

**Joint Committee on Environment and Natural Resources**  
**TESTIMONY IN SUPPORT**  
**As amended by Representative Gramlich**  
**LD 295 An Act to Ensure Accurate Recyclability Labeling for Plastic Containers and Plastic Packaging Material**  
**Public Hearing**  
**Jacquelyn Elliott | January 24, 2024**

Honorable Senator Brenner, Chair; Honorable Representative Gramlich, Chair; and Honorable Committee Members:

Thank you for the opportunity to provide testimony **IN SUPPORT of LD 295 as amended**. My name is Jacquelyn Elliott and I live in Waterboro. I am a longtime environmental health and justice advocate for waste policy that is sustainable; protects public health and preserves the environment and resources; empowers communities in decision making; and upholds justice for those who bear the greatest impacts of policy choices.

This past summer, I was able to attend the stakeholder meetings held by the Department of Environmental Protection (DEP) seeking input as they prepared to update the Materials Management Plan (MMP). The [plan](#)<sup>1</sup> was recently reported to the Committee. What was conveyed, was that amounts of waste being disposed have increased and recycling rates have declined. Various factors contribute to those outcomes.

Studies show that 46% of plastic ends up in a landfill and plastic contributes to 85% of the waste in our oceans. Regrettably, only about 9% of plastic is recycled. Plastic is [toxic](#)<sup>2</sup> from its extraction, production, use and disposal and linked to serious health outcomes such as endocrine disruption, reproductive damage, and increases of certain cancers.

One of the issues raised at the DEP summer meetings was the **deception involved with recycling symbols and labels**. Consumers put items marked with the chasing arrow symbols in the recycling bin [assuming](#)<sup>3</sup> they are doing the responsible thing. Those involved with the processing and marketing end of the recycling system, deal with the realities of the ruse and our municipalities incur ever-increasing financial costs. The eventual outcome is the world is being inundated with plastic waste that is showing up as micro and nano particles in the cells of living creatures and clogging the planet's ecosystems.

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<sup>1</sup> January 2024, Maine Materials Management Plan:

<https://www.maine.gov/tools/whatsnew/attach.php?id=12222463&an=1>

<sup>2</sup> Center for International Environmental Law, *Plastic and Human Health: A Lifecycle Approach to Plastic Pollution*: <https://www.ciel.org/project-update/plastic-and-human-health-a-lifecycle-approach-to-plastic-pollution/>

<sup>3</sup> Brock, Joe; Volcovici, Valerie; Geddie, John, July 29, 2021, Reuters Special Report, *The Recycling Myth: Big Oil's solution for plastic waste lettered with failure*: <https://www.reuters.com/article/idUSKBN2EZ1EE/>

**LD 295 would address the chasing arrow deception** and would prohibit manufacturers from labeling containers and packaging as recyclable that cannot actually be recycled. Recyclability would be defined as a material that is actively recycled in Maine. The chasing arrow symbol would identify only materials recycled in Maine at least 75% of the time.

Most plastic is produced for unnecessary packaging. Maine is leading in addressing excessive packaging and incentivizing producers and users to bear the costs for the life cycle of the materials they employ. Our Extended Producer Responsibility law (EPR) is being viewed as a model. Importantly, the updated MMP identifies several waste characterization studies DEP is undertaking to better understand the waste streams in the state. Maine cannot plan for effective materials management without appropriate data to qualify and quantify what is needed. Making that data accessible and understandable for the public is pivotal and LD 295 addresses that.

LD 295 would require that data be gathered to identify what materials are being recycled in the state and information about the facilities that do the processing. The result will assure the chasing arrow symbol will be associated with containers and packaging materials that consumers can rely on to be collected and sorted for recycling. Vitally significant is the requirement that materials considered recyclable, will not contain intentionally added metals or chemicals of concern as identified by DEP. LD 295 would provide constructive policy steps that protect the public health and environment, and contribute to improved sustainability for the way resources are managed in Maine.

Thank you for considering my comments and I ask the Committee to vote **LD 295 Ought To Pass as amended by Representative Gramlich.**

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