



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

**TESTIMONY OF**  
**MELANIE LOYZIM, COMMISSIONER**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**SPEAKING IN SUPPORT OF**  
**L.D. 206 “AN ACT TO MAKE SUPPLEMENTAL APPROPRIATIONS AND**  
**ALLOCATIONS FROM THE GENERAL FUND AND OTHER FUNDS FOR THE**  
**EXPENDITURES OF STATE GOVERNMENT AND TO CHANGE CERTAIN**  
**PROVISIONS OF THE LAW NECESSARY TO THE PROPER OPERATIONS OF**  
**STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2023”**  
**SPONSORED BY REP. SACHS**  
**BEFORE THE JOINT STANDING COMMITTEE ON APPROPRIATIONS AND**  
**FINANCIAL AFFAIRS**  
**AND THE JOINT STANDING COMMITTEE ON ENVIRONMENTAL AND NATURAL**  
**RESOURCES**

**HEARING DATE:**  
**JANUARY 25, 2023**

Senators Rotundo and Brenner, Representatives Sachs and Gramlich, and members of the Joint Standing Committees on Appropriations and Financial Affairs and Environment and Natural Resources, I am Melanie Loyzim, Commissioner of the Department of Environmental Protection (DEP), providing this testimony *in support of* DEP-related items in the Governor’s FY23 Supplemental Budget proposal.

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DEP proposes 1 new initiative in the FY23 supplemental budget, found on Page A-20 of the budget document. This initiative provides \$10,000 in one-time funding to support product sampling for the Maine Reduction of Toxics in Packaging program.

The Reduction of Toxics in Packaging law directly prohibits the sale of packaging containing certain heavy metals above specific concentrations, and food packaging containing intentionally added phthalates in any amount greater than an incidental presence (32 M.R.S. §1733). No funding or staff have been appropriated for implementation of this law. In 2022, the Department received complaints that 14 products purchased in Maine grocery stores contained phthalates. The Department investigated these complaints and received reassurances from the product manufacturers that phthalates would be removed from any products sold in Maine in the future. The Department received a subsequent complaint that the complainant had obtained new analytical results showing phthalates continued to be present in some of the products. In order to pursue formal enforcement for noncompliance based on laboratory analytical results, the Department must obtain samples with a controlled chain of custody, and must utilize an accredited laboratory if one is available.

Analytical costs for solid samples vary depending on the complexity of the analytical method, and may range roughly from \$100 to \$500. The Department does not anticipate needing to sample frequently, and estimates that a one-time All Other appropriation of \$10,000 should be sufficient to cover investigatory costs for at least several years. If additional funds are needed in the future, the Department will address that with the Legislature when such future costs can be more specifically predicted.

Thank you for the opportunity to provide this overview of the Department's supplemental budget request, and I welcome any questions you may have.