LD 231 An Act to Update the Solid Waste Management Hierarchy
Testimony IN OPPOSITION
Joint Committee on Environment and Natural Resources
Public Hearing
Submitted by | Jacquelyn Elliott
March 17, 2025

Chair Senator Tepler; Chair Representative Doudera; and Honorable Committee Members:

Thank you for the opportunity to submit comments **IN OPPOSITION** to **LD 231** to amend 38 MRSA §2101, sub-§1, as amended by PL 2007, c. 583, §7. The **priorities of the State Waste Hierarchy** are: **Reduce. Reuse. Recycle. Compost. Processing and Beneficial Reuse. Waste-to-Energy Incineration. Landfill**. **LD 231 would impede fulfilling the State's materials management goals and work counter to efforts to reduce waste that requires disposal.**

> ***"We need to shift the whole focus to valuing what we have, perhaps more importantly, valuing what is possible. Waste is nothing but the loss and abandonment of what we value."*** John Tuthill, long-time advocate and activist

My name is Jackie Elliott and I live in Waterboro. For multiple decades I have been engaged as an environmental health and justice advocate with the primary focus of developing waste policy protective of public health and the environment; and that promotes environmental justice for communities impacted by waste processing and disposal facilities. **Waste is a verb. It is something we choose to do. We can make better choices.**

Framing the Incineration Issue:

Waste incineration is an industry in decline[1]. Prioritizing incineration above other more sustainable methods of materials management represents a back-end, 19th -century approach to a 21st -century problem. A **foresighted focus on the front end of policy would supply incentives and regulations that reduce the quantity and toxicity of**

[1] May 2019, U.S. Municipal Solid Waste Incinerators: An Industry in Decline: https://grist.org/wp-content/uploads/2020/07/1ad71-cr_gaiareportfinal_05.21.pdf

waste generated – a **goal required under Maine's** waste management **law**. The Waste Hierarchy is a **legally binding principle** for the State's solid waste management decisions, that includes the implementation of laws and issuance of permits. Applications for new or expanding facilities must demonstrate that their waste management practices promote the solid waste hierarchy.

Incineration remains near the bottom of the hierarchy because it is **one of the most polluting waste management methods. Changing the order of Maine's waste hierarchy is counter to good policy**. Incinerators are expensive to build and operate and must rely on availability of public monies. Revenues from long-term, guaranteed-tonnage tipping fee contracts with municipalities and over-priced energy sales represent a large portion of incinerator revenues. Policy makers are lobbied for access to tax credits, subsidies, power purchase agreements, renewable energy credits, and loan assistance[2].

> **"Incinerators are expensive to operate and maintain and the industry's performance is highly dependent on […] local and state government investment[3]. Incinerators are risky investments for cities, highly capital-intensive, and the most expensive form of garbage disposal. In order to raise the capital needed to build a new facility[4], […] companies often require assistance from government through various subsidies (companies typically qualify for some of these subsidies by being designated as 'electricity-generating' facilities) including access to low or no-cost municipal bonds[5]."**
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> May 2019, U.S. Municipal Solid Waste Incinerators: An Industry in Decline: https://grist.org/wp-content/uploads/2020/07/1ad71-cr_gaiareportfinal_05.21.pdf

The limited view of **whether to burn or bury, are false[6] choices. Incineration competes directly for resources and materials that should be recycled, like paper, plastics, and tires** which are incinerated because they provide the needed fuel to

[2] Dick Lindsay, "Covanta Will Continue Operating for at Least 4 More Years," *The Berkshire Eagle*, October 12, 2016 https://www.no-burn.org/wp-content/uploads/2021/03/CR_GaiaReportFinal_05.21-1.pdf
[3] IBIS World, "Waste-to-Energy Plant Operation in the US. Industry Market Research Reports, Trends, Statistics, Data, Forecasts."
[4] Donahue, *Waste Incineration: A Dirty Secret in How States Define Renewable Energy*, 13.
[5] Heather Rogers, *Gone Tomorrow: The Hidden Life of Garbage,* (New York, New York: The New Press, 2005), 158-166.
[6] July 31, 2023, Kevin Budris, *The False Choices Standing In the Way of Zero Waste*: https://just-zero.org/our-stories/explainer/false-choice-in-the-way-of-zero-waste/

produce energy. In the instance of the shuttered **PERC incinerator in Orrington, imported plastic[7] was utilized to fuel the waste-to-energy operation**. Putting Maine in the position to be a target for imported waste, whether for incineration or landfill disposal, assaults the rights of Maine citizens to breathe clean air, drink clean water and live safely in their communities. **Maine's waste disposal facilities as currently permitted and regulated do not protect public health and allow degradation of the environment**. **Moving waste incineration up the waste hierarchy would perpetuate those undesired outcomes**.

