



Advisory Council Meeting #22

Producer Responsibility – Packaging and Paper Products



Maryland
Department of
the Environment

December 2, 2025

Housekeeping

- MDE may not discuss any draft/proposed rulemaking at this time associated generally with definitions and registration.
- Appointed advisory members must provide if they are in attendance via the “chat” function indicating their name and affiliation or their attendance will not be recorded.
- Remain on mute so that no background noise disrupts any speakers or inquiries
- Please use the raised hand function so that all persons have the opportunity to provide feedback. Public comment is reserved for the last 10 minutes of the meeting.

Scope of Topics

1. Covered Entities
2. Covered Services / Service Provider Reimbursements
3. Curbside Recyclable and Compostable Covered Materials List
4. Eco-Modulation
5. Education
6. Post Consumer Content
7. Producer Responsibility Plans
8. Responsible End Markets / Mass Balance
9. Timeline for redesign and infrastructure
10. **Reuse and Refill**
11. **Reconciling Timeline: fee and supply data deadlines**
12. **Implementation of other state programs (not just from agency perspective)**
13. **Protocols for Advisory Council**



Curbside Recyclable and Compostable Covered Materials List

Environmental Article §9-2508, Annotated Code

(a)(1) On or before July 1, 2027, the Department shall develop a statewide list of covered materials **determined to be recyclable or compostable through curbside recycling programs.**

(2) Covered materials in the list developed under paragraph (1) of this subsection shall be collected:

- (i) At an optimal level of service and convenience for covered entities; and
- (ii) At a minimum, wherever collection services for mixed municipal solid waste are available.



Curbside Recyclable and Compostable Covered Materials List - Regulation Development

Consideration of elements to be included in the regulations

Description of the list from statute

Requirements and timeline for list publication / delivery

High level categories to be included

Other topics :

In-meeting notes:

How do multi-materials fit into this list (e.g. enclosures)?

Are recyclable and compostable materials separately listed?

Opportunities for updating information



Example: Recyclable Materials List (CO)

High level
categories to be
included

18.3.3 Recyclable Material Categories

The following recyclable material categories shall be used for purposes of updating the Minimum Recyclable List (MRL) and Additional Materials List (AML), and to establish recycling and collection rate targets for the program:

The recyclable material categories include:

- (A) Paper
- (B) Rigid Plastic
- (C) Flexible Plastic
- (D) Metal
- (E) Glass
- (F) Compostable Packaging
- (G) Other

18.3.4 Minimum Recyclable List, Additional Material List

- (A) Proposed List of Covered Materials

Pursuant to section 705 of the Producer Responsibility Act, the PRO must propose a list of covered materials for inclusion in the minimum recyclable list (MRL). Covered materials which are included on the final MRL are then considered "readily recyclable materials."



Development of Curbside Recyclable and Compostable Covered Materials List



IMPACTS



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BALANCING LIST CONFIGURATION



Development of Curbside Recyclable and Compostable Covered Materials List



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Impacts - Producer Fee Eco-modulation



“The fee structure”...”shall be variable based on an eco-modulation of fees, including”....:

- “A **higher** fee for covered materials **not listed** under § 9–2508”...
- “A **discounted** fee for covered materials **listed** under § 9–2508...” (§9–2505)



Impacts - Service Providers



Service Provider

An entity that provides covered services for covered materials

(Includes a local government that provides, contracts for, or otherwise arranges with another party to provide covered services for covered materials within its jurisdiction...)

Covered Services

Collecting, transferring, transporting, sorting, processing, recovering, preparing, or otherwise managing covered materials for purposes of waste reduction, reuse, recycling, or composting

Public education and outreach activities



Impacts - Service Providers (cont.)



Requirements

“A producer responsibility plan shall”...”include performance standards for service providers as applicable to the service provided, including”...”requirements that service providers must accept all required covered materials on the list established under § 9–2508...” (§9–2505)

A service provider receiving reimbursement or funding under an approved producer responsibility plan shall”...”provide covered services for”...”covered materials included on the lists established under § 9–2508” (§9–2507)

Reimbursements

“A producer responsibility plan shall”...”describe activities to be undertaken by the producer responsibility organization each year to”...”provide for reimbursement rates”...”to service providers for statewide coverage of covered services at an optimal level of convenience and service for applicable covered materials on the list established under § 9–2508...” (§9–2505)

The reimbursement rate”...”shall be based on the following, as applicable by service provided:”...

- “An additional fixed amount per ton”...”for each covered material type not listed under § 9–2508”...” that was recycled or composted by a service provider”
- “A fixed amount for each ton of mixed recycling that is managed through a process that includes percentages of covered materials listed under § 9–2508”...

