



American Forest & Paper Association

Submitted via email to Bradley Baker at Bradley.baker1@maryland.gov.

August 12, 2025

RE: Comments related to SB 901 Packaging and Paper Products – Producer Responsibility Plans Act Advisory Council Feedback

On behalf of the American Forest & Paper Association (AF&PA), thank you for the opportunity to provide informal feedback concerning the passed SB 901 Packaging and Paper Products – Producer Responsibility Plans Act. As members of the Advisory Council, it is key that we provide input to ensure that EPR is implementable and successful in Maryland.

AF&PA serves to advance public policies that foster economic growth, job creation and global competitiveness for a vital sector that makes the essential paper and packaging products Americans use every day. The U.S. forest products industry employs more than 925,000 people, largely in rural America, and is among the top 10 manufacturing sector employers in 44 states. Our industry accounts for approximately 4.7% of the total U.S. manufacturing GDP, manufacturing more than \$435 billion in products annually. AF&PA member companies are committed to making sustainable products for a sustainable future through the industry's decades-long initiative — [Better Practices, Better Planet 2030](#). In Maryland, the forest products industry employs more than 6,000 individuals in 29 facilities with an annual payroll over \$351 million, contributes \$38 million in state and local taxes, and manufactures more than \$2.4 billion in products

Paper Recycling Works

Paper recycling is essential to our industry's efforts to achieve important sustainability goals and build a more circular value chain. Paper is one of the most widely recycled materials in America, turning used paper into new, essential products Americans rely on. In fact, more than 2/3 of all paper recycled in the U.S. is turned into new products at mills nationwide.

Our industry has prioritized recycling for over 30 years, and we are committed to continued progress. AF&PA members own and operate more than 100 materials recovery facilities across the country. Additionally, our members have made significant, voluntary investments to built new mills, upgrade old ones and modernize equipment. These are nationwide investments in using more recycled paper, creating jobs and innovating manufacturing.

We're not just participants in the paper recycling system – we're helping build and improve it.

We would like to reinforce our industry's position on the following topics to help create a program, in partnership with the Maryland Department of the Environment, that meets the state's recycling and climate goals. Please find below our feedback on SB 901, with comments focused on the areas of

greatest impact to the paper and fiber-based packaging industry and intended to facilitate the implementation of SB 901.

COMMENTS

Definitions

Recyclable Materials

The current legislative text is missing a clear definition of “Recyclable Material”. Further clarity is needed on if this means covered material in the bill or if this applies to any material that is or could be recyclable.

Paper Products

This definition should have "sold or supplied to the consumer for personal, noncommercial use" and the addition of "printed" after "means".

Recycling

More clarity is needed to define “economic mainstream” and to determine how that economic mainstream might impact marketplace innovation. We also suggest explicitly defining “energy generation” and “fuel production” in the exclusions.

Commercial Inclusion

As currently written, paper products are the only commodity with commercial use in scope. The definition of packaging in MD “means a material, a substance, or an object that is used to protect, contain, transport, serve, or facilitate the delivery of a product that is sold or supplied with the product to the consumer for **personal, noncommercial use** and that is sold, offered for sale, imported, or distributed in the state”. Whereas the definition of paper products “means products made primarily from wood pulp or other cellulosic fibers”. It is missing the designation of personal, noncommercial use provided for packaging.

Secondly, in the exemptions section there is language excluding “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”. The inclusion of “subsequently used to contain a product” and the use of the word material plus the explicit exclusion of “and paper products” further doubles down on paper being the only material subject to reporting for commercial use. The requirements for SB 901 should be material neutral, rather than signaling out just one commodity type for reporting and risking a bifurcated and inefficient EPR system. This is particularly concerning considering the findings of the needs assessment indicating the products of concern here, commercial paper products, were the only stream identified with a net \$0 cost for collection.

Separate Account

We support the development of regulations clarifying that the separate account on Page 8 is not subject to the \$2M revert to the General Fund. EPR programs are large, and this threshold may be too low and risk carry-over EPR fees from being rolled into the General Fund.

