

Extended Producer Responsibility Implementation FAQ

per LD2104, ENR Committee draft, February 13, 2020 (w/references to sections)
(FAQ version: 24 February)

(a major amendment is expected from DEP sometime around the 26 February hearing)

1. What is Extended Producer Responsibility (EPR)?

EPR is the concept of holding packaging producers financially responsible for the costs of recycling or disposing of their products.

2. What's the point?

- a. Lowers the financial burden of solid waste disposal/recycling born by municipalities
- b. Helps insulate municipalities from changes in the disposal/recycling market, which provides stability in the public's understanding of a municipal recycling program
- c. Offers financial incentive for producers to create/use packaging that is more recyclable.

3. Who are the players?

- a. Producers
- b. Maine Department of Environmental Protection (DEP)
- c. Municipalities that choose to benefit by providing solid-waste weight/volume/cost information (averaging is done using "Similar Municipalities" — similar population size and similar distances from processing centers and/or end markets. — Sec. 1P)
- d. An EPR Stewardship Organization (clearinghouse between towns and producers) — it sounds like this may be changing with amendments

4. What are "Producers?"

- a. Included (M.R.S. 38, §1771) (Sec. 1L)
 1. Owners, importers of a (product) brand sold in Maine, or
 2. Wholesaler/retailer that accepts responsibility for the producer
- b. Exempted: small companies that for the given year (Sec. 13)
 1. Receive < \$1million gross revenue
 2. Distribute < 1 ton of packaging in Maine
 3. Sell all products at a single point of retail sale
- c. Packaging Collection Plan — producers can alternatively devise a DEP-approved plan to collect and process their packaging (analogous: the beverage container program) (Sec. 9)
- d. **BOTTOM LINE** (Sec. 5A)
 1. Non-complying Producers may not distribute packing in Maine and must provide support to retailers to that end
 2. Retailers may not distribute non-complying Producer's packaging
 3. DEP maintains list of complying/non-complying Producers

5. What is the "Stewardship Organization" (Secs. 2-3)

- a. A non-profit under contract to the state Department of Environmental Protection (DEP), selected by bid
- b. Contract lasts for 10 years of satisfactory performance
- c. Functions:
 1. Acts as the interface between the packaging producers, the DEP, and Maine's

municipalities

2. Gathers necessary packaging and solid-waste amount/handling-cost data from producers and municipalities, manages all the technical details
3. Administers the Packaging Stewardship Fund
4. Proposes investment and education projects for package recycling

6. What is the Packaging Stewardship Fund

- a. Funds come from participating Producers
 - a. Details in Sec.7
 - b. Differentiates between "readily" and "non-readily" recyclables.
 - c. Producer can create their own "alternative collection program" (Sec. 9; 4c above)
- b. Uses
 1. Reimbursement of towns for disposal/recycling costs
 2. Cover Stewardship Organization administration costs (within contract limits)
 3. Provide funds for recycling education and infrastructure
 4. Any annual leftovers go to Maine's Solid Waste Grant Diversion Program

7. What information do participating municipalities provide (annually)?

- a. Recycling costs: collection, on-site processing, transportation, value of material
- b. Municipal solid waste: tipping fee, tons sent, cost of transportation to disposal, cost of collection and on-site processing

8. How is annual reimbursement calculated?

- a. Amount of recyclable material of each type is derived from reports from recycling establishments on tons shipped and average content of incoming bales from municipalities or groups of municipalities. If groups don't provide individual municipality data, assumption is each resident is equal.
- b. Two basic types of packaging material — calculations are different
 1. "Readily-recyclable" (Sec. 11.C)
 - a. Sortable by entities processing Maine recyclables
 - b. Consistent market in previous two years
 - c. Excludes low-volume or requirement of additional sorting steps
 2. Non-readily-recyclable — three different disposal categories (Sec. 11.E)
 - a. Waste-to-energy: tipping-fee costs
 - b. Landfill, no waste-to-energy within 100 miles: tipping-fee costs
 - c. Landfill, waste-to-energy within 100 miles: 50% tipping-fee costs