

April 22, 2025



Senator Denise Anne Tepler  
Representative Victoria W. Doudera  
c/o Clerk Marianne MacMaster  
Cross Building, Room 216, 287-4149  
100 State House Station  
Augusta, ME 04333

Subject: LD 1423 (SP 579), An Act to Improve Recycling by Updating the Stewardship Program for Packaging

Dear Chairs, Doudera, Tepler, and Members of the Joint Committee on Environment and Natural Resources

The Household & Commercial Products Association (HCPA)<sup>1</sup> appreciates the opportunity to offer comments on LD 1423 (SP 579) concerning amending the *Stewardship Program for Packaging Law*, 38 M.R.S. § 2146.

HCPA members manufacture a variety of products including household cleaning products, air care products, aerosol products, floor polishes and waxes, automotive maintenance and appearance products, and consumer pesticides which include disinfectants and sanitizers. These products are essential tools for various functions necessary to maintain clean and healthy homes, schools, and hospitals.

As an industry, we've made meaningful strides and public commitments to enhance the circularity of packaging materials. HCPA remains committed to advancing policy solutions that bolster recycling infrastructure, strengthen materials markets, and encourage packaging innovation. We've joined forces with other consumer-facing industries and NGOs to act on the issue of plastic waste in landfills and the environment. Many of our member companies are already at the forefront—reducing plastic and packaging waste and meeting growing consumer demand for more sustainable products. Several have also partnered with organizations like the Alliance to End Plastic Waste, the U.S. Plastics Pact, and The Recycling Partnership, investing significantly in efforts to support a circular economy. In collaboration with the Can Manufacturers Institute, HCPA is also leading an initiative to boost aerosol can recycling, backed by broad industry support across the aerosol value chain.

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<sup>1</sup> The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of trusted and familiar products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

HCPA and its members are committed to advancing product stewardship and support reasonable laws and regulations that enhance recycling rates and divert recyclable materials from landfills and incinerators. However, packaging used for certain pesticide products regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) poses unique challenges for appropriate handling within standard waste and recycling systems. HCPA therefore recommends that Maine exempt packaging for FIFRA-regulated products from the state's packaging stewardship program.

First, exempting products regulated under FIFRA would avoid unintentionally imposing packaging requirements that conflict with established federal pesticide regulations and hazardous waste management laws, which already mandate rigorous packaging standards and assign specific use and disposal instructions on a product-by-product basis. This exemption would also align Maine's program with existing EPR laws in California and Colorado, both of which exclude federally regulated products requiring specialized handling, including all FIFRA-regulated products.

Second, there is significant complexity in distinguishing which pesticide products are considered recyclable and which may be hazardous and not intended to be introduced into the recycling stream. Certain FIFRA-regulated product containers are recyclable once empty – for example, a consumer disinfectant surface cleaner. Others may contain residues that create safety concerns and are most appropriately disposed of outside of the curbside recycling system – for example, a concentrated pest management product intended for institutional use.

As part of the pesticide registration process, companies determine and submit to the U.S. Environmental Protection Agency (EPA) for review the hazard level of their product. The EPA must review and approve the manufacturer's determination and required labeling with disposal information prior to the product being placed on the market. As this review is product-specific, considering both packaging and chemistry, pesticides will not readily fit into Maine's packaging categorization scheme for determining community recycling, consumer communication, and appropriate business fees. Attempting to do so will create substantial challenges to an already complex program and may create conflicts with federal requirements.

Overall, HCPA does not believe Maine's packaging stewardship program is well-suited to manage products and packaging that require federal review and special instructions for handling and disposal, such as FIFRA-regulated products. HCPA believes that effective management of FIFRA-regulated products should focus on expanding consumer education about proper use and disposal, including recycling where appropriate, along with increasing and maintaining Household Hazardous Waste (HHW) collection infrastructure in full compliance with relevant federal and state regulations.

HCPA and its members are supportive of efforts to increase the circularity of diversely used packaging. However, due to existing federal requirements and the complexity of appropriately recycling the various types of pesticide products, HCPA recommends that the legislature exempt packaging used to contain products regulated under FIFRA from Maine's stewardship program for packaging.

If you would like to discuss the information provided in this letter further or have questions, please do not hesitate to contact HCPA staff.

Respectfully submitted,

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