Need for Regulations & Rulemaking

There are many instances throughout the statute where rulemaking is needed to clarify how requirements must be met. The following are the instances we have identified:

- On page 6, more clarity is needed on the difference between a “waste producer” and a “resident.”
- On page 28, a date needs to be established in regulation for when a producer may not sell, offer for sale, distribute, or import for sale or distribution packaging covered materials for use in the state unless the producer, individually or as part of a producer responsibility organization, has an approved producer responsibility plan on file with the Department.
- On page 30, what the “optimal level of service” for covered material is needs clarification.
- On page 33, more information is needed to define and communicate what “other information is required” by the Department in the development of the Plan.
- On page 35, more information is needed on what the “other requirements” established by the Department may be. Producers and all other stakeholders need adequate time to gather information or implement initiatives.
- On page 36, “other factors” and “general quality” need to be defined.
- On page 37, more clarity is needed on which market indices must be referenced.
- On page 37, more clarity is needed on which waste characterization must be used. Is this at a statewide or local level?
- On page 38, “other factors” needs to be defined.
- On page 40, “sufficient engagement” needs to be defined.
- On page 45, “any other criteria” needs to be defined.
- The statute references “waste reduction” several times but does not define what this means. A definition should be made in rulemaking.
- Throughout SB 901, the undefined term “packaging material” is used. We recommend that “packaging material” be changed to “covered material” where appropriate for consistency and clarity.
- More clarity is needed on how many producers are needed to qualify as a “group” of producers who can form a PRO.

Needs Assessment

The Needs Assessment performed does not align with the scope of the passed statute. As the Department is statutorily obligated to reference the needs assessment when setting performance goals, great care should be given to ensuring that the information aligns with the scope of SB 901.

Administrative Penalty

As written, the statute requires an administrative penalty on a producer or producer responsibility organization if the performance goals have not been achieved. More clarification is needed on whether MDE plans to penalize individual producers versus the PRO. As the law only allows one PRO initially, it does not make sense to institute collective punishment for instances where a single member producer or group of covered material producers are out of compliance.

Dates

As mentioned by the advisory council before – the January 1, 2029 service provider reimbursement date occurs after the establishment of the first reimbursement rate in 2028. Regulations will either need to push back these dates to a schedule that makes sense, or aggressively move up the schedule to remedy the error.

End Markets

We encourage MDE to align and harmonize, where possible, the Responsible End Market (REM) requirements with the other EPR states in the US. MDE should look to Circular Action Alliance (CAA) for guidance as CAA is working to develop a framework to comply with the various REM requirements.

We support reference to existing industry standards for recyclability and repulpability. In the Approved Program Plan for the State of Oregon, Circular Action Alliance granted domestic paper mills an exemption for paper yield verification. They came to this conclusion based on input from us, the Technical Association of the Pulp and Paper Industry, and Moore & Associates that overall yield performance in the U.S. is never below 60%. Additionally, paper mill operators expressed strong concern that sharing yield information negatively impacts their strategic advantage. We suggest that MDE adopt a similar yield exemption for domestic paper mills.

We also support the ability to leverage other certification and verification schemes to meet the REM requirements and minimize any duplication of process. We urge MDE to keep in mind that this requirement is not to actively enforce other jurisdictions regulations and laws, it is to review for evidence of violations with the respective competent authorities.

Recyclability Determinations

We encourage MDE to harmonize, where possible, Covered Material Categories list and the recyclability and compostability designations with the other EPR states. Contradicting recyclability determinations will create an incredibly confusing and burdensome process for producers and end markets. This could also lead to barriers to innovative and new material applications.

Governance Concerns

As a general matter, our industry has significant concerns about the potential for anti-competitive behavior under the auspices of authority MDE grants to the PRO. It is incumbent upon MDE to exercise diligent oversight, require the highest standards of transparency, and provide for an adequate process and opportunity for stakeholder input on key PRO decisions. Extended producer responsibility is a unique policy concept that allows economically powerful competitors to collaborate and exercise consequential, quasi-governmental powers such as fee-setting, creating barriers to entry and other restraints on market access, and making environmental marketing claims.

