

October 27, 2025

State of Maine Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017  
Submitted Electronically: [MainePackagingEPR@maine.gov](mailto:MainePackagingEPR@maine.gov)

**Re: Stewardship Program for Packaging – Chapter 428 - Appendix A Packaging Material Types List**

Dear Maine Department of Environmental Protection,

The Flexible Packaging Association (FPA) is pleased to offer these comments to the Maine Department of Environmental Protection (“DEP” or “Department”) in response to Appendix A, the Packaging Material Types List, developed by the Department as a requirement within the *Stewardship Program for Packaging*, 06-096 C.M.R. Ch. 428 (2024).

FPA represents flexible packaging manufacturers and suppliers to the industry in the United States. Flexible packaging represents \$42.9 billion in annual sales; is the second largest, and fastest-growing segment of the packaging industry; and employs approximately 83,000 workers in the United States. Flexible packaging is produced from paper, plastic, film, aluminum foil, or any combination of these materials, and includes bags, pouches, labels, liners, wraps, rollstock, and other flexible products.

**I. Recognition of Alternative Collection in Throughput Criteria**

FPA is highly concerned about the statement in the Summary of Stakeholder Comments on Draft Packaging Material Types List posted in July 2025: *“While the Department initially considered store drop off locations when evaluating throughput of a packaging material type, further review determined that these sites will no longer be considered equivalent to a municipal source-separated*

*recycling operations in Maine, due to differences in operational characteristics.”*<sup>1</sup> In rejecting store-drop off from being considered for throughput for flexible films and packaging, the Department has essentially cut off significant volumes of residential and commercial materials for consideration. In many cases, retailers mix residential drop off flexible films and packaging---referred to as front of the house materials—with film from their own retail operations –referred to as back of the house materials. Excluding store drop-off films from throughput will reduce the volume of commercial film that Maine retailers process. This will have a significant impact on the industry’s ability to meet the goals within the Stewardship Program for Packaging; the state’s ability to harmonize with other extended producer responsibility (EPR) programs for packaging throughout the U.S.; national recycling data; and will adversely impact consumer confidence in recycling flexible films and packaging. Maine is the only EPR program in the U.S. so far to exclude flexible films and packaging collected by store drop off as a metric towards the state’s recycling rate.

For more than a decade, consumers in Maine and nationwide have been encouraged to return flexible film packaging to stores for recycling. In 2024, store takeback programs throughout the U.S. collected 114,000 tons of residential film—**11 times more** than the 10,000 tons collected through municipal systems.<sup>2</sup> Store drop-off also delivers cleaner material and at lower costs: \$250–550 per ton versus about \$3,000 per ton for curbside programs.<sup>3</sup> Retail drop off is so well established in the U.S. that the national How2Recycle<sup>4</sup> program has a dedicated “Store Drop-Off” label, and PlasticFilmRecycling.org<sup>5</sup> drew over 150,000 unique visitors within its first year. Several meal-kit companies direct their customers to return films and empty gel packs to retail drop off locations.<sup>6</sup> Many municipalities support store drop-off as a cost-effective complement to curbside collection. In

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<sup>1</sup> Summary of Stakeholder Comments on Draft Packaging Material Types List page 3 in Section 2 - Interpretation and Application of Throughput Criterion and again on page 4 Section 3: Feedback on Specific Packaging Material Types – Flexible and Film Forms  
<sup>2</sup> Eunomia for APR (2024) “[How to Scale the Recycling of Flexible Film Packaging: Modelling Pyrolysis’ Role in Collection, Quantity and Costs of a Comprehensive Solution](#)”  
<sup>3</sup> Navigate (2025) “Unlocking Curbside Recycling for Flexible Films: What Must Be True” Presentation to SPC Impact (Seattle, WA)  
<sup>4</sup> <https://how2recycle.info/about-the-how2recycle-label/store-drop-off-us-only/>  
<sup>5</sup> [https:// plasticfilmrecycling.org/](https://plasticfilmrecycling.org/)  
<sup>6</sup> <https://www.hellofresh.com/about/sustainability/packaging>

fact, the Alliance of Mission Based Recyclers (AMBR) recently issued a paper encouraging EPR programs to recognize store drop off as a preferred collection practice.<sup>7</sup> Across the State of Maine, there are currently 56 identified retail drop off locations and one municipal depot that accept flexible films and packaging. These locations cover 14 of the state’s 16 counties.<sup>8</sup>

While curbside collection of flexible films and packaging remains a long-term goal, achieving it will require major investments in technology, infrastructure, and consumer participation. The flexible packaging industry is already investing in research, pilots, and equipment to enable scalable curbside programs that maintain high material quality. Until those systems mature, Maine should continue to recognize and strengthen all proven collection pathways for flexible films and packaging, including store drop-off. Doing so preserves consumer access, protects existing recycling streams, and supports a flexible, resilient recycling system.

