

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
WASTE MANAGEMENT AGENCY**

**CHAPTER 103: REDUCTION OF TOXICS IN PACKAGING**

*SUMMARY: This rule establishes the procedure and criteria by which manufacturers will comply with the toxics reduction in packaging requirements.*

**SECTION 1. PURPOSE**

The purpose of this chapter is to implement the provisions of Title 32, chapter 26-A, §§1731-1739, of the Maine Revised Statutes, which seek to reduce toxicity of packaging waste by prohibiting the unnecessary addition of heavy metals, such as lead, mercury, cadmium and hexavalent chromium, in packaging and packaging components.

**SECTION 2. APPLICABILITY**

This chapter applies to manufacturers, suppliers and distributors of packaging and packaging materials offered for sale or for promotional purposes in the State.

**SECTION 3. DEFINITIONS**

The following terms, as used in this chapter, shall have the following meanings:

- A. "Agency" means the Maine Waste Management Agency.
- B. "Department" means the Maine Department of Agriculture, Food and Rural Resources.
- C. "Distributor" means any person, firm or corporation that sells a packaged product to a retailer in this State or any person, firm or corporation that receives a shipment or consignment of, or in any other manner acquires, packaged products outside the State for sale to consumers in the State.
- D. "Manufacturer" means any person who manufactures a package or packaging component.
- E. "Package" means a container used in marketing, protecting or handling a product and includes a unit package and a shipping container defined by the American Society for Testing and Materials in its annual book of standards as ASTM, D996. "Package" also includes such unsealed receptacles as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags and tubs.
- F. "Packaging component" means any individual part of an assembled package such as, but not limited to, any interior or exterior strapping, coatings, closures, inks and labels.
- G. "Person" means any individual, partnership, corporation or other legal entity.
- H. "Offer for promotional purposes" means any transfer of title or possession, or both, of packaging or products in packaging without consideration.

**I. "Offer for sale"** means any transfer of title or possession, or both, exchange, barter, lease, rental, conditional or otherwise, of packaging or products in packaging for a consideration, in any manner or by any means whatsoever.

**J. "Supplier"** means any person, firm or corporation that sells packages or packaging components to a distributor.

**K. "Tin-Plated Steel"** means a material that meets the American Society for Testing and Materials (ASTM) specification A-623 and shall be considered as a single package component.

#### **SECTION 4. PROHIBITION; SCHEDULE FOR REMOVAL OF INCIDENTAL AMOUNTS**

**A. Prohibition of sale of packaging.** A manufacturer, supplier or distributor may not offer for sale or for promotional purposes a package or packaging component that includes inks, dyes, pigments, adhesives, stabilizers or any other additives to which any lead, cadmium, mercury or hexavalent chromium has been intentionally introduced during manufacturing or distribution. This prohibition does not apply to the incidental presence of any of these elements. Incidental means that these elements were not intentionally added and are below the concentration levels listed in Section 4.C below.

**B. Prohibition of sale of product in packaging.** A manufacturer or distributor may not offer for sale or for promotional purposes any product in a package that includes, in the package itself or any packaging components, inks, dyes, pigments, adhesives, stabilizers or any other additives to which any lead, cadmium, mercury or hexavalent chromium has been intentionally introduced during manufacturing or distribution. This prohibition does not apply to the incidental presence of any of these elements.

**C. Concentration levels.** The sum of the concentration levels of lead, cadmium, mercury and hexavalent chromium that are incidentally present in any package or packaging component including the inks or adhesives affixed to such packaging or packaging component, may not exceed:

- (1) Effective April 1, 1992, 600 parts per million by weight, or 0.06%;
- (2) Effective April 1, 1993, 250 parts per million by weight, or 0.025%; and
- (3) Effective April 1, 1994, 100 parts per million by weight, or 0.01%.

**D. Substitute materials.** No material used to replace lead, cadmium, mercury or hexavalent chromium in a package or packaging component may be used in a quantity or manner that creates a hazard as great or greater than the hazard created by the lead, cadmium, mercury or hexavalent chromium. The certificate of compliance will require an assurance to this effect.

#### **SECTION 5. CERTIFICATE OF COMPLIANCE**

After September 30, 1993, a certificate of compliance conforming to the form attached as Exhibit 1 and stating that a package or packaging components is in compliance with standards established in Section 4 shall be furnished by its manufacturer to the agency. A certificate of compliance may cover more than one type of package or packaging component

as long as each type is identified separately. The certificate of compliance shall be signed by an authorized official of the manufacturing company. If requested, test results shall be made available to the agency to verify information provided in a certificate of compliance.

