



MARYLAND DEPARTMENT OF THE ENVIRONMENT

Land and Materials Administration · Resource Management Program
1800 Washington Boulevard · Suite 610 · Baltimore, Maryland 21230-1419
410-537-3314 · 800-633-6101 x3314 · www.mde.maryland.gov

Exempt or Excluded - Producer Determination Request

Packaging and Paper Products - Producer Responsibility

Authority: Title 9, Environment Article, Annotated Code of Maryland, and Code of Maryland Regulations (COMAR) 26.04.14

IMPORTANT: This application should only be filled out by:

1. Entities who are not considered producers due to an exclusion or an exemption as identified in COMAR 26.04.14
2. Entities who are considered a producer for some covered materials, but are also producers of excluded or exempt materials, as identified in COMAR 26.04.14

This form should not be completed by an entity that is not the obligated producer if the obligated producer has already registered in accordance with the producer hierarchy established in the definition of “producer” as set forth in COMAR 26.04.14.02.

Completed forms to be submitted to mde.epr@maryland.gov

Section I – General Information

Legal Name of Entity Applying (organization name): _____

Facility/Site Mailing Address: _____ City: _____ State: _____ Zip Code: _____

Link to Website: _____

Contact Legal Name: _____

Contact Title: _____

Contact Email: _____ Contact Telephone No.: (____)____-_____

Classification. I am filling out this form because:

- I have determined that I am not an obligated producer, per statute and regulations.
- I have determined that I am an obligated producer for some covered materials, but I am also a producer of exempt materials.

Section II – Status Determination: State the reason for determination selected in Section I.

I am not a producer because I am (select reason(s) below):

- a State, or federal agency, a political subdivision, or other governmental unit
- a registered 501(c)(3) charitable organization or 501(c)(4) social welfare organization
- a “de minimis producer” who:
 - introduced less than one ton of covered material into the State
 - weight per unit by category of covered material (see categories of covered materials for registration in COMAR 26.04.14.03): _____
 - the number of units sold or distributed per year into the State: _____
 - earned global gross revenues of less than \$2,000,000.
- a mill that uses any virgin wood fiber in the products it produces
- a paper mill that produces container board derived from 100 percent postconsumer recycled content and non-postconsumer recycled content

- an entity that owns or operates a restaurant, food cart, or similar establishment that:
 - Is headquartered in the State;
 - Primarily sells to members of the public food that is generally intended to be consumed immediately and without the need for further preparation, either on or off the premises; and
 - Is not a producer of food serviceware.
- an entity that owns or operates a single retail sales establishment that:
 - Has no online sales; and
 - Is not supplied or operated as part of a franchise or a chain.
- an entity that:
 - Is licensed under Alcoholic Beverages and Cannabis Article, Title 2, Annotated Code of Maryland; and
 - Generated less than \$10,000,000 in gross revenue during the immediately preceding calendar year.
 - License must be valid in the State of Maryland. Date of license expiration: __ / __ / ____
- a producer under §§B(25) (a)—(g) of this regulation that has executed an agreement with another entity, under which the other entity has agreed to assume responsibility (“responsible entity”) by written certification under a producer responsibility program for any packaging materials attributable to the first entity. Please identify the following contact information for the entity that is assuming responsibility.

Information for the Responsible Entity:

Responsible Entity Name (i.e. legal name of organization): _____
 Name of Primary Contact: _____
 Primary Contact Email Address: _____
 Primary Contact Telephone No.: (____) ____ - ____
 Address: _____ City: _____ State: ____ Zip Code: _____
 Date Authorization Valid Until: __ / __ / ____

- An entity that would otherwise meet the definition of a producer, but I am a producer of exempt or excluded materials **only**. *You must also complete Appendix A.

AND / OR

- I have determined that I am an obligated producer for some covered materials, but I am also a producer of exempt or excluded materials. *You must also complete Appendix A.

Section III – Signature

By signing this form, I, the applicant or duly authorized representative, do solemnly affirm under the penalties of perjury that the contents of this application are true to the best of my knowledge, information and belief. I hereby authorize the representatives of the Maryland Department of Environment to have access to the records supporting and relating to this application at any reasonable time.