Thank you for your consideration of our comments. We appreciate the ongoing collaboration between AF&PA and MDE to advance a sustainable recycling system. We remain available to discuss the feedback herein in greater detail and look forward to your response. Please contact Shoshana Micon, Manager, Recycling and Packaging Sustainability, at shoshana_micon@afandpa.org or Frazier Willman, Manager, Government Affairs, at Frazier_Willman@afandpa.org if you have any further questions.



July 9, 2025

Submitted via email: mde.epr@maryland.gov

RE: Items to Address in SB 901 Rulemaking

Dear Maryland Department of the Environment,

AMERIPEN – the American Institute for Packaging and the Environment – appreciates the opportunity provided by the Maryland Department of the Environment (“Department”) to submit areas that should be addressed during the rulemaking for the recently-adopted packaging and paper products extended producer responsibility (EPR) program (“SB 901”).

AMERIPEN represents the entire packaging value chain, advocating for responsible packaging policies that drive meaningful progress in packaging sustainability while supporting industry growth and consumer needs. As the leading voice for packaging policy in the United States, AMERIPEN works with legislators, regulators, and stakeholders to develop science-based, data-driven solutions that enhance packaging’s role in product protection and circularity. We have several member companies with a significant presence in Maryland, and many more who import packaging materials and products into the state. The packaging industry in Maryland supports over 15,000 jobs and accounts for roughly \$4.8 billion in total economic output.

AMERIPEN supports policy solutions, including packaging producer responsibility, that are:

- **Results Based:** Designed to achieve the recycling and recovery results needed to create a circular economy.
- **Effective and Efficient:** Focused on best practices and solutions that spur positive behaviors, increase packaging recovery, recapture material values and limit administrative costs.
- **Equitable and Fair:** Focused on all material types and funded by shared cost allocations that are scaled to make the system work and perceived as fair among all contributors and stakeholders.

AMERIPEN has identified the following as a preliminary, non-exhaustive list of areas to be addressed in the Department’s rulemaking for implementing SB 901:

1. 9–2501(f): The definition of “covered entity” is left somewhat open-ended in statute. It would be helpful to define it further and set limits beyond the locations listed in law to the extent possible. AMERIPEN suggests that things like sports stadiums and other for-profit venues should clearly be excluded from the definition of a “covered entity.”
2. 9–2501(k): Similarly, it would be helpful to further define and contextualize “environmental impact” or perhaps more simply to make it an element of the PRO plan to determine the process for measuring this attribute.
3. 9–2501(l)(11): AMERIPEN suggests that the Department should specify its process for determining when these materials are prevented from being waste reduced or made recyclable/compostable.
4. 9–2501(l)(14): Similarly, we suggest the Department should specify the process and/or criteria for it to determine when something is durable.

5. 9–2501(n)(2)(ii): The regulations should clarify that service packaging does not include materials sold empty, in order to avoid confusion that they are within the scope, which is currently causing conflict in some other states.
6. 9–2501(p): AMERIPEN recommends addressing how franchisors and franchisees are treated in the “producer” definition and suggests that language in Section 18.2.2(E) of Colorado’s regulations may serve as a model.¹
7. 9–2501(v) and (w): AMERIPEN recommends specifying that the PRO has responsibility for determining the standards for what qualifies as “refillable” and “reusable,” which will allow it to harmonize with forthcoming requirements in other states, to the extent practicable.
8. 9–2505(b)(3): The regulations are required to establish a sales ban date; in California, it is the date on which the program plan is supposed to take effect. There is no defined date for that in SB 901, as it is up to six months after program plan approval. AMERIPEN suggests July 1, 2028, as a potential option in order to give producers ample time to prepare for the implementation of SB 901 without leading to disruptions for consumers.
9. 9–2505(c)(1)(iii): Note that this provision **clearly** states that the performance goals are developed by the PRO and proposed in the plan process, not another entity or via regulation. The PRO is in the best position to assess the current capacity for achieving performance goals and to drive progress towards them accordingly.
10. 9–2505(c)(1)(v): It might be useful to define what “waste reduction” entails since it used throughout the law. Alternatively, and more simply, the PRO could be assigned responsibility for doing so. AMERIPEN asserts that “waste reduction” activities do not equate to packaging source reduction, but the removal of packaging from the waste stream (i.e. landfills), and moved toward recovery and higher uses such as recycling and composting.
11. 9–2505(e)(1)(v): AMERIPEN supports specification in this area about the Department's process for designating an independent auditor.
12. 9–2505(e)(3)(ii)(2)(A) and (B): The PRO should be designated clear authority to establish what “high” and “low” recycled content levels would be benchmarked against.
13. 9–2505(e)(3)(ii)(3): This section should include a process for PRO consultation and harmonization of bonus and malus fees with other states, in order to drive consistent packaging outcomes from state-to-state.
14. 9–2505(j)(5)(ii): The Department should clearly identify what it would propose as initial and future/repeat administrative penalties for public review and comment.