Incineration is dangerously polluting and wasteful[8]. Pollution from waste incineration is variable[9] and depends on the composition of the waste. Toxic **materials** contained **in the incinerated waste are immediately available as polluting releases**. **Waste** that is **not toxic creates toxics** from the incineration process and are also released. Incineration produces acid gases, NOx, SO2, CO, and GHG including CO2. Many toxics from waste incineration **bioaccumulate; contaminate food supplies; build up in the environment; and are found in human bodies, fish, and wildlife.**

Waste incineration creates dioxins[10] and furans – some of the most toxic chemicals yet identified and injurious to human health in miniscule amounts. Impacts include cancer, as well as immune, endocrine, and reproductive system disruption. They injure unborn children and interfere with childhood development. **Incinerator pollution contains toxic metals such as mercury and lead, cadmium, chromium, and nickel.** There is **no safe level for lead[11] exposure especially for children.** These toxics are 'forever chemicals' and exposures are **lifetime exposures because the body cannot break them down and dispel them easily**. Toxics[12] from waste incineration are **readily available to body systems because they are attached to air pollution particles** that **cross the cell**

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[7] December 16, 2020, Sam Rogers, *Trash from Northern Ireland will continue to wash up on our shores for weeks*: https://www.newscentermaine.com/article/life/trash-from-northern-ireland-will-continue-to-wash-up-on-maines-shores-after-plastic-was-dumped-into-the-penobscot-bay/97-6428a5e3-2475-45fb-a7ac-bdd941e12265

[8] Institute for Local Self-Reliance, *Transitioning from Waste Incineration Towards Zero Waste in Montgomery County, Maryland,* (Washington, D.C.: Institute of Local Self-Reliance, 2018). (pp.37) https://www.no-burn.org/wp-content/uploads/2021/03/CR_GaiaReportFinal_05.21-1.pdf

[9] https://www.no-burn.org/wp-content/uploads/2021/03/CR_GaiaReportFinal_05.21-1.pdf , https://www.nrdc.org/experts/daniel-rosenberg/burned-why-waste-incineration-harmful

[10] https://archive.epa.gov/epawaste/hazard/wastemin/web/pdf/dioxfura.pdf

[11] https://www.cdc.gov/lead-prevention/php/news-features/updates-blood-lead-reference-value.html

[12] https://www.healthandenvironment.org/webinars/96654

barrier to organs and the blood stream. They **affect the fetus** in the womb **at nearly the same levels as found in the mother**.

> **In 2014 EcoMaine was cited among the Dirty Dozen trash incinerators for lead emissions**. **EcoMaine is located in an Environmental Justice community.**
> https://www.no-burn.org/wp-content/uploads/2021/03/CR_GaiaReportFinal_05.21-1.pdf

The **ash [13]product** created with incineration **contains concentrated levels of the toxics produced in the incineration process** and must then be landfilled. The **ash particles make the toxics more available to the environment**. **Incineration does not avoid landfilling**. **Incinerators actually contribute to the problems associated with landfilling and add to the toxicity of landfill outcomes***.*

BURNING TRASH IS NOT GOOD WASTE POLICY OR GOOD ENERGY POLICY FOR MAINE:

Maine has taken important steps to work from the front end to reduce the waste stream with Extended Producer Responsibility which puts responsibility for the costs of disposal onto producers of packaging and goods. Banning single-use plastic bags and a robust bottle bill are vital pieces of good materials management. **Planning and programs that further reduction, refill, reuse, repair, repurposing, recycling, and composting should be given precedence**.

Buildout of infrastructure to accomplish those goals must be supported with planning and investment and include assistance for communities to more sustainably manage materials and resources. Source separating waste streams and **removing organics from disposal, would conserve disposal assets**. Maine Department of Environmental Protection's own numbers account that **organics[14] comprised 40% of the waste stream in 2024**. **Maine needs to join regional neighbors and pass a strong organics bill to address this missed opportunity to better utilize valuable resources and conserve disposal capacity**.

Maine's motto is DIRIGO – I LEAD. The state is setting goals for clean, renewable energy to address climate disruption. **Incineration is inefficient and produces some of**

[13] https://www.wildernesscommittee.org/incinerator_ash_concerns
[14] Food Loss and Waste Generation Study: https://www.maine.gov/dep/waste/publications/documents/ME%20DEP%20Food%20Loss%20and%20Waste%20Generation%20Study_RRS_4.1.29.pdf

the most expensive and dirty energy where valuable resources are turned into toxic smoke and ash. Studies demonstrate **incinerators emit more greenhouse gases per unit of energy than coal-fired plants and waste**[15] more **energy** than would be saved if the same resources were recycled or composted.

A Better Choice:

> *"Zero waste is a philosophy and a design principle for the 21st Century; it is not simply about putting an end to landfilling. Aiming for zero waste is not an end-of-pipe solution. That is why it heralds fundamental change. Aiming for zero waste means designing products and packaging with reuse and recycling in mind. It means **ending subsidies for wasting**. It means **closing the gap between landfill prices and their true costs**. It means making **manufacturers take responsibility for the entire lifecycle of their products and packaging**. Zero waste efforts, just like recycling efforts before, will change the face of solid waste management in the future. **Instead of managing wastes, we will manage resources and strive to eliminate waste**."* (emphasis added) Institute for Local Self Reliance (Washington, DC)

Thank you for considering my comments. I ask that the Committee vote unanimously **OUGHT NOT TO PASS on LD 231.**

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[15] https://energyjustice.net/incineration/factsheet.pdf