Signature

Printed Name

Date

This Notice is provided pursuant to § 4-501 General Provisions Article of the Maryland Annotated Code. The personal information requested on this form is intended to be used in processing your application. Failure to provide the information requested may result in your application not being processed. You have the right to inspect, amend, or correct this form. The Department is a public agency and subject to the Maryland Public Information Act (PIA), Md. Code Ann., Gen. Prov. (“GP”) § 4-101, et seq. This form may be made available on the Internet via the Department’s website and is subject to inspection or copying, in whole or in part, by the public and other governmental agencies, if not protected by federal or State law

Appendix A: List of Exempt or Excluded Materials

This sheet is an Appendix to Exempt Producer Determination Request and is to be completed only if you would otherwise meet the definition of a producer but produce exempt or excluded materials only and/or you are an obligated producer for some materials and also a producer of exempt or excluded materials. In these scenarios, MDE requires submission of the following information. Note, only include exempt or excluded materials in the below table. See page 2 for Material Exemption codes. Attach additional resources or a table in the same format if more space is needed.

	Material Common Name (e.g. sleeping bag stuff sack, newspaper)	Brand, if applicable (e.g. Marmot, New York Times)	Material Exemption Code (e.g., 2(a), 1(l))
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

Continued Appendix A - Material Exemption Code

1. Packaging

(a) Primary packaging for infant formula, as defined in 21 U.S.C. § 321(Z)

(b) Primary packaging for medical food, as defined in 21 U.S.C. § 360EE(B)(3)

(c) Primary packaging for a fortified oral nutritional supplement, or food which is formulated to be consumed or administered enterally for individuals who are unable to consume nutrition orally, used by individuals who require supplemental or sole source nutrition to meet nutritional or special dietary needs directly related to the following conditions as defined by the International Classification of Diseases, Tenth Revision: (i) Cancer; (ii) Chronic kidney disease; (iii) Diabetes; (iv) Malnutrition; or (v) Failure to thrive

(d) Primary packaging for a product regulated as a drug or medical device by the U.S. Food and Drug Administration, including associated components and consumable medical equipment

(e) Primary packaging for medical equipment or a product used in medical settings that is regulated by the U.S. Food and Drug Administration, including associated components and consumable medical equipment

(f) Primary packaging for drugs, biological products, parasiticides, medical devices, or in vitro diagnostics that are used to treat, or that are administered to, animals and are regulated by:

(i) The U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act; or

(ii) The U.S. Department of Agriculture under the Federal Virus–Serum–Toxin Act

(g) Primary packaging for products regulated by the U.S. Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act

(h) Primary packaging used to contain liquefied petroleum gas and designed to be refilled;

(i) Primary packaging used to contain hazardous or flammable products regulated under the 2012 Federal Occupational Safety and Health Administration Hazard Communication Standard that prevent the packaging from being waste reduced or made reusable, recyclable, or compostable, as determined by the department

(j) Primary packaging for products subject to the paint stewardship program under Environment Article, Title 9, Subtitle 17, Part V, Annotated Code of Maryland

(k) Material that a producer distributes to another producer that is:

(i) Subsequently used to contain a product, and the product is distributed to a commercial business or entity; and

(ii) Packaging material that is not introduced to a person other than the commercial or business entity that first received the product

(l) Primary packaging used for the long–term protection or storage of a product that has a lifespan of not less than 5 years, as determined by the Department

(m) Beverage containers covered under a legislatively-mandated beverage container deposit return program in the State.

(n) Packaging that is designed to be ingested.

(o) Packaging temporarily exempted by the Department on the basis of a specific federal or State health and safety requirement that prevents the packaging from being waste reduced or made reusable, recyclable, or compostable, per [Environment Article 9-2508\(e\), Annotated Code of Maryland](#). **INCLUDE THE FOLLOWING IN THE MATERIAL EXEMPTION CODE BOX:**

- Date approved by the Department: MM/DD/YYYY
- Expiration date: MM/DD/YYYY

2. Paper Products

(a) Newsprint subject to Environment Article, §9–1707, Annotated Code of Maryland

(b) A paper product used for a magazine’s print publication that has a circulation of less than 95,000 and that primarily includes content derived from primary sources related to news and current events

(c) Bound books as defined in this chapter

(d) Products that are not accepted by materials recycling facilities or composting facilities because of the unsafe or unsanitary nature of the products