



Testimony of Jules Bailey Against LD 1721

“An Act to Amend the Laws Governing Commingling of Beverage Containers”

April 22, 2025

Senator Tepler, Representative Doudera, and distinguished members of the Joint Standing Committee on Environment and Natural Resources, my name is Jules Bailey. For background, I served in the Oregon legislature from January 2009 – May 2014, and served as Chair of the House Energy and Environment Committee. I also served as CEO of the Oregon Beverage Recycling Cooperative, which started the nation’s first modern reuse program, before joining the team at CLYNK as the Chief Strategy Officer.

CLYNK is a circularity solutions provider with active and successful bag-drop redemption operations in Maine since 2005. We process about 25% of the containers redeemed in Maine, using our network of 50+ bag-drop stations and two centralized processing facilities in Biddeford and Oakland. We employ over 110 people in Maine.

While we are here today to testify against LD 1721, I want to take a moment to thank Representative Hepler for her past and ongoing work on Maine’s bottle bill and the members of this Committee for its dedication to advancing the program. We have some specific concerns about the language contained in this bill.

In subsection 6, the obligation to preserve container value, integrating refillable containers into the recycling stream is essential, but the wording must be clear. Rather than setting an unclear standard that refillable bottles must not be broken, which is both vague and unenforceable, we suggest using the phrase “commercial best efforts to ensure the container can be reused.” Even refillable containers aren’t meant to be used indefinitely, and they do degrade over time for many reasons beyond handling at the redemption center. Damage will occur between the consumer and the processor, and they will eventually “break” or be damaged.

We are unclear how the State of Maine will determine the cause of the damage. There will always be some number of refillable containers that arrive broken and will be rejected; there isn’t a process in place or capacity in the system to determine when that damage occurs. Therefore, assigning costs in the system seems premature and unnecessary as a statute change. It is not fair to make CLYNK financially responsible for the end of life of refillable beverage containers. Creating the legal standard of “commercial best efforts”, a common industry term, allows the state to effectively audit the processes CLYNK uses to preserve container value, without tying it to an arbitrary outcome of container breakage.

The second item that poses even greater challenges in the system is under subsection 2, commingling of like materials. The production of colored plastics, high-density polyethylene, and polyethylene terephthalate, often called HDP or PET, is truly an upstream issue. This means that the decision to manufacture and use colored plastic bottles is in the hands of the companies that

produce the beverages. You might be familiar with Coca-Cola's decision to move from a green Sprite bottle to a clear one to address this issue.

In LD 1909, the bill resulted in additional commingling, reducing the sorts to eliminate additional expense in the system. This new language in subsection 2 will create additional sorts and, for CLYNK, add significant costs to processing. To separate PET by color, we will need additional equipment and lines of operation to process and bale plastics. Not only will this require hundreds of thousands of dollars of new equipment, we will also need to completely reconfigure our plants, and likely move them to new facilities. It will delay sorting and processing for redemption and increase the space required to store containers before processing and after baling.

Such sorting is not necessary. While there isn't a specific market for evaluating the value of plastics, Plastic Recycling Corporation of California examined this issue. For perspective, PRCC has sold 4,241,822,324 pounds of baled PET since 1995. While they don't require separation by color, they developed a recommendation on the quality of bales to reduce rejection and maintain value, including that colored containers should not exceed 15% of the bale. Modern wash and flake recycling facilities are already set up to color sort, so sorting at the point of redemption is redundant. We recommend eliminating the changes in this section of the proposed bill and addressing the processing of color HDP or PET with stakeholders through discussion and rules. Ideally, this would be solved through a broader discussion on the upstream process.

I want to thank the committee members for listening to our concerns about specific language in the bill and I am happy to answer any questions.