Attn: Bradley Baker
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and
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From: David Keeling, Executive Director, Pressurized Cylinder Industry Association

Date: February 4, 2025

RE: Packaging EPR Legislation and Pressurized Cylinders

Thank you for the opportunity to provide feedback as part the ongoing Advisory Council meetings on the development of legislation in Maryland. We are writing to provide feedback on the discussions at the Advisory Council related to producer exemption.

The Pressurized Cylinder Industry Association (PCIA) was incorporated in June 2023 to represent the interests of pressurized cylinder brands and producers in the development of extended producer responsibility legislation. PCIA is made up of leading brands supplying both refillable and non-refillable pressurized cylinders to US consumers, including Cascade Designs, Inc., The Coleman Company Inc., Johnson Outdoors Gear Inc., Manchester Tank, Sterno Group LLC, Worthington Enterprises, YSN Imports, and Zippo. PCIA is collaborating with additional impacted producers to implement a producer responsibility program for cylinders in Connecticut and is actively engaged with a number of other states, including Vermont and California, that are legislating or considering legislating similar programs.

PCIA recommends that pressurized cylinders be excluded from packaging legislation for the following reasons:

1. **Pressurized cylinders (refillable and non-refillable) are not compatible with collection programs designed for other types of residential packaging (e.g., beverage containers, soup cans, plastic film).**

The different considerations for pressurized cylinder collection methods are included in Table 1.

Table 1 – Considerations related to collection, transportation, and processing of pressurized cylinders

	Considerations
Collection	• Cylinders are typically physically segregated from other recyclables at depots or in special publicly accessible containers (e.g., collection bins at parks) • Municipalities typically do not allow residents to place cylinders in curbside collection systems (recycling or garbage)
Transportation	• Health and safety risks exist if cylinders are compacted in a collection vehicle • Additional training, placarding, and inspections are required for transportation of hazardous materials
Processing	• Cylinders pose health and safety risks to workers at material recovery facilities (MRF) particularly in the baling process • MRFs do not have equipment to properly process cylinders (e.g., remove the gas safely and prepare for recycling)
Overarching Impacts	• Unique permitting requirements or specifications for the collection, storage, transportation and processing of pressurized cylinders (e.g., Fire Marshall, Department of Transportation requirements) • Communications with the public become more complex and the public is more likely to be confused if cylinders are included in a broader packaging program. For example, handling requirements are different.

A number of packaging laws in the US have excluded certain packaging for similar reasons (e.g., packaging related to drug prescriptions or pesticides/insecticides). Including producers of cylinders in the same producer responsibility organization (PRO) as producers of packaging for non-hazardous products that can be safely collected through commingled curbside collection adds administrative complexity and reduces the effectiveness and efficiency of both collection systems.

2. **Unlike typical curbside packaging, there is little to no ability to influence the packaging design of pressurized cylinders.**

Pressurized cylinders are Federally regulated by the Department of Transportation (DOT). Title 49 of the Code of Federal Regulations defines hazardous materials, outlines transportation requirements by hazardous material type, and dictates the design of the packaging (e.g., pressurized cylinder) containing the hazardous material, including the cylinder material, wall thickness and strength.

3. **Pressurized cylinders are best managed in programs with dedicated collection, transportation and management systems for hazardous products.**

Pressurized cylinders are typically included in regulations focusing on packaging for hazardous or special products rather than in regulations for packaging of non-hazardous products. By way of example, no Canadian

residential packaging regulation includes pressurized cylinders. Instead, jurisdictions like Ontario[1], Quebec[2], Manitoba[3], Alberta[4], and British Columbia[5] include pressurized cylinders in a regulation for packaging for hazardous or special products. The European Union also excludes pressurized cylinders under their definition of packaging due to the hazmat product designation (i.e., Transportation of Dangerous Goods).[6]

4. **Refillable cylinders already have functional commercial reuse models and exchange systems designed to address these considerations.**

Finally, refillable pressurized cylinders require separate consideration from non-refillable cylinders due to the existence of current commercial solutions for reuse and exchange of these cylinders. The legislation already acknowledges propane exchange systems which have a robust reuse system, achieving high recovery and reuse rates relative to other packaging on the market. It however fails to recognize other gases that have similar robust systems. The inclusion of refillable pressurized cylinders in producer responsibility legislation creates unnecessary regulatory burden for this category of cylinders.

In conclusion, we urge the Advisory Council to apply an exemption for all pressurized cylinders as is done in other jurisdictions.

We look forward to the opportunity to discuss these issues with you and answer any questions you might have.

Sincerely,

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[1] Ontario Government. O. Reg 449/21 - Hazardous and Special Products, 2021. Available at https://www.ontario.ca/laws/regulation/r21449.
[2] Quebec Government. O.C.C 933-2022 – Recovery and reclamation of products by enterprises – Amendment. Available at http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=1&file=105769.pdf.
[3] Manitoba Government. Household Hazardous Material and Prescribed Material Stewardship Regulation, 2010. Available at https://web2.gov.mb.ca/laws/regs/annual/2010/016.pdf.
[4] Alberta Government. Extended Producer Responsibility (EPR) for Packaging, Paper Products, Single-Use Plastics, as well as Hazardous and Special Products, 2021. Available at https://www.alberta.ca/circular-plastics-economy-engagement.aspx.
[5] British Columbia Government. Advancing Recycling in B.C.: Extended Producer Responsibility Five-Year Action Plan 2021-2026. Available at https://www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/recycle/extended_producer_five_year_action_plan.pdf
[6] European Union Regulation 2025/40 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive 2019/904 and repealing Directive 94/62/EC. Available at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202500040.