Maine Forest Products Council
The voice of Maine's forest economy

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MFPC Comments regarding the Maine DEP Rule Chapter 428: Stewardship Program for Packaging Draft Packaging Material Types List

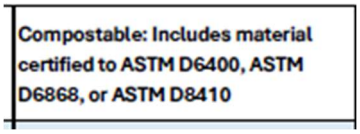
On behalf of the Maine Forest Products Council (MFPC), we offer the following comments with regard to the Maine Department of Environmental Protection Chapter 428: Stewardship Program for Packaging Draft Packaging Material Types List. MFPC would like to thank the Department for the opportunity to provide feedback, especially considering how important this list is to Maine's heritage forest products industry. As an early adopter of EPR, other states will look to Maine as a model, so we greatly appreciate the willingness of the Department to consider new information and make substantive changes to earlier drafts of this materials list. Please find our comments categorized by issue below.

1) **The definition of "Compostable packaging material" currently contains contradictory certifications**.

    a. The proposed rule defines "Compostable packaging material" as "packaging material that is ~~designed for direct food contact and is~~ capable of undergoing composting as shown by third-party certifications to ASTM D6400, ASTM D6868, and ASTM D8410."
    b. The MFPC strongly supports the removal of the language regarding designed for direct food contact. Under the initial language, two products made in an identical manner from the same materials would be differently classified due to their intended usage, despite the lack of bearing this usage has on the decomposition of the material.
    c. The MFPC would also recommend a change in the language regarding the third-party certification standards to clarify that a material needs to meet only one of the outlined standards to be considered compostable by replacing "and" with "or."
    d. ASTM D6400 is a specification regarding plastics designed to be composted in municipal and industrial aerobic composting facilities. ASTM D6868 is a standard specification for labeling items that incorporate plastics and similar coatings or additives with paper and are designed to be aerobically composted in municipal and industrial facilities. ASTM D8410 is the standard specification for cellulosic-fiber-

based packaging materials and products for compostability in municipal or industrial aerobic composting facilities. Each of these standards applies to a separate material type, and therefore, a material cannot be compostable plastic and a cellulosic-fiber base or plastic-coated paper at the same time.

e. By changing the word "and" to "or" in this definition, the rule would clarify the use of a nationally recognized metric to properly classify each distinct material into the appropriate standard specification.
f. It would also make the definition consistent with language used on the chart of material types that correctly says "Compostable: Includes material certified to ASTM D6400, ASTM D6868, or ASTM D8410."



2) **There are a few paper materials on Maine's list that warrant further research and consideration.**

Molded pulp forms – Maine's material types list requires clarification with regards to molded fiber designations. Manufactured by two companies right here in Maine, molded fiber is widely recognized for being the sustainable alternative to non-recyclable and non-renewable food packaging materials. These materials are widely supported in Maine with our State and federal governments have investing in efforts to accelerate innovation in this field, including a $745,000 federal grant to the University of Maine to "accelerate the transition from plastic to a more sustainable, recyclable and biodegradable forest-based packaging for consumer products. This will be achieved through rapid prototyping and development of pilot scale production of high-value molded pulp products."[1]

a. While the materials list includes uncoated molded pulp in the "Uncoated paper forms" category, the list makes no mention of coated molded pulp products.
b. MFPC recommends adding the sentence "Includes molded containers made from wood and non-wood sources, such as bamboo and bagasse" to the "coated paper form" category to maintain uniformity throughout the document regarding molded pulp forms and to specify which category this material is under.
c. "Coated paper forms" are currently not recognized as compostable, even if it meets one of the ASTM certifications listed above. This is inconsistent with other types of

[1] FOX 22 highlights federal funding for UMaine bioproducts research. https://umaine.edu/news/blog/2024/02/08/fox-22-highlights-federal-funding-for-umaine-bioproducts-research/

coated paper forms, such as coated corrugated cardboard and coated paperboard, where the determining factors around compostability are the certification status and the percentage of the material that is made of paper.

d. If a material is certified to ASTM D6400, ASTM D6868, or ASTM D8410 standards as compostable, then the material ought to be classified as compostable.
e. For that reason, MFPC recommends adding the compostable designation to the "coated paper forms" category.

In closing, we would again like to state our appreciation for the opportunity to provide input at so many points throughout this process. The openness of the Department to our suggestions has been invaluable as we all work to make this program a success for all stakeholders. With public, private, and philanthropic support, Maine's paper industry is a leader in the development and commercialization of readily recyclable and compostable paper-based packaging products. It is critical for this program to support these efforts and encourage further innovation in packaging. With the Department's work and consideration of input, we have no doubt that Maine will be a leader in this area.

Respectfully,

Krysta West

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