



AMERIPEN Definitions Feedback for Round 2 Regulations (COMAR 26.04.14.02)

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Below are responses that AMERIPEN – the American Institute for Packaging and the Environment – submitted to the Maryland Department of the Environment (“the Department” or “MDE”) for its request for feedback regarding regulatory definitions for its packaging and paper products extended producer responsibility program (EPR).

- “Majority component”
 - “Majority component” is not used in the Packaging and Paper Products – Producer Responsibility Plans Act (“the Act”) or in the rules adopted so far, so it is unclear how this term will be used. Presuming it is intended for identifying the most significant material type within a multimaterial covered material that has multiple components, the definition should recognize that a single component or material type may not constitute a “majority.”
 - AMERIPEN recommends revising the term to “predominant component” and defining it as, “The covered material type that constitutes the largest share of the total weight of the covered material’s components.”
- “Minimum Compostable or Recyclable List”
 - AMERIPEN recommends defining this term as, “The list developed and amended pursuant to Environment Article § 9-2508, Annotated Code of Maryland.”
- “Waste reduction” or “source reduction”
 - Waste/source reduction under Maryland’s program should consider the full suite of options for preventing disposal of covered materials, rather than being limited to any one method such as packaging elimination or removal. Minnesota’s packaging EPR statute, in part via cross-references, provides some elements that can be used as a foundation and further clarified in Maryland.
 - AMERIPEN recommends defining these terms as follows: “‘Waste reduction’ or ‘source reduction’ means an activity that prevents generation of waste or the inclusion of toxic materials in waste, including:
 - (1) increasing the life span of a product;
 - (2) reducing material or the toxicity of material used in production or packaging;

- (3) changing procurement, consumption, or waste generation habits to result in smaller quantities or lower toxicity of waste generated;
 - (4) transitioning to reuse or refill; or
 - (5) increasing the recyclability of a covered material.”
- “Reimbursement rate”
 - Reimbursement need not be limited to strict payments to a service provider after the provision of covered services, as it could also take the form of other methods such as advance payments and performance incentives.
 - AMERIPEN recommends that the definition of “reimbursement rate” or the related rules allow the Producer Responsibility Organization (PRO) and service providers to agree to other forms of payments beyond after-the-fact reimbursement.
- “Service Provider”
 - Maryland’s statutory definition provides a sufficient definition for this term, but the Department could also look to harmonize by implementing the “service provider” definitions in the packaging EPR laws in Minnesota and Washington if further refinement is necessary.
- “Service Packaging”
 - Maryland’s statutory and regulatory definition of “packaging” has language that can form the basis of a definition of “service packaging”. However, it should also be adapted to reflect that the material is actually (rather than theoretically) used in the service of a product, so as to avoid regulating materials that are sold empty and never used in the retail service of a product.
 - AMERIPEN recommends defining the term accordingly as follows: “‘Service packaging’ means packaging designed, intended to be, and is filled at the point of sale with a product.”
- “Curbside collection” or “On-Site Collection Service”
 - AMERIPEN suggests a definition of these terms as follows: “The scheduled collection of covered materials by a service provider directly from a covered entity, including designated set-out collection or drop-off sites used for routine collection service.”
- Please use this space to suggest any additional terms and associated definitions for Department consideration for regulations **to support Environment Article [§9-2505](#) and [§9-2508](#)**, Annotated Code of Maryland.
 - AMERIPEN recommends that covered material be considered “compostable” or “recyclable” if it is listed on the “Minimum Compostable or Recyclable List” or is managed as part of an approved alternative collection program.

- AMERIPEN recommends that “recycling access” be defined as “The ability to access covered services for recycling through one or more methods, including curbside collection, alternative collection programs, and drop-off collection.”