¹ <https://www.coloradosos.gov/CCR/GenerateRulePdf.do?ruleVersionId=11813&fileName=6%20CCR%201007-2%20Part%201#page=306>



15. 9–2508(a)(1): AMERIPEN requests that the Department’s development of the recyclables/compostables list must use a transparent scoring system (similar to the process that CAA uses in Colorado).
16. 9–2508(d)(1): Under this section, AMERIPEN asserts that the rule should provide for a review of this list annually.
17. 9–2508(d)(2): The Department should specify that it will officially provide the list to the PRO, no later than 10 working-days from finalization.
18. 9–2508(e)(5)(ii): AMERIPEN asserts that the rules should clarify that filing of an exemption renewal request can occur *before* expiration, but it will not take effect until *after* expiration. Otherwise, this would force people to re-apply after their exemption lapses.
19. 9–2511(b)(1) and (2): The rules under this section should align these factors with the “responsible end market” definition in in other states and work to ensure that the requirements for responsible end markets verification activities are truly feasible for both the PRO and recycling service providers.
20. 9–2512(c): The rules should provide for a scenario where the Department may waive a penalty for a missed performance goal in an annual report if the Department determines it would inhibit achievement of statutory goals.

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AMERIPEN strives to offer a good-faith and proactive approach that integrates elements from other established packaging producer responsibility programs with hopes of developing a plan that will incentivize recycling growth and the beneficial impacts that come along with that in Maryland. AMERIPEN continues to focus on strategies that develop and/or strengthen policies to progress the “reduce, reuse, recycle” strategies, while at the same time, enhancing the value of packaging. Our members are driving innovation, designing better environmental performance to evolve the recycling infrastructure and to create a more circular economy for all packaging. In our efforts to reduce environmental impact by increasing the circularity of packaging, our members continue to recognize the value of collaboration and the importance of working across the packaging value chain.

AMERIPEN looks forward to the continued open dialogue with the Department while collectively balancing the myriad of needs for the packaging industry, sound solutions to grow a more sustainable future, an effective circular economy, and systems that achieve positive environmental outcomes for everyone that ultimately assist in the success of this program. We remain committed to supporting progressive, proactive, and evidence-based strategies for sustainable packaging policies and programs.

AMERIPEN thanks the Department for this opportunity to provide input regarding the forthcoming regulations for SB 901 and appreciates the Department staff’s time and assistance during the implementation of the law. Please feel free to contact Gregory Melkonian by email (gmelkonian@serlinhaley.com) with any questions on AMERIPEN’s positions.



Sincerely,

A handwritten signature in black ink, appearing to read "G. Melkonian", written over a light gray rectangular background.

Gregory Melkonian
Regulatory and Government Affairs Associate
Serlin Haley, on behalf of AMERIPEN

Term	Location	Issue
Recyclable materials	Page 4, Line 11 & 25	Used in reference to the Needs Assessment Appears to mean covered materials but not clear
Compostable materials	Page 4, Line 25 Page 22, Line 8 Page 29, Line 11 Page 37, Line 4 & 25	Assume this term just relates to covered materials but unclear
Waste producers	Page 6, Line 11	Not defined – is it referring to producers or waste generators
Resource recovery	Page 6, Line 17	Not defined
Public building owned or operated by the State or a Local government	Page 10, Line 12-13	Need more clarity as what this might include as it impacts producer reporting. Is this just public facing operations or does it include public works operations, wastewater treatment, labs ...? Does it include leased buildings were the government may only operate on one floor of fifty?
Sold, offered for sale, imported, distributed	Throughout	Any concern that it may not capture all forms of supply – for example samples, leases, gifts ...
Waste reduction	Throughout	Not defined and not clear what types of covered services related to waste reduction that a producer might have to reimburse for. Note this is defined in MN legislation but still uncertain how it would be applied given the amount of different ways refill happens within the economy.

