

January 24, 2024

Representative Lori Gramlich, Chair  
Senator Stacy Brenner, Chair  
Committee of Environment and Natural Resources  
Cross Building, Room 214  
100 State House Station  
Augusta, ME 04333

**Re: LD 295/HP0193: “An Act to Ensure Accurate Recyclability Labeling of Plastic Containers and Plastic Packaging Material(OPPOSE)**

Dear Representative Gramlich and Senator Brenner,

The Consumer Technology Association™ (CTA) respectfully opposes bill, LD 295/HP0193 which attempts to prohibit the sale of any product or packaging that makes deceptive or misleading claims about recyclability. CTA supports the intent behind the bill of reducing consumer confusion but respectfully opposes several components of the legislation and recommends a task force be convened to further examine the issue.

CTA is the trade association representing the U.S. consumer technology industry. Our members are the world’s leading innovators – from startups to global brands – helping to support more than 18 million American jobs. CTA’s members have long been recognized for their commitment and leadership in innovation and sustainability, often taking measures to exceed regulatory requirements on environmental design, energy efficiency, and product and packaging stewardship. We recognize the importance of reducing consumer confusion as it relates to the recycling of products and packaging material in Maine but certain components of LD 295/HP0193 are not the path to achieve that goal.

**Maine’s Stewardship Program for Packaging**

In 2021, Maine was the first state to pass Extended Producer Responsibility for Packaging. Within this law, several provisions already take action at accomplishing the intent of this bill, to reduce consumer confusion on recyclability. These provisions include incentives for producers by establishing lower producer fees if “labeling of packaging material to reduce consumer confusion” is included on packaging.

The rulemaking for Maine’s EPR for packaging program is extensive and is currently under development. We do not think this law as written currently works in tandem with the Maine’s packaging stewardship program. Subsection 3, instructs Maine DEP to conduct a recycling characterization study to study recyclability in Maine. Yet, within Maine’s EPR implementation, the department is already developing recyclability lists and preparing consumer education materials. CTA believes that subsection 3 is

January 24, 2024

duplicative of the work that the department is already conducting within the EPR for packaging law and that is unnecessary.

Additionally, subsection 4 outlines recyclability criteria for a material to meet in order to be able to be make recycling claims on the packaging. This subsection is also duplicative of the work that the department is currently doing through the implementation of Maine's EPR for packaging law and Maine's PFAS law. Since Maine DEP is already completing this work through other regulatory streams, we believe that this subsection is duplicative and unnecessary.

Furthermore, CTA believes that any work that focuses on the recyclability of materials in Maine, should operate within the implementation of Maine's EPR for packaging law, instead of inserting an additional bill that is a copy from another state.

**Updating Maine's labeling requirement and jurisdiction conflicts.** CTA supports updating Maine's requirements around the labeling for rigid plastic containers to no longer require the use of the chasing arrows component when identifying the plastic resin, as currently outlined in [MRS Title 32, §1723. LABELS](#).

However, we strongly object to the subsection 2 that classifies "a chasing arrows symbol, a chasing arrows symbol surrounding a resin identification code or any other symbol or statement indicating the container or packaging material is recyclable or otherwise directing the consumer to recycle the container or packaging material" as "a deceptive or misleading claim in violation of this subsection unless the container or packaging material satisfies the recyclability criteria of subsection 4 and is of a material type and form that routinely becomes feedstock used in the production of new plastic containers or new plastic packaging material".

While CTA does not object to Maine updating its standard to remove the chasing arrows component, CTA members that use rigid plastic containers are still required to utilize the chasing arrows component in 38<sup>1</sup> other jurisdictions. Examples include:

- Arkansas<sup>2</sup>: For rigid plastic containers, the container must be:
  - "...labeled with a code indicating the plastic resin...The code shall consist of a number placed within a triangle of arrows and letters placed below the triangle of arrows. The triangle shall be equilateral, formed by three (3) arrows, with the apex of each point of the triangle at the midpoint of each arrow rounded with a short radius. The arrowhead of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three (3) arrows curved at their midpoints, shall depict a clockwise path around the code number."
- Colorado<sup>3</sup>: For rigid plastic containers, the container must be:
  - "...coded by their basic material. Such code shall consist of a number placed within a triangle of arrows and letters placed below the triangle of arrows. The triangle shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The arrowhead of each arrow shall

---

<sup>1</sup> Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. This list does not reflect the current requirements in Maine.

<sup>2</sup> [A.C.A. § 8-9-302](#)

<sup>3</sup> [C.R.S. 25-17-103](#)

January 24, 2024

be at the midpoint of each side of the arrow. The triangle, formed by the three arrows curved at their midpoints, shall depict a clockwise path around the code number.”

- Massachusetts<sup>4</sup>: For rigid plastic containers, the container must be:
  - “labeled with a code indicating the plastic resin...Such code shall consist of a number placed within a triangle of arrows and letters placed below the triangle of arrows. The triangle shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The arrowhead of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints shall depict a clockwise path around the code number.”

The above are just three examples where the “chasing arrows symbol” is explicitly required for certain types of packaging material used by consumer technology companies in the U.S. If LD 295/HP0193 were to pass, Maine’s law would be in direct conflict with laws in 35 other jurisdictions.

CTA’s members distribute their products – and thus the accompanying packaging – into a U.S. / North American market. Our member companies do not make products or the associated packaging material specific to any state or region of the U.S. Unfortunately, the current language of LD 295/HP0193 creates a Maine specific mandate that does not align with other jurisdictions. CTA is unclear at this time how our members would comply with these competing requirements and still make available to Maine consumers electronic devices packaged in rigid plastic containers.

**Again,** CTA’s members utilize the chasing arrows symbol solely because they are required to by law in 36 jurisdictions, currently including Maine. CTA and our members are open to a stakeholder discussion to address the use of the chasing arrows symbol that brings in every state that currently requires the symbol by law. A coordinated national effort will be needed to ensure that removal of the chasing arrows component is done in a manner that enables industry to comply with state laws while working toward the ultimate goal of reducing consumer confusion by removal of the chasing arrows symbol. CTA is committed to be a part of any stakeholder dialogue that occurs on this matter, but we do not agree that a single state by state approach is a feasible solution for our industry.

**Conclusion:** CTA appreciates the opportunity to provide comments on LD 295/HP0193 and ask the Committee to oppose or amend the bill for the reasons outlined above. While we understand the intent, the unintended consequences of this bill are significant and need to be addressed. CTA welcomes further discussion with the Committee and other stakeholders on how to achieve the ultimate goal of reducing consumer confusion without creating a Maine specific mandate that conflicts with other jurisdictions. We would also welcome coordination of this dialogue with other states to ensure a national, harmonized solution can be achieved.

Please do not hesitate to contact me with any questions or requests for additional information.

Sincerely,

---

<sup>4</sup> [M.G.L. ch.94 § 323A](#)

CTA Comments on Maine LD 295/HP0193  
January 24, 2024

A handwritten signature in black ink, appearing to read "Ally Peck". The signature is fluid and cursive, with the first name "Ally" written in a larger, more prominent script than the last name "Peck".

Ally Peck  
Senior Manager, Environmental and Sustainability Policy  
[apec@cta.tech](mailto:apec@cta.tech)  
(703) 395-4177