



March 9, 2026

Maryland Department of the Environment  
Land and Materials Administration  
Bradley Baker, Manager, Resource Management Program  
1800 Washington Blvd., Suite 610  
Baltimore, MD 21230

## Re: Comments on Maryland's Extended Producer Responsibility (EPR) Regulations

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On behalf of the Glass Packaging Institute (GPI), I am pleased to offer the following comments on the Department's draft EPR Regulations.

GPI is the North American trade association for the glass container manufacturers, glass recyclers and suppliers to the industry. Our member companies produce domestic US food and beverage glass containers purchased in grocery stores and retail outlets.

GPI's members include glass container manufacturers and glass recycling facilities across the country, including Maryland. GPI has also spent years advocating for EPR and Deposit Return Systems (DRS).

Glass packaging has a significant presence in the broader mid-Atlantic region. There are several end-markets for glass bottles and jars collected for recycling in three neighboring states: Pennsylvania, Virginia and New Jersey. There is glass New glass processing capacity in Maryland, as well as Pennsylvania and a movement to add processing capacity in Virginia. A properly structured EPR program, alongside a potential future complimentary Deposit Return System for beverage containers would make tremendous progress in reducing landfill disposal of glass and other packaging materials in Maryland

## Comments on Maryland's Draft EPR Regulation

### Definitions

- **Recycling:** GPI appreciates that both *landfilling and alternative daily cover (ADC)* **would not be considered recycling under the regulation.** Landfilling and landfill substitute materials, particularly a recyclable such as glass, should not be provided any incentive for disposal or similar one-time, low value uses. Reclaiming recovered

packaging and working to provide a manufacturing or similar higher-value, circular end market should be the North Star of Maryland's EPR program.

- **De minimis:** GPI would note that using a weight-based tonnage for de minimis works against small businesses that use glass rather than plastic, and recommends a valuation or measure of the amount of product sold, not weight of packaging
- **Drug exemption:** A narrower interpretation of FDA drug categorical exemption should be considered, and not exempt OTC Drugs categorically. Much of the OTC drug packaging is normal plastic, fiber or glass packaging that is completely recyclable and often smaller in scope. Some of this market continues to display recyclability markings and will end up in the recovery stream. When smaller format material does get recycled it often ends up as contamination in the glass stream, and has a cost, and potential end-markets.
- **Independent Producer Plans (IPP):** GPI recommends clarifying that more than one producer be allowed to collaborate on an IPP if they have essentially the same or similar packaging. Later in the section on Alternative Collection programs, there is a notion that multiple producers could go in together, and aligning the IPP definition with this concept would help clarify that a small number of like-situated producers could collaborate on an IPP. Since the agency gets to review and approve IPP, it can limit these to precise situations where warranted without creating competing PROs.
- **Refill/Reuse:** As defined in the proposed regulation, "refill" means the *continued use of a covered material by a consumer through a system that is intentionally designed and marketed for repeated filling of a covered material to reduce demand for new production of the covered material*. GPI would generally agree with this definition but advises that future regulations surrounding refill requirements ensure adequate time is permitted to allow for refill and rewash infrastructure to be established. Glass bottles can be and are currently made in niche markets to required specifications in this area, having a refill life of 20 to 50 reuses per bottle, and can work to support a properly outlined initiative in this space.

### **Covered Material Categories**

While we understand that there may be some minor differences regionally in the commodity value of recovered glass distinguishing by color, it is relatively insignificant when the glass is recovered in single-stream or curbside programs due to the contamination. We are not certain that there is much value in the additional reporting data cost of CMC reporting based on whether the product is clear or has pigment.

### **Registration Requirements and Fees/Timeline**

- **Weight:** GPI recommends asking for more data on producer product than merely the weight of the packaging. Weight or volume of product, value, and units may all yield valuable information on identifying the largest producers. If the only data required is weight-based, it essentially leads to weight-based fees, which has the unintended consequence of rewarding brands that use plastic rather than glass. While weight may play a role in reimbursement of service providers, it is not necessarily the only

measure that should be used to establish producer fees. This is not possible if the other packaging data is not sought or required in the first place.

- **Timing:** Having the date of the initial registration be so soon in 2026 (July 1) is likely to lead to calls for extension or time for the PRO to onboard and ensure that producers comply. In addition, GPI recommends establishing a couple other benchmarks for critical timing issues in the regulation, such as a date for which the service providers should register and when the PRO needs to submit a PRO operating plan in order to have it approved by July 1, 2028.

### **Alternative Collection Program (ACP)**

GPI is also supportive of the development and inclusion of alternative collection programs within the proposed regulation for covered product categories, meeting certain requirements. Under the Maryland law, the ACP definition appears to be necessary to cover existing community drop off programs or rural hub and spoke collection systems as well as closed-loop systems for packaging and products that may otherwise not easily fit into the curbside definition. This may be a viable alternative for specific packaging, including glass jars for food, which would not be part of a future DRS program, or for a subset of producers who wish to collaborate on reuse/refill that needs to pull that material out of curbside programs.

As proposed in the regulation, GPI agrees that approved ACPs should be able to provide and meet year-round, convenient, statewide collection requirements. This includes signage and appropriate information to residents that recyclable collection is available for products and packaging covered within the ACP.

However, GPI recommends reducing the minimum weight collection and management requirement, currently drafted at 50 percent of the weight of covered material sold or distributed in Maryland for the previous calendar year. These programs take time to develop, and such an initial high coverage would discourage programs from taking shape. We recommend no higher than 25 percent of covered material by weight to begin, with future coverage requirements developed over time.

### **Beverage Container Deposit Return System (DRS)**

GPI and its members strongly support the avenue provided in the regulations for a future beverage container deposit program. GPI has advocated for this legislation in previous Maryland legislative sessions, as DRS has proven across a variety of states to effectively recover beverage containers (glass, aluminum, and PET) for readily available recycling markets. In addition, these programs have demonstrated an ability to significantly reduce contamination across single stream (one-bin) collection programs,

critical for Maryland and other states with emerging EPR programs, as that remains the dominant collection method for covered packaging.

### **Other matters not covered in the proposed rules**

There are an array of other matters that are not covered in this initial set of proposed regulations that will bear a great influence on the success of the program and the cost of producer fees by material type that should be addressed, including: eco-modulation, service provider performance metrics, contamination and quality standards. In addition, there are concepts in the legislation supporting circular materials, environmental benefits to the state that should be discussed in regulations.

### **EPR Advisory Council**

Advisory councils for states with EPR programs are an effective way to communicate and facilitate discussion, and ideas for the Producer Responsibility Organization (PRO) to consider. Advisory Councils that pull in additional stakeholders assist in keeping the program balanced and modern, adding further transparency and accountability.

Additionally, the four-year appointment for the council is also key to its current and future success, as it ensures a degree of continuity of discussion and development of ideas, as program elements are reviewed. As an inaugural member of the Advisory Board, I have found the discussions to date very productive, and able to provide a clear path of communication to the PRO as regulations go under review.

Thank you for your consideration of our comments. GPI and its member companies look forward to constructive participation and development of the EPR program in the months and years to come.

Sincerely,



Scott DeFife  
President