Reuse	Throughout	Defined but not clear what types of services producers may have to pay for. It is also not clear as to the difference between reuse and a durable products. For example, a BBQ tank, reusable bag or travel mug sold empty vs one in an exchange system. Are both reusable? If so how do we measure the return rate of the BBQ tank, reusable bag or travel mug that was sold empty as there is no ongoing producer?
Consumer	Page 13, Line 31	Not defined does this just refer to covered entities
Take-out and home delivery food service packaging	Page 14, Line 5	Not defined – does this include food service ware (e.g., straws and utensils) or just the packaging
Paper products	Page 14, Line 20-21	Not clearly defined (e.g., does this include party supplies, puzzles, playing cards, wallpaper, air filters, paper jump suit, file folders, clipboard, cups or plates sold as a product, wood utensils, leaf and yard bags)
Bound books	Page 14, Line 23	Not defined – does this include activity books, crafting books, puzzle books ...
Food serviceware	Page 17, Line 23	Not defined – is this the same as “Take-out and home delivery food service packaging”
Refill	Page 19, Line 19	It is unclear how this is different from a durable product
Optimal level	Page 30, Line 35 Page 44, Line 9	Unclear what this means as applying to service and convenience levels

Living wage	Page 31, Line 11	Not defined
Packaging materials	Page 32, Line 10 Page 39, Line 25 Page 47, Line 7	Not defined – likely should be covered materials
Reuse facility	Page 36, Line 29	No idea what that would include (e.g., a restaurant with a dishwasher)
Mixed recycling	Page 38, Line 1	Not defined – single stream?
Mixed municipal solid waste	Page 44, Line 12	Not defined – garbage?
Redemption rate	Page 57, Line 30	Not defined

July 9, 2025

Maryland Department of the Environment

Safer Products and Workplaces Program

1800 Washington Boulevard

Baltimore, MD 21230

Submitted via email: mde.epr@maryland.gov

RE: Consumer Brands Association Comments Regarding Implementation of SB 901 – Extended Producer Responsibility for Packaging and Paper Products

Dear Department Staff,

On behalf of the Consumer Brands Association (CBA), we respectfully submit the following preliminary comments as the Maryland Department of the Environment (the “Department”) undertakes rulemaking to implement the Packaging and Paper Products Extended Producer Responsibility (EPR) statute enacted under SB 901.

Consumer Brands champions the industry whose products Americans depend on every day, representing more than 2,000 iconic brands. From household and personal care products to food and beverage products, the consumer-packaged goods (“CPG”) industry plays a vital role in powering the U.S. economy, contributing \$2 trillion to the U.S. GDP and supporting more than 20 million American jobs. The CPG industry also plays a crucial role in creating a more sustainable future through its products and has prioritized packaging and recycling innovation. All of the 25 largest CPG companies in the United States have made commitments to increasing recyclable content, source reduction, or reuse of material. Eighty percent of those companies are working toward introducing fully recyclable packaging for all of their products by 2030 at the latest.

To facilitate successful implementation of SB 901 and support consistent producer compliance, we respectfully submit the following considerations for the Department’s rulemaking process:

- 1) **Recyclables and Compostables List (9–2508(a)(1))**
We recommend the Department adopt a transparent and criteria-based methodology in establishing the materials list.
- 2) **Exemption for Over-the-Counter Drugs (9–2501(l)(4))**
To preclude interpretive uncertainty, we urge the Department to affirm that over-the-counter (OTC) pharmaceutical products fall within the scope of the exemption for medical items.
- 3) **Performance Goals Development (9–2505(c)(1)(iii))**
As delineated in statute, performance goals are to be developed by the Producer Responsibility Organization (PRO) and included within the submitted plan. These goals should not be prescribed through Department regulations.
- 4) **Waste Reduction Definition (9–2505(c)(1)(v))**
We suggest that the definition of "waste reduction" encompass not only source reduction,

but also landfill diversion and efforts promoting recovery and reuse, thereby ensuring consistency with similar programs in other jurisdictions.

