Department's position outlined in the report and would encourage industry to adapt their packaging to offer refillable containers that can be reused by consumers or exchanged, which is common practice for larger propane containers. Additional management would ideally be provided through an Alternative Collection Program, which would collect these containers separate from other waste streams and reduce the risk of punctures during processing.

NRCM is also pleased to see continued evaluation of many material streams for consideration of new product stewardship programs. We appreciate the Department's updates on voluntary efforts from industry in Maine and across the country to manage challenging materials like carpets, mattresses, solar panels, and wind turbine blades. Continuous monitoring of these solutions will help inform local recycling initiatives and potentially guide state policy for sustainable management in the future.

Appendices

Proposed Changes to 38 M.R.S. § 1615(4) and 38 M.R.S. § 1615(5)

NRCM supports the proposed changes from the Department, which gives the Department the authority to invoice spirits manufacturers and initiators of deposit for failure to meet recycled content standards.

Concept Draft Bill for Battery Program Modernization

NRCM greatly appreciates the Department's work to engage stakeholders and develop draft language that would establish an updated product stewardship program for additional battery types.

After careful review of this draft and discussions with material managers, we have a few initial thoughts for the Committee to consider:

- Include language that would require manufacturers or the selected stewardship organization to provide closed containers and training to site operators for safe storage and transport of damaged or defective batteries, especially for those batteries that may be damaged after purchase.
- Allow consolidation of batteries through one uniform collection system. Municipalities need simple systems for collecting these materials, so creating redundant collection systems would pose challenges and create inefficiencies at collection sites.
- Maintain inclusion of primary batteries and on-ramp for inclusion of embedded batteries.
- Use of permanent Household Hazardous Waste sites for the collection of medium-format batteries and damaged or defective batteries may pose challenges with convenience and accessibility for rural communities, particularly in northern Maine. If batteries are at an increased risk of thermal runaway, proximity to other types of hazardous materials could risk other dangers if those substances caught fire.
- Consider data collection of number of units sold and recycled in Maine, which could help us identify collection and recycling rates.
- Define "Reasonable geographic dispersion of collection sites throughout the state."

NRCM fully supports the Department's efforts to expand the program and would strongly urge the Committee to move forward with legislation this session. We look forward to participating in further discussion and the public hearing process to advance product stewardship for all consumer batteries in Maine.

Conclusion

Maine's product stewardship programs provide meaningful benefits to Maine consumers and municipalities by offering sustainable pathways for challenging materials to be reused, recycled, and safely disposed of at the end of life. NRCM is pleased to see efforts led by industry, state, and community leaders to provide management solutions for challenging materials.

To summarize our recommendations outlined in these comments, NRCM would urge the Committee to:

- Report out a bill to expand Maine's battery product stewardship to include primary and modern rechargeable batteries.
- Advocate for the appropriation of funds for LD 1519, which will create a product stewardship program for responsible management of electronic vape pens and cartridges.
- Support LD 1908 and explore solutions that will promote durability and prevent waste.
- Support proposed changes to 38 M.R.S. § 1615(4) and 38 M.R.S. § 1615(5).
- Maintain Bottle Bill modernization reforms, especially preserving the timeline for implementation of full commingling and the feasibility study for reusable containers.
- Direct the Department to develop and propose product stewardship legislation for Household Hazardous Waste, evaluate safe collection solutions for sharps and compressed gas cylinders, and continue assessing emerging waste streams where producer responsibility can reduce environmental harm and municipal costs.

We appreciate this opportunity to provide detailed feedback on Maine's 2026 Annual Product Stewardship Report and are excited to work with the Department, the Legislature, and other key stakeholders to alleviate municipal costs, recover valuable natural resources, and promote sustainable materials management solutions in Maine. Thank you for your consideration of these comments.

Sincerely, Vanessa Berry, Sustainable Maine Program Manager

Reclay StewardEdge
Product Stewardship Solutions

A member of the Reclay Group

To

Brian Beneski,

Division of Materials Management
Maine DEP
17 State House Station
Augusta, ME 04333-0017

Subject: Response to the Annual Product Stewardship Report, January 2026

Reclay StewardEdge thanks DEP and welcomes the opportunity to provide comment on the Annual Product Stewardship Report, January 2026. We are an international provider of PRO/SO services with decades of global experience across five continents. Our team has designed and operated producer responsibility systems, advised governments and guided brands, ranging from startups to Fortune 500s, across the globe on packaging EPR.

At Reclay StewardEdge we welcome the statutory changes to Chapter 428 removing the requirement for producers to report on UPCs of products sold by packaging material type during annual producer reporting.

As an EPR company with decades of experience in supporting and guiding industry on EPR strategy, compliance, and reporting in the USA, Canada and Europe, this aligns with international best practices. It is particularly welcome to maintain a sensible balance of compliance transparency and administration of compliance. Reporting UPC-level data would have created significant administrative burden for the producers of the Packaging Material Types outlined in the Appendix A. This revision also streamlines Maine EPR program reporting requirements in line with California, Colorado, and Oregon, the other active EPR programs in US as well as with Maryland, Minnesota, and Washington, the other three states where EPR laws for packaging have been passed.

Reclay StewardEdge is looking forward to working with the Department of Environmental Protection in the future rulemaking processes regarding the development of the Stewardship Organization under the EPR for packaging program.

Thanks,

Adrian Vannahme
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