FPA urges the Department to reconsider its decision to exclude store drop-off as a datapoint for threshold for flexible film and packaging materials. At a minimum, FPA encourages the Department to publish the criteria defining “operational differences” so those running store drop off programs can add the necessary elements to meet the States’s expectations. ***Transparency is essential to help industry align efforts with the state’s recycling goals.***

## II. Data Transparency

As we have noted in our past submissions to the Department, to build consumer confidence and trust in the recycling system, it is imperative that data points and information informing recycling lists be made available to both industry and consumers. Having consistency between programs, or at least a transparent rationale behind why decisions are made, is essential to building trust and confidence.

As an increasing number of states seek to set state-specific recycling lists, we urge the Department to consider ways to leverage publicly available data sets or amalgamate/anonymize proprietary data sets

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<sup>7</sup> Alliance for Mission Based Recycling (2025) [Designing Effective EPR: What to Do About Film & Flexible Packaging](#)

<sup>8</sup> Plasticfilmrecycling.org data

like how other some of the other EPR states are doing so. This level of transparency assures the that the investments of companies investing in EPR programs and recycling efforts are yielding results, and it helps stakeholders assess the accuracy of data that different parties may gather. On a material specific basis, there are many collective efforts to map end markets, evaluate average yield rates and quantify access and recycling rates for most packaging materials. As we have noted in a past submission, we recommend the Centralized Study on Availability of Recycling by the Sustainable Packaging Coalition (SPC)<sup>9</sup>, Stina’s Plastics Recycling Data<sup>10</sup>, the American Forest and Paper Association (AF&PA) Access to Recycling Study<sup>11</sup> and industry specific data from trade associations or packaging specific industry collaboratives. Maine is one of the few states that does not provide a summary of data sources to help industry evaluate recycling decisions and assess progress. ***With multiple data sources, this transparency and accountability is necessary for confidence in the system.***

### **III. Concerns with the Pathway to Readily Recyclable**

If a material is not deemed readily recyclable by the Department, the regulation stipulates they must pay at least “*two times the average per ton costs of the most expensive readily recyclable packaging material type during the prior calendar year.*” This is a significant upcharge that is disconnected with the rationale behind EPR programs in the first place—***to have those who produce waste cover the costs of managing that waste.***

FPA is concerned that the lack of transparent data sets behind readily recyclable designations, combined with a significant surcharge, is likely to enhance more distrust in the system, as those who provide data sets that may not align with the State’s dataset have no basis under which they can evaluate and assess the differences. This approach risks the perception that it is to the State’s financial benefit to keep these materials below the readily recyclable threshold.

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<sup>9</sup> Sustainable Packaging Coalition (2022) [Centralized Study on the Availability of Recycling 2020-2021](#).

<sup>10</sup> Stina (2023) [2022 Plastics Recycling Data](#)

<sup>11</sup> American Forestry and Paper Association (2023) How Does AFPA Calculate Paper and Cardboard Recycling Rates

FPA further challenges this additional fee structure when alternative collection systems are in place. There are materials and packaging formats where alternative collection is safer and more efficient than curbside collection. As we noted previously, the Alliance of Mission Based Recyclers (AMBR) is urging states to consider store drop off as a preferred method of collection over municipal collection.<sup>12</sup> Because these alternative collection systems incur costs often shouldered by the retailers who do it as a community service, we encourage the Department to reconsider this surcharge for alternative collection systems where there is a pathway toward recyclability. We note there are other materials where alternative collection is encouraged for safety or quality reasons. This includes aerosol sprays, and in some cases, glass.

#### **IV. On-Ramps for Emerging Materials**

As states continue to define what is recyclable, we encourage the Department to align its efforts with insight into what on-ramps can look like and how other states are managing existing alternative collections like store drop off. Industry investment to improve recycling will require access to supply. Supply requires opportunities to collect post-consumer materials to ensure we can collect sufficient data to understand what changes and investments would be needed to ensure successful recycling of the materials. 2025 and 2022 studies by AMERIPEN on material specific recycling goals, supply and capacity, note that demand for recycled polyethylene (PE) films outstrips supply, pointing to the need to maintain and enhance collection of this material.<sup>13</sup> Recognizing alternative collection systems within the state criteria for throughput and supporting on-ramps is essential to ensure recycling and recyclable packaging design innovation.

FPA believes that until such time as the recycling industry can demonstrate a pathway to safely and effectively collect flexible films and packaging through curbside services, the Department would be remiss not to consider ways to work with the existing retail drop off program to ensure consumer efforts to recycle these materials is recognized.

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<sup>12</sup> Alliance for Mission Based Recycling (2025) [Designing Effective EPR: What to Do About Film & Flexible Packaging](#)

<sup>13</sup> AMERIPEN (2024) [U.S. Packaging Recycled Content Goals Analysis](#) and AMERIPEN (2022) [U.S. Company Recycled Plastic Content Goals Analysis—Supply and Demand](#)

Flexible Packaging Association (FPA)  
Maine Stewardship Program for Packaging,  
Rulemaking: Appendix A, the Packaging Material Types List  
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Thank you for the opportunity to comment on Maine's process to define a state recycling list and your consideration of our recommendations. If we can provide further information or answer any questions, please do not hesitate to contact me at (602) 540-7544 [kfisher@flexpack.org](mailto:kfisher@flexpack.org).

Respectfully,



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Flexible Packaging Association