Responsibilities of:

MDE

Develops, maintains and promotes the list of covered materials determined to be recyclable or compostable through curbside recycling programs.

Amends as necessary

PRO

Provides list to service providers
Incorporates changes in relevant service provider reimbursement rates
Adjust rates to producers *as necessary*

Service Provider

Accept the list (for reimbursement)
Educate covered entities on updated (accepted) list



Development of Curbside Recyclable and Compostable Covered Materials List



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Criteria for Developing the List §9–2508(c)



- (1) current availability of recycling and composting collection services;
- (2) Recycling and composting processing infrastructure;
- (3) Capacity and technology for sorting covered materials;
- (4) Whether a covered material is:
 - (i) Of a type and form that is regularly sorted and aggregated into defined streams for recycling processes; or
 - (ii) Included in a specification of the Institute of Scrap Recycling Industries, or a successor organization;
- (5) Availability of responsible end markets;
- (6) Presence and amount of processing residuals, contamination, and toxic substances;
- (7) Quantity of covered material estimated to be available and recoverable;
- (8) Projected future conditions for the criteria under items (1) through (7) of this subsection; and
- (9) Any other criteria or factor, as determined by the Department.

Matrix of Evaluations (OR) - Rubric Criteria



DEQ is not proposing to weight criteria or otherwise add scores together. Rather, these criteria and ratings are used for the purpose of summary communication, especially materials against criteria helps to ensure that materials are subject to a robust evaluation, and that the intent of ORS 459A.914 is met – that is, that DEQ and the Environment and Natural Resources Board are able to make informed decisions about materials.

Criteria →	Stability and maturity of end markets	Accessibility of end markets	Viability of end markets	Anticipated yield loss during recycling	Compatibility with existing recycling infrastructure: commingled collection and processing	Compatibility with existing recycling infrastructure: separated material collection	Amount of material available	Practicalities of sorting	Practicalities of storing	Contamination	Ability for waste generators to easily identify and properly prepare material
Material:											
Paper packaging (uncoated and coated)											
Old corrugated containers (OCC) – uncoated, ex. pizza boxes	5	5	5	4	5	5	5	5	5	4	4
Pizza boxes	5	5	5	4	5	5		5	4	3	4
Additional materials forthcoming											
Printing and writing paper, paper products (non-packaging)											
High-grade office paper (uncoated)	5	5	5	4	5	5	4	5	4	5	5
Newspaper, newsprint	5	5	5	4	5	5	5	5	4	5	5
Additional materials forthcoming											
Plastic packaging and products											
Clear PET bottles ≥ 6 ounces	5	5	5	3	5	5	5	4	5	4	4
Natural HDPE bottles ≥ 6 ounces	5	5	5	3	5	5	4	4	5	4	4
Colored HDPE bottles ≥ 6 ounces	4	5	4	3	5	5	4	4	5	4	4
Additional materials forthcoming											
Metal - packaging and other											
Aluminum beverage cans	5	4	5	5	5	5	4	5	5	4	5
Steel (tin) and bi-metal cans	5	5	5	5	5	5	5	5	5	4	5
Scrap metal (smaller than 30 inches and less than 30 pounds)	4	4	4	4	2	4		2	5	3	2
Scrap metal (larger than 30 inches or more than 30 pounds)	4	4	4	4	1	4	5	2	5	3	2

source



Recommendations? (WA)