- 5) **Definition of Covered Entity (9–2501(f))**
While the statute provides a general classification, we recommend that further specification during rulemaking be provided to avoid inadvertent expansion of the term beyond entities explicitly referenced.
- 6) **Responsible End Market Alignment (9–2511(b)(1) and (2))**
In the interest of harmonization and feasibility, definitions and standards for responsible end markets should be aligned with analogous requirements in other state EPR frameworks.
- 7) **Refillable and Reusable Standards (9–2501(v) and (w))**
Delegating authority to the PRO to define standards for "refillable" and "reusable" packaging would support regulatory consistency across states and streamline compliance pathways.
- 8) **Fee Modulation Harmonization (9–2505(e)(3)(ii)(3))**
We recommend the inclusion of a mechanism through which the PRO may coordinate with other states on eco-modulation systems (e.g., incentives or penalties based on environmental performance) to minimize program fragmentation.
- 9) **Penalty Framework (9–2505(j)(5)(ii))**
To promote transparency and predictability, we encourage the Department to publish its proposed approach to assessing and escalating administrative penalties as part of the regulatory development process.
- 10) **Service Packaging Scope (9–2501(n)(2)(ii))**
We recommend clarification that service packaging does not include items sold empty, as excluding such products will help avoid compliance challenges previously observed in other jurisdictions.
- 11) **Penalty Waiver Process (9–2512(c))**
We support incorporating a formal mechanism allowing the Department to waive penalties for missed performance goals in instances where rigid enforcement may conflict with the broader statutory objectives.
- 12) **Annual Review of Materials List (9–2508(d)(1))**
We encourage the establishment of a formal annual review process to ensure ongoing relevancy and responsiveness in the recyclables and compostables list.
- 13) **Exemption Renewal Timing (9–2508(e)(5)(ii))**
We propose clarification that exemption renewal applications may be submitted in advance of expiration, though the renewed exemption should not take effect until the preceding exemption term concludes. This will help avoid programmatic gaps.

We appreciate the opportunity to offer these comments and look forward to continued engagement throughout the rulemaking process. Should the Department have any questions or require further discussion, please contact me at GCosta@ConsumerBrandsAssociation.org.

Greg Costa
Senior Director, State Affairs
Consumer Brands Association



Attn: Bradley Baker
Program Manager, Resource Management Program
Maryland Department of Environment
and
Michael Okorafor
Chair
Maryland Packaging Advisory Council

Sent via email: bradley.baker1@maryland.gov and Michael.Okoroafor@mccormick.com

From: David Keeling, Executive Director, Pressurized Cylinder Industry Association

Date: February 4, 2025

RE: Packaging EPR Legislation and Pressurized Cylinders

Thank you for the opportunity to provide feedback as part the ongoing Advisory Council meetings on the development of legislation in Maryland. We are writing to provide feedback on the discussions at the Advisory Council related to producer exemption.

The Pressurized Cylinder Industry Association (PCIA) was incorporated in June 2023 to represent the interests of pressurized cylinder brands and producers in the development of extended producer responsibility legislation. PCIA is made up of leading brands supplying both refillable and non-refillable pressurized cylinders to US consumers, including Cascade Designs, Inc., The Coleman Company Inc., Johnson Outdoors Gear Inc., Manchester Tank, Sterno Group LLC, Worthington Enterprises, YSN Imports, and Zippo. PCIA is collaborating with additional impacted producers to implement a producer responsibility program for cylinders in Connecticut and is actively engaged with a number of other states, including Vermont and California, that are legislating or considering legislating similar programs.

PCIA recommends that pressurized cylinders be excluded from packaging legislation for the following reasons:

- 1. Pressurized cylinders (refillable and non-refillable) are not compatible with collection programs designed for other types of residential packaging (e.g., beverage containers, soup cans, plastic film).**

The different considerations for pressurized cylinder collection methods are included in Table 1.