**A. New or reformulated packaging.** If the manufacturer reformulates or creates a new package or packaging component, the manufacturer shall provide the agency with an amended or new certificate of compliance for the reformulated or new package or packaging component.

**B. Presentation of certificates.** Each manufacturer shall furnish the agency with an original certificate of compliance and each manufacturer or supplier shall furnish, at the agency's request, copies of a certificate of compliance for distribution to the public.

## **SECTION 6. EXEMPTIONS**

**A.** A manufacturer is entitled to an exemption where:

(1) The package or packaging component has a code indicating a date of manufacture prior to April 1, 1992 or the manufacturer can provide written documentation that the package or packaging component was manufactured prior to April 1, 1992; or

(2) The package or packaging component contains an alcoholic beverage bottled prior to April 1, 1992.

**B.** A manufacturer may petition the agency for an exemption for a particular package or packaging component where:

(1) The package or packaging component contains lead, cadmium, mercury or hexavalent chromium added in the manufacturing, forming, printing or distribution process in order to comply with health or safety requirements of state or federal law; or

(2) There is no feasible alternative to the use of lead, cadmium, mercury or hexavalent chromium in the package or packaging component. For the purposes of this section, "no feasible alternative" means a use in which the regulated substance is essential to the protection, safe handling or function of the package's contents; or

(3) The addition of post-consumer materials causes the package or packaging component to exceed the maximum concentration levels set forth in Section 4; or

*(NOTE: For a package where all components contain recycled content, the entire package is exempt. However, in the case where one component contains recycled content and the other components do not, only the component containing recycled content would be exempt and not the entire package.)*

(4) The package or packaging component has been exempted by another Northeastern state with similar legislation.

**C.** All manufacturers claiming an exemption shall file a certificate of compliance with the agency conforming to the form attached as Exhibit 2 and stating the specific basis upon which the exemption is requested.

D. Exemptions under paragraphs A(1) and A(2) are permanent. Exemptions under paragraphs B(1) and B(2) may be granted for periods of two years. In order to receive an exemption for additional two year periods, the manufacturer would have to file an exemption request. Exemptions under paragraph B(3) expire April 1, 1996. Exemptions granted under paragraph B(4) will continue in effect only as long as the applicant can show that it holds an exemption under similar legislation from another Northeastern state.

E. Exemptions are deemed to be approved for maximum times under Section 6.D., unless the manufacturer is notified otherwise within 60 days of the agency's receipt of the certificate of compliance.

## **SECTION 7. ENFORCEMENT AND PENALTIES**

**A. Enforcement.** The Department of Agriculture, Food and Rural Resources shall enforce the provisions of this chapter and may inspect, with the consent of the owner or agent, any property or building to accomplish the objectives of this chapter.

**B. Violation.** Any manufacturer or supplier that violates this chapter commits a civil violation for which a forfeiture of not more than \$100 may be adjudged. Each package or packaging component in violation constitutes the basis of a separate offense.

**C. Hearings on violations.** The Department shall provide an opportunity for hearing in a manner consistent with the Maine Administrative Procedures Act, Title 5, chapter 375.

**FISCAL IMPACT ON POLITICAL SUBDIVISIONS:** Compliance with this rule will have no fiscal impact on municipalities or counties of this State.

**AUTHORITY TO ADOPT RULE:** 32 M.R.S.A., section 1737

**ADOPTED:** September 2, 1992

**EFFECTIVE DATE:** September 11, 1992

**REVISED:** April 14, 1993

**EXHIBIT 1**  
**STATE OF MAINE**  
(Title 32, Ch. 26-A)  
**REDUCTION OF TOXICS IN PACKAGING LAW**  
**CERTIFICATE OF COMPLIANCE:**

We certify that all packaging and packaging components sold to \_\_\_\_\_<sup>(company name)</sup> or its subsidiaries in the State of Maine comply with the requirements of this law, namely that the sum or incidental concentration levels of lead, mercury, cadmium & hexavalent chromium present in any package or package component shall not exceed the following:

- 600 Parts Per Million by weight  
(Effective April 1, 1992)
- 250 Parts Per Million by weight  
(Effective April 1, 1993)
- 100 Parts Per Million by weight  
(Effective April 1, 1994)

We further certify that in cases where the regulated metals are present at levels below the schedule stated above, the regulated metals were not intentionally added during the manufacturing process.