Tab 2: Residential Curbside DRL

source



Development of Curbside Recyclable and Compostable Covered Materials List



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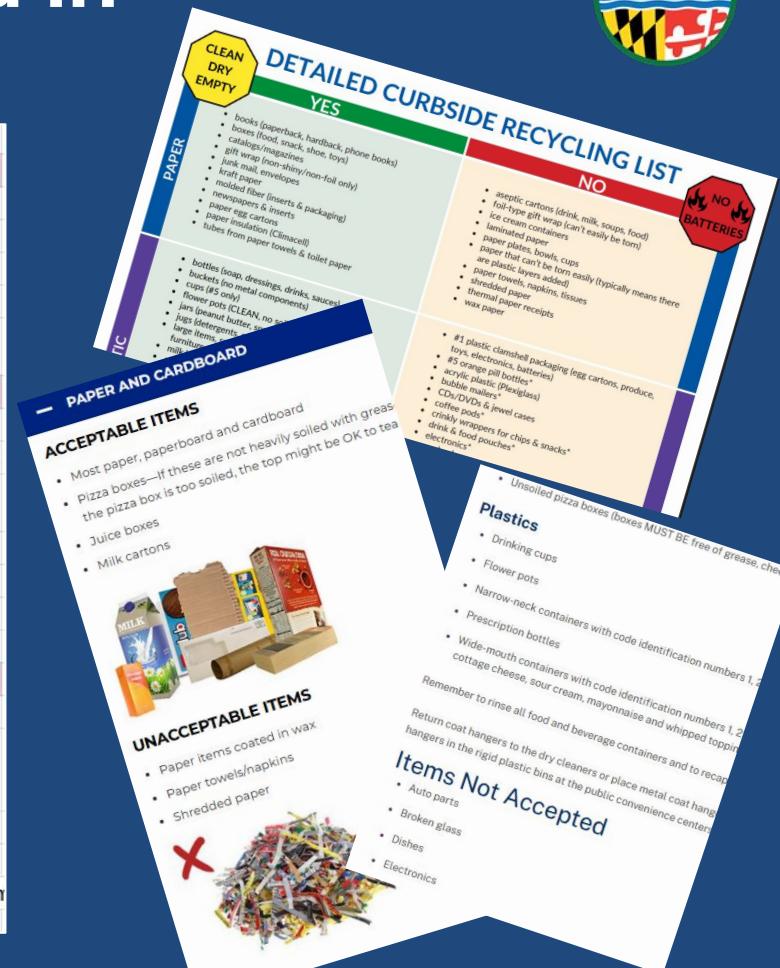


BALANCING LIST CONFIGURATION

Currently curbside collected in Maryland....



Primary Category	Description	Acceptable	Unacceptable
Glass			
	Food & Beverage Containers	PG, BaCo	
	Broken Glass		PG
	Any color glass bottles & jars	HoCo	
	Dishes		PG, HoCo
	Ceramics, CorningWare or Pyrex, lightbulbs, mirrors, non-food/drink glass (window panes, drinking glasses, furniture inserts)		HoCo
Metals			
	Aluminum foil/bakeware	PG, BaCo, HoCo	
	Aluminum, bimetal, ferrous, and steel food and beverage containers	PG, BaCo, HoCo	
	Empty aerosol cans	PG, BaCo, HoCo	
	Pesticide cans		BaCo
	Spray paint cans		BaCo
	Compressed gas tanks		HoCo
	Motor Oil or other automotive fluid cans		HoCo
Mixed Paper/Corrugated Cardboard			
	All paper	PG, BaCo	
	Aseptic/gable-top milk and juice cartons		HoCo, BaCo (items coated in wax)
	Catalogs	PG, HoCo	
	Flattened corrugated cardboard (boxes)	PG, BaCo, HoCo	
	Frozen food packaging	PG	HoCo (Ice Cream)
	Hard- and soft- covered books	PG, HoCo	



Evaluation of Categories for “the list”



Producer

Material(s) of covered material
+Ecomodulation
-Fee
*redesign
*registration consistency
*multimaterial (or) “with plastic”

Snapple Peach Tea:

- rPET Clear
- HDPE Color
- Flexible wrap



WM

- PET clear
- HDPE color
- Film

Service Provider

Marketability
Safety
Better served through alternative collection (film)
Post consumer content
Contaminates feedstocks (e.g., motor oils)

Consumer

Consumer identification
*easy to understand
*reduce contamination and confusion
*does not change often



Example: CO Minimum Recyclables List

Table 21: Minimum Recyclables List and Collection Method

Material Class	Covered Material Category	Collection Method Based on Solid Waste Collection
Paper	Paper for General Use (uncoated)	Curbside
	Low grade Printing and Writing Paper (e.g., bulk mail, envelopes, notebooks, cards)	Curbside
	Other Printed Paper (e.g., flyers, calendars, brochures)	Curbside
	Newspaper, Newsprint	Curbside
	Magazines and Other Coated Paper (e.g., catalogs)	Curbside
	Bound Directories (e.g., telephone)	Curbside
	Packaging Paper (e.g., brown Kraft or unprinted packaging paper)	Curbside



CAA Consumer Education Categories

RecycleOn Oregon

Plastic



Plastic bottles, tubs, jugs and rigid plant pots

Caps OK if screwed on. Must be 2 inches by 2 inches or larger

Metal



Aluminum and steel cans

Empty and dry

Cardboard & Cartons



Flattened cardboard, packaging boxes, and food and beverage containers

No food residue or frozen food boxes

Paper



Newspaper, magazines, mail and paper bags

No paper towels or napkins



Stakeholder Engagement

- Advisory Council**
- Producer Responsibility Organizations**
- Service Providers**
- Local Governments**
- Other Interested Parties**



*Public
Comment*