

## **Testimony of Lani Graham, MD, MPH**

### **In Opposition to LD 1423**

### **An Act to Improve Recycling by Updating the Stewardship Program for Packaging Presented by Senator Baldacci**

**Before the Environment and Natural Resources Committee, April 23, 2025**

Senator Tepler, Representative Doudera and Members of the Environment and Natural Resources Committee, my name is Lani Graham I am a former Chief Public health Officer for Maine, and I live in Freeport. As a physician and public health expert, I am in opposition to this bill because it undermines years of careful work by Mainers, allows large corporations to continue to take advantage of the Maine taxpayer and Maine communities for disposal responsibilities, and weakens the health provisions in the current law.

Of course, it is standard operating procedure that corporations and companies that profit by doing business in a certain way, never stop objecting to any suggested interference with a successful profit generating system. There are so many examples that you don't have time to hear them—tobacco use, lead in gasoline, asbestos, and the most recent one that Maine has had with Per and Polyfluoroalkyl Substances (PFAS). These were all tragedies addressed after a great deal of harm had been done. Nevertheless, companies fought change every step of the way, underplaying or denying impacts. While it may be totally understandable for corporations to protect the “bottom line”, it is the job of the government to balance those needs with the needs of citizens who often don't have the money or time to advocate at the level of corporations and businesses.

In 2021 Maine tried to take a more preventive and fair approach to the packaging materials coming into our state. And now, at the 11<sup>th</sup> hour, after all the hours of thought and compromise that went into the original bill, followed by lengthy rulemaking, a coalition of businesses comes forward with LD 1423 which effectively undermines the hard work done by this committee as well as by Maine people and communities, taking us back to “square one” by eliminating producer responsibility for huge chunks of waste material as well as pushing off responsibility for toxicity of products. LD 1423 should have been expected, but once again, I personally did not see the obvious coming. As you may have noticed, there is a lot going on at the federal level. It's easy to get distracted, which is a great time to protect profit at the state level regardless of costs to people or communities.

As a physician, I want to put the spotlight briefly on health. The current bill pays some modest attention to the responsibility that producers of products should have for the potential health impacts on people and the environment. But this bill proposes a new definition of “toxicity”. A Substance that enters humans or the environment, where it may later cause a health problem, is either toxic or it is not. Intention does not change toxicity. The current law is quite conservative for the companies that produce packaging which may find its way into our bodies or our environment. Since only about 1% of chemicals are

tested for health effects before being incorporated into products used every day, when concerns are raised, it's time to pay attention.<sup>1</sup> The current bill specifies the categories of chemicals to be considered. These chemicals are already under serious review for toxic effects. It is not too much to expect that producers would be aware and remove these chemicals from packaging and certainly not add any chemicals or metals to these products.

I will leave it to others to point out the many other flaws of this complex bill, which does not "update" the current law, but instead delays and undermines it by shifting just about everything adverse from corporations to Maine people.

I hope you will unanimously reject LD 1423. Thank you for your attention.

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<sup>1</sup> <https://ballardbrief.byu.edu/issue-briefs/exposure-to-toxic-chemicals-in-consumer-products-in-the-united-states#:~:text=Of%20the%2084%2C000%20chemicals%20in,due%20to%20the%20fragrance%20loophole.>