We further certify that no material used to replace the regulated metals are present in a quantity or manner that creates a hazard as great or greater than the hazard created by the regulated materials.

COMPANY NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_

CERTIFIED BY:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

Date: \_\_\_\_\_

We will maintain adequate documentation of this certification for inspection upon request.



**EXHIBIT 2**  
**STATE OF MAINE**  
(Title 32, Ch. 26-A)  
**REDUCTION OF TOXICS IN PACKAGING LAW**  
**CERTIFICATE OF COMPLIANCE:**  
**EXEMPTION STATUS**

We certify that all packaging and packaging components sold to (company name) or its subsidiaries in the State of Maine are in compliance with this law. However, certain packages or packaging components produced by (company name) are exempt from this law for one or more of the following reasons:

- Package and/or packaging components were made or delivered before the law was signed into effect;

(List package or  
packaging components)

\_\_\_\_\_  
\_\_\_\_\_

- Package and/or packaging component contains heavy metals in order to comply with state or federal health and safety requirements or there is no feasible alternative;

(List package or  
packaging components)

\_\_\_\_\_  
\_\_\_\_\_

- Package and/or packaging component is made from post consumer material;

(List package or  
packaging components)

\_\_\_\_\_  
\_\_\_\_\_

- Alcoholic beverage bottled prior to effective date;

(List package or  
packaging components)

\_\_\_\_\_  
\_\_\_\_\_

- Package and/or packaging component has been exempted by another northeastern state. List state and basis for an exemption.

(List package or  
packaging components)

\_\_\_\_\_  
\_\_\_\_\_

**COMPANY NAME**

\_\_\_\_\_

**ADDRESS**

\_\_\_\_\_  
\_\_\_\_\_

**CERTIFIED BY:**

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

Date \_\_\_\_\_

We will maintain adequate documentation of this certification for inspection upon request.





Committee: ENR  
LA: PTN  
LR (item)#: 375(2)  
WFP Doc. #: 431BNRG  
New Title?: N  
Add Emergency?: N  
Date: 04/19/93

READ TO DEPR  
NOT CONFIDENTIAL

COMMITTEE AMENDMENT "." TO L.D. 1023, An Act to Amend and Clarify the Solid Waste Management Laws

Strike everything after the enacting clause and insert in its place the following:

PART A

Sec. A-1. 32 MRSA §1734, sub-§2, as amended by PL 1991, c. 177, §1 and affected by §2, is further amended to read:

**2. Health and safety requirements; feasibility; post-consumer materials.** The manufacturer, supplier or distributor petitions the agency for an exemption for a particular package or packaging component and the agency grants an exemption for one or more of the following reasons.

A. The package or packaging component contains lead, cadmium, mercury or hexavalent chromium added in the manufacturing, forming, printing or distribution process in order to comply with health or safety requirements of state or federal law.

B. There is no feasible alternative to the use of lead, cadmium, mercury or hexavalent chromium in the package or packaging component. For the purposes of this section, "no feasible alternative" means a use in which the regulated substance is essential to the protection, safe handling or function of the package's contents.

C. The addition of post-consumer materials causes the package or packaging component to exceed the maximum concentration levels set forth in section 1733, subsection 3.

For packages or packaging components exempted under paragraph A or B, a 2-year exemption may be granted and that exemption may be renewed for an additional 2 years. An exemption granted under paragraph C is valid for 6 years ~~expires 4 years after the effective date of this chapter~~; or

Sec. A-2. 32 MRSA §1735, as enacted by PL 1989, c. 849, §1, is amended to read:

**§1735. Certificate of compliance**

A certificate of compliance is a document developed by a manufacturer and ~~filed with the agency~~ furnished to its purchasers that attests that one or more packages or packaging components ~~meets~~ meet the standards established in section 1733 or ~~is~~ are exempt under the provisions of section 1734. If compliance is achieved under the exemptions provided in section 1734, the certificate must state the specific basis upon which the exemption is claimed. A certificate of compliance must be signed by an authorized official of the manufacturer. A certificate of compliance may cover more than one type of package or packaging component as long as they are separately identified.

1. **New or reformulated packaging.** If the manufacturer reformulates or creates a new package or packaging component, the manufacturer shall ~~provide the agency~~ furnish its purchasers with an amended or new certificate of compliance for the reformulated or new package or packaging component.