Table 1 – Considerations related to collection, transportation, and processing of pressurized cylinders

	Considerations
Collection	<ul style="list-style-type: none"> • Cylinders are typically physically segregated from other recyclables at depots or in special publicly accessible containers (e.g., collection bins at parks) • Municipalities typically do not allow residents to place cylinders in curbside collection systems (recycling or garbage)
Transportation	<ul style="list-style-type: none"> • Health and safety risks exist if cylinders are compacted in a collection vehicle • Additional training, placarding, and inspections are required for transportation of hazardous materials
Processing	<ul style="list-style-type: none"> • Cylinders pose health and safety risks to workers at material recovery facilities (MRF) particularly in the baling process • MRFs do not have equipment to properly process cylinders (e.g., remove the gas safely and prepare for recycling)
Overarching Impacts	<ul style="list-style-type: none"> • Unique permitting requirements or specifications for the collection, storage, transportation and processing of pressurized cylinders (e.g., Fire Marshall, Department of Transportation requirements) • Communications with the public become more complex and the public is more likely to be confused if cylinders are included in a broader packaging program. For example, handling requirements are different.

A number of packaging laws in the US have excluded certain packaging for similar reasons (e.g., packaging related to drug prescriptions or pesticides/insecticides). Including producers of cylinders in the same producer responsibility organization (PRO) as producers of packaging for non-hazardous products that can be safely collected through commingled curbside collection adds administrative complexity and reduces the effectiveness and efficiency of both collection systems.

2. Unlike typical curbside packaging, there is little to no ability to influence the packaging design of pressurized cylinders.

Pressurized cylinders are Federally regulated by the Department of Transportation (DOT). Title 49 of the Code of Federal Regulations defines hazardous materials, outlines transportation requirements by hazardous material type, and dictates the design of the packaging (e.g., pressurized cylinder) containing the hazardous material, including the cylinder material, wall thickness and strength.

3. Pressurized cylinders are best managed in programs with dedicated collection, transportation and management systems for hazardous products.

Pressurized cylinders are typically included in regulations focusing on packaging for hazardous or special products rather than in regulations for packaging of non-hazardous products. By way of example, no Canadian



residential packaging regulation includes pressurized cylinders. Instead, jurisdictions like Ontario¹, Quebec², Manitoba³, Alberta⁴, and British Columbia⁵ include pressurized cylinders in a regulation for packaging for hazardous or special products. The European Union also excludes pressurized cylinders under their definition of packaging due to the hazmat product designation (i.e., Transportation of Dangerous Goods).⁶

4. Refillable cylinders already have functional commercial reuse models and exchange systems designed to address these considerations.

Finally, refillable pressurized cylinders require separate consideration from non-refillable cylinders due to the existence of current commercial solutions for reuse and exchange of these cylinders. The legislation already acknowledges propane exchange systems which have a robust reuse system, achieving high recovery and reuse rates relative to other packaging on the market. It however fails to recognize other gases that have similar robust systems. The inclusion of refillable pressurized cylinders in producer responsibility legislation creates unnecessary regulatory burden for this category of cylinders.

In conclusion, we urge the Advisory Council to apply an exemption for all pressurized cylinders as is done in other jurisdictions.

We look forward to the opportunity to discuss these issues with you and answer any questions you might have.

Sincerely,

A handwritten signature in black ink, appearing to read "David F. Keeling".

David F. Keeling
Pressurized Cylinder Industry Association
E: davidkeeling@cylinderindustry.org
T: 414-630-9382

¹ Ontario Government. O. Reg 449/21 - Hazardous and Special Products, 2021. Available at <https://www.ontario.ca/laws/regulation/r21449>.

² Quebec Government. O.C.C 933-2022 – Recovery and reclamation of products by enterprises – Amendment. Available at <http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=1&file=105769.pdf>.

³ Manitoba Government. Household Hazardous Material and Prescribed Material Stewardship Regulation, 2010. Available at <https://web2.gov.mb.ca/laws/regs/annual/2010/016.pdf>.

⁴ Alberta Government. Extended Producer Responsibility (EPR) for Packaging, Paper Products, Single-Use Plastics, as well as Hazardous and Special Products, 2021. Available at <https://www.alberta.ca/circular-plastics-economy-engagement.aspx>.

