



**Testimony of the Maine Organic Farmers and Gardeners Association
in Opposition to
LD 1423 - *An Act to Improve Recycling by Updating the Stewardship Program for Packaging***

April 23, 2025

Good afternoon Senator Tepler, Representative Doudera, and members of the Environment and Natural Resources Committee. My name is Heather Spalding and I'm deputy director of the Maine Organic Farmers and Gardeners Association (MOFGA). A broad-based community, MOFGA is transforming our food system by supporting farmers, empowering people to feed their communities, and advocating for an organic future. MOFGA certifies 537 organic farms and processing operations representing more than \$120 million in sales. We're working hard to create opportunities for Maine's next generation of farmers. Each of these farmers is a Maine businessperson for whom economic health and environmental health are interdependent. While MOFGA envisions a future of healthy ecosystems, communities, people, and economies sustained by the practices of organic agriculture, we attribute our success to collaboration and outreach to growers across the management spectrum. MOFGA also is a member of Maine's Environmental Priorities Coalition. We appreciate the opportunity to testify in opposition to LD 1423 - *An Act to Improve Recycling by Updating the Stewardship Program for Packaging*.

This bill seeks to dramatically weaken Maine's landmark extended producer responsibility (EPR) packaging program by creating broad exemptions for product sectors and changing the definition of "toxicity" for purposes of the program. Maine's EPR program sets the bar high for packaging stewardship but it does so with great stakeholder involvement, research, discussion and planning over many years. EPR promotes reusability, recyclability and compostability of packaging and shifts packaging recovery costs from taxpayers to manufacturers. LD 1423 would dramatically reduce incentives for manufacturers to improve sustainability in packaging and would increase waste management costs for municipalities. Maine needs to hold steady with its EPR law and implement it as envisioned so that municipalities will receive the reimbursements they were promised and for which they are planning.

We oppose stripping out the reference to chemicals of concern or chemicals of high concern. Maine's EPR law doesn't ban contaminants, it simply incentivizes manufacturers to use safer materials.

One proposed exemption from the law is packaging used for products regulated by the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The pesticides industry should take responsibility for the products and associated packaging that is contributing to contamination of our water, soil, wildlife and our bodies. Maine spends a lot of money in efforts to collect and dispose of pesticide containers through the Board of Pesticides Control (BPC). Restricted-use pesticide containers are subject to a deposit but general-use pesticide containers often are burned on-site or sent to landfills or incinerators. To address the dangerous disposal of pesticide containers contaminated with agrichemicals, the BPC started a voluntary program in coordination with the Ag Container Recycling Council (ACRC, a national organization) and local municipalities to collect plastic containers and process them into "new non-consumer products, where chemical purity is not a priority, such as drainage tiles, railroad ties, pallets, fence posts, and speed bumps."¹ It is impossible to know the overall recovery rate of pesticide containers used in Maine because we do not have comprehensive pesticide sales and use data.

¹ Maine Board of Pesticides Control. Pesticide container recycling.
https://www.maine.gov/dacf/php/pesticides/applicators/pesticide_container.shtml



However, through the BPC's collection program, Maine has recycled an average of 35,000 pounds of #2 plastic annually since 2001."² Manufacturers of pesticide containers should work with the pesticides industry to ensure recovery of agrichemical packaging and prevent it from further contaminating the environment.

We also would like to caution against the exemption of molded fiber packaging. As you may know, MOFGA hosts the annual Common Ground Country Fair in Unity each September. We serve local, organic food to nearly 70,000 fairgoers over the course of three days and we strive for a zero-garbage event. We compost food waste along with manure and wood shavings from the livestock barns. We have required compostable dinnerware from our food vendors and, after discovering that the compostable dinnerware was contributing PFAS to our windