

Testimony in Favor of LD 1423

An Act to Improve Recycling by Updating the Stewardship Program for Packaging

To members of the Environment and Natural Resources Committee

April 23, 2025

Good Day Chair Tepler and members of the Environment and Natural Resources Committee. My name is David Barber with Tyson Foods in Portland. I am here in support of LD 1423 with the caveat that it does not go far enough for meat and poultry suppliers to the state.

LD 1423 does not give appropriate deference to the heavily federally regulated area of packaging for food safety. Tyson uses the best food contact packaging available while also striving for recyclability in all of our packaging. We have a team of packaging engineers in AR that focus on food safety, shelf-life promotion, cost and what is good for the environment. New packaging can take years to get approved by FDA to make it into our manufacturing process. In light of the uniquely regulated aspects of our packaging, as well as the inflationary impacts of this bill, we respectfully request an exemption for food contact packaging for poultry and meat. A variation of this exclusion already exists in the bill but arguably does not cover all meat and poultry products and is only available for small manufacturers and blueberries. I would submit that the varied food items we prepare have special packaging considerations and will drive much more inflation than current exemptions.

Another need for this exemption is the multiplier in Maine's formula. Over time, this multiplier keeps driving up the cost of selling products into the state. In industries like food, there may not be readily available, regulatory approved safe packaging alternatives. In that situation, the formula, outlined in rule, would drive dramatic cost increases to those providing food to our state.

We are appreciative of the fact that LD 1423 corrects the double taxing of manufacturers in the state by defining consumers as end-user consumers and not industrial and commercial operations. Failing to include this critical distinction would have been potentially devastating to Maine businesses and the products they produce and ship to other businesses in the state.

Lastly, we believe consistency across states is critical. Tyson and most food companies sell in all states and a patchwork of products and rates is not helpful. Regardless of the state in which it is located, a single production plant does not manufacture product for just

that one state. The American food production system is a highly-evolved framework in which production plants are capable of making products that can be shipped all across the country and the supply chains associated with these plants are managed to ensure maximum resiliency, ensuring that wholesome and nutritious food gets to consumers everywhere--from Maine to California and every state in between. This supply chain must remain agile so that delivery of food products can be quickly adjusted and shifted among states in times of shocks, shortages, and disruptions. Managing that system on a state-by-state basis that includes varying definitions, exemptions, fee structures, and prohibited packaging for EPR, makes the American food system less resistant to shocks and disruptions. We encourage the working group to work with other states to adopt consistent rules and rates.

Thank you for your time.