⁵ British Columbia Government. Advancing Recycling in B.C.: Extended Producer Responsibility Five-Year Action Plan 2021-2026. Available at https://www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/recycle/extended_producer_five_year_action_plan.pdf

⁶ European Union Regulation 2025/40 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive 2019/904 and repealing Directive 94/62/EC. Available at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202500040.

**Martha Ainsworth**

to Bradley, Rick, me ▾

Nov 25, 2025, 3:55 PM (18 hours ago)



Good afternoon Bradley and the EPR team!

The EPR for Packaging registration requirements in statute (Sec 9-2505) require reporting brands and "covered materials," not the number or types of containers sold in the state. However, (Sec. 9-2509(B)(8)(IV)) in statute requires that the PRO/producers report annually the beverage container recycling rate or a redemption rate, and to do that they also need to know the total number of beverage containers sold in the state.

For that reason, I'd like to suggest adding to the registration requirements the following:

- (a) List each brand of beverage containers that the producer intends to sell, offer for sale, or distribute in the state, including the size and material of the containers of each brand; and
- (b) For each beverage container type specified in (a):
 - (i) whether the container is refillable; and
 - (ii) the number of beverage containers sold in the state in the immediately preceding calendar year.

This would only affect a subset of producers (beverage producers), as defined in the packaging bill. Aside from making it feasible to calculate the required annual reporting on recycling and redemption rates of beverage containers, these additions would substantially simplify and reduce the workload for MDE in the registration process for a beverage container deposit system, if/when it is passed. All of the beverage companies selling in the state and their brands will already be registered in the EPR for packaging bill with the requisite information (including refillable status), the baseline for sales and materials of each brand and size.

What do you think, and is it possible to add these in regulation?

Thanks and best regards,

Martha

Registration requirements for beverage containers in the EPR for packaging bill

§9-2505(A)(1)(II) (p. 24-25 of the enrolled bill)

(i) Beginning July 1, 2026, and each year thereafter, the producer responsibility organization approve under §9-2502(A) of this subtitle shall file a registration form with the Department.

(ii) The registration form shall include:

1. A list of the producers participating in the producer responsibility organization;
2. A list of the brands of each producer participating in the producer responsibility organization;
3. A list of the covered materials of each producer participating in the producer responsibility organization; and
4. The name, address, and contact information of a person responsible for ensuring the producer responsibility organization's and the member producers' compliance with this subtitle.

Annual Reporting requirements in the EPR for packaging bill (p. 47 of the enrolled bill)

§9-2509

(A) Beginning July 1, 2029, each producer or producer responsibility organization that has an approved producer responsibility plan on file with the Department shall report annually to the Department on the progress toward meeting plan requirements and goals for the immediately preceding calendar year.

(B) The report required under subsection (A) of this section shall include:

...

(8) Proof of a third-party audit of:

...

(IV) The overall redemption rate and recycling rate of beverage containers in the state; and

(9) Any other information as required by the department

Registration requirements for beverage producers in the 2026 Bottle Bill:

p. 22-23:

(C) On or before March 1 each year, beginning in 2028, the beverage container stewardship organization shall provide to the department:

(1) A list of each producer participating in the beverage container stewardship organization; and

(2) For each producer, the registration form required under subsection (D) of this section.

(D) (1) The Department shall create a registration form that requires each producer participating in the beverage container stewardship organization to provide the following information:

(I) The name, primary business address, and contact information of the person responsible for ensuring compliance with this part;

(II) A list of each brand of redeemable beverage containers that the producer intends to sell, offer for sale, or distribute in the State, including the size and material of the redeemable beverage containers for each brand;

(III) For each redeemable beverage container specified in the registration, whether the redeemable beverage container:

1. Is refillable; and
2. Depicts a UPC or Maryland-specific UPC barcode

(IV) How each producer will prevent the fraudulent sale and redemption of redeemable beverage containers that were not sold in the State;

(V) The number of redeemable beverage containers each producer sold in the State in the immediately preceding calendar year; and

(VI) Any other information required by the department