2. **Presentation of certificates.** Each manufacturer shall furnish the agency, at the agency's request, with ~~an original~~ a copy of any certificate of compliance and each manufacturer or supplier shall furnish, at the agency's request, copies of a certificate of compliance for distribution to the public.

Sec. A-3. 38 MRSA §2123, sub-§7, as enacted by PL 1989, c. 585, Pt. A, §7, is repealed.

Sec. A-4. 38 MRSA §2141, as amended by PL 1991, c. 644, §§2 to 4, is repealed

Sec. A-5. 38 MRSA, §2141-A is enacted to read:

**§2141-A. Advertising and marketing claims; waste reduction and recycling**

A person who labels, advertises or promotes a product in violation of guidelines for the use of environmental marketing claims published by the Federal Trade Commission in 16 Code of Federal Regulations, Part 260 (1993), as from time to time amended, commits a violation of the Title 5, chapter 10, the Maine Unfair Trade Practices Act.

**PART B**

**Sec. B-1.** 38 MRSA c. 24, sub-c. V, first 2 lines are repealed and the following enacted in their place:

**SUBCHAPTER V****HOST COMMUNITY COMPENSATION and FACILITY OVERSIGHT**

**Sec. B-2.** 38 MRSA, §2170 is enacted to read:

**§2170. Host community benefits; application limited to facilities owned or operated by the agency**

The provisions of this subchapter apply only to solid waste disposal facilities owned or operated by the agency. Wherever in this subchapter the terms "solid waste disposal facility" or "facility" are used, those terms may only be construed to mean a solid waste disposal facility owned or operated by the agency.

**Sec. B-3.** 38 MRSA, §2171, 1st ¶ is amended to read:

**§2171. Citizen advisory committee**

The municipal officers of each municipality identified by the Facility Siting Board as a ~~proposed potential~~ site for a solid waste disposal facility ~~or a facility which produces refuse-derived fuel under this chapter~~ and each contiguous municipality which may be affected by the construction or operation of that facility shall jointly establish a single citizen advisory committee within 60 days of notification pursuant to section 2155.

**Sec. B-4.** 38 MRSA, §2171, sub-§1 is amended to read:

**1. Membership.** The committee must be comprised of citizens from each affected municipality, appointed by the municipal officers, including, but not limited to: a municipal health officer; a municipal officer; and at least 3 additional residents of the municipality, including abutting property owners and residents potentially affected by pollution from the proposed facility. In addition, each committee may include members representing any of the following interests: environmental and community groups; labor groups; professionals with expertise relating to landfills or incinerators; experts in the areas of chemistry, epidemiology, hydrogeology and biology; and legal experts.

**Sec. B-5. 38 MRSA, §2171, sub-§3 is amended to read:**

**3. Responsibilities.** Each committee established under this section shall have the authority to:

A. Review proposed contracts, site analyses, applications and other documents relating to the location, construction, permitting and operation of the ~~proposed~~ facility;

B. Hold periodic public meetings to solicit the opinions of residents concerning the ~~proposed~~ facility and any permit applications, contracts or other provisions relating to the facility and the regional plan;

C. Provide the agency project developer and department with any alternative contract provisions, permit conditions, plans or procedures it ~~deems~~ considers appropriate; and

D. Serve as a liaison between the community and the ~~agency~~, project developer or the commissioner to facilitate communications during the development and operation of the facility, and provide residents with updated information about the project, including providing explanations of any technical terms.

**Sec. B-6. 38 MRSA, §2172 is amended to read:**

**§2172. Dispute resolution**

A host municipality may establish a process, including, but not limited to, negotiation, mediation and arbitration to resolve disputes and to negotiate additional rights and benefits relating related to the siting and operation of a solid waste disposal ex-refuse-derived-fuel-processing facility within the municipality. The citizen advisory committee ~~shall~~ must be consulted and shall assist in the development and implementation of any process established under this section. At the option of the municipality, the Chair of the Board of Environmental Protection may appoint a neutral mediator to resolve disputes. The municipality ~~shall-be~~ is eligible for grants from the agency to fund dispute resolution programs under this section related to the siting and operation of a solid waste disposal facility.

**Sec. B-7. 38 MRSA, §2173, 1st ¶ is amended to read:**

**§2173. Municipal jurisdiction over facilities**

A municipality may adopt a local ordinance authorizing the municipal officers to issue a local permit containing the same findings, conclusions and conditions contained in the license

issued by the department for a solid waste disposal facility ~~owned-by-the-agency-or-a-regional-association~~ and located within the municipality's jurisdiction. The municipal officers may also attach to the permit additional conditions for the operation of the solid waste disposal facility on any issues not specifically addressed in any condition of the department's license. These conditions may not unreasonably restrict the operation of the facility and must be attached to the local permit by the municipal officers within 90 days of issuance of the department's license or within 30 days of a final decision by the department to relicense the facility.

**Sec. B-8. 38 MRSA, §2174, sub-§2, 1st ¶ is amended to read:**

**2. Information.** The host municipality of a solid waste disposal facility ~~owned-by-the-agency-or-a-regional-association~~ shall have a right to all information from the department and the ~~agency solid-waste-disposal-facility-operator~~, pursuant to Title 1, chapter 13, subchapter I. All information provided under this subsection must be made available to the citizen advisory committee and the public by the host municipality.

**Sec. B-9. 38 MRSA, §2174, sub-§§3 and 4 are amended to read:**

**3. Inspection; emergency orders.** A certified inspector is authorized to enter property of the agency ~~or-any-regional-association~~ within the inspector's jurisdiction, inspect records required by the department, take samples and conduct inspections in accordance with departmental rules applicable to employees of the department. A certified inspector may order the ~~operator-of-the-facility~~ agency to cease any operation or activity at the facility that constitutes an immediate threat to public health or safety or to the environment. The inspector shall notify the commissioner and the municipal officers of the host municipality within 2 hours of issuing such an order.

**4. Commissioner inspections.** Whenever any host municipality notifies the commissioner of an order issued pursuant to a local permit requirement under section 2173 and gives the commissioner reason to believe that any solid waste disposal facility ~~owned-by-the-agency-or-regional-association~~ is in violation of any law or regulation administered by the department, or any order or the condition of any permit issued pursuant to any law or rule administered by the department, the commissioner shall promptly conduct an inspection of the facility.

**Sec. B-10. 38 MRSA, §2175-A is amended to read:**

**§2175-A. Property value offset**

Owners of property whose the value of which has been affected by ~~an agency-operated or agency-approved~~ a solid waste disposal facility licensed under chapter 13 are eligible for reimbursement from the agency for loss in property value directly attributable to the construction and operation of the facility. The agency shall adopt rules to establish the formula and procedure for reimbursement, including, without limitation, definition of the impact area, a process for establishing baseline real estate values, a time frame within which the property value offset program will be in effect and an accounting of real estate trends in the area.

**Sec. B-11. 38 MRSA, §2176, 1st ¶ and sub-§1 are amended to read:**

**§2176. Impact payments**

In addition to payment in lieu of taxes provided in section 2105, the agency shall make impact payments to a municipality in which ~~an agency-owned~~ a solid waste landfill disposal facility is located or, in the case of an unorganized territory, to the State Tax Assessor upon request by the community involved or by the State Tax Assessor. The agency shall base its impact payments on measurable criteria including, without limitation:

1. **Roads.** Improvement, maintenance and repair of local roads directly affected by traffic to and from ~~an agency-owned landfill~~ the facility;

**Sec. B-12. 38 MRSA, §2177, is amended to read:**

**§2177. Water supply monitoring and protection**

Upon written request from persons owning land contiguous to a solid waste ~~landfill-approved under subchapter IV~~ disposal facility, the ~~operator of the landfill~~ agency shall have quarterly sampling and analysis conducted of private water supplies used by the requestors for drinking water. The sampling and analysis must be conducted in a manner specified by and that meets criteria developed by the department.

~~If a facility~~ Any person owning or operating a solid waste landfill that adversely affects a public or private water supply by pollution, degradation, diminution or other means that result in a violation of the state drinking water

standards as determined by the commissioner, the agency shall restore the affected supply at no cost to the ~~owner~~ consumer or replace the affected supply with an alternative source of water that is of like quantity and quality to the original supply at no cost to the ~~owner~~ consumer.

1. **Extent of analysis.** Water supplies must be analyzed for all parameters or chemical constituents determined by the commissioner to be indicative of typical contamination from a solid waste ~~landfills~~ disposal facility. The laboratory performing the sampling and analysis shall provide written copies of sample results to the ~~landfill-owner~~ agency, the landowner and to the commissioner.

2. **Additional sampling required.** If the analysis indicates possible contamination from a solid waste ~~landfill~~ disposal facility, the commissioner shall conduct, or require the ~~landfill-operator-to-have-the-laboratory~~ agency to conduct, additional sampling and analysis to determine more precisely the nature, extent and source of contamination. The commissioner shall, if necessary, require this sampling beyond the boundaries of the contiguous property.

3. **Written notice of rights.** On or before December 1, 1989, for permits issued under this chapter prior to October 1, 1989, and at or before the time of permit issuance for permits issued under this chapter after October 1, 1989, the ~~operator of each waste-landfill~~ agency shall provide owners of contiguous land with written notice of their rights under this section on a form prepared by the commissioner.

## PART C

Sec. C-1. 38 MRSA, §1705, sub-§12 is amended to read:

12. **Revenues.** "Revenues" means the proceeds of bonds, all revenues, rates, tolls, assessments, rents, tipping fees, transportation charges and other charges and receipts derived by the district from the operation of a waste facility and other properties, including, but not limited to, investment earnings and the proceeds of insurance, condemnation, sale or other disposition of properties, and shall include proceeds from assessments where the power of assessment has been granted to the district under section ~~1754~~ 1755.

Sec. C-2. 38 MRSA, §2202, sub-§3 is enacted to read:

3. **Payment.** A person who delivers solid waste to a solid waste disposal facility shall pay all fees established under this article to the operator of the solid waste disposal facility.



**Sec. C-3. 38 MRSA §2204, sub-§3,** as enacted by PL 1991, c. 517, Pt. B, §17, is amended to read:

**3. Imported municipal solid waste.** To support those regulatory and administrative costs associated with imported municipal solid wastes, an administrative fee of \$4 per ton is assessed on any municipal solid waste originating outside the State and delivered to a commercial solid waste disposal facility or solid waste disposal facility owned by the agency or a regional association for disposal.

**Sec. C-4. Retroactivity.** Section C-2 of this Act takes effect on September 30, 1989.

#### **STATEMENT OF FACT**

This amendment replaces the bill.

Part A of the amendment revises the toxics reduction in packaging laws to require that manufacturers furnish certificates of compliance to purchasers instead of to the agency and to establish a 6-year exemption for packaging that can not meet the statutory concentration levels because of the addition of post-consumer materials. Part A also repeals the transition no longer applicable and repeals the provisions pertaining to a voluntary waste reduction and recycling labeling program. New language establishes a waste reduction or recycling marketing and advertising claim made in violation of Federal Trade Commission guidelines as a violation of the Maine Unfair Trade Practices Act.

Part B amends the host community benefits provisions of the solid waste management laws to clarify that the provisions of that subchapter apply only to solid waste disposal facilities owned or operated by the Maine Waste Management Agency.

Part C clarifies that the imported municipal solid waste fee is assessed on municipal solid waste going to commercial solid waste disposal facilities. Section C-2 clarifies fee payment procedure for waste delivered to solid waste disposal facilities and makes that procedure retroactive to September 30, 1989, the effective date of the laws governing waste disposal fees and contracts under Title 38, chapter 24, subchapter VII.



STATE OF MAINE  
**MAINE WASTE MANAGEMENT AGENCY**  
EXECUTIVE DEPARTMENT

JOHN R. McKERNAN, JR.  
GOVERNOR

SHERRY F. HUBER  
EXECUTIVE DIRECTOR

May 10, 1993

To: Interested Parties  
From: Denise Lord, Director of Planning  
Re: Toxics in Packaging Reduction

Enclosed is the State of Maine's amended rule on the reduction of toxics in packaging. The rule extends the date by which certificates of compliance are due to the Maine Waste Management Agency from April 1, 1993 to September 30, 1993. This extension is necessary to allow for the statutory change removing the requirement to submit certificates to the agency.

LD 1023, an amended copy of which is also enclosed, will remove the requirement to submit certificates of compliance to the agency. Instead, manufacturers will be required to furnish the certificates to their purchasers. This process is consistent with requirements in other states with toxics reduction in packaging laws. LD 1023 has been reported out of committee and I expect it to be enacted this month.

If you have questions, please do not hesitate to call me or Rachel Therrien.

State House Station 154, Augusta, Maine 04333 — *Offices Located at Key Plaza, 286 Water Street*  
Telephone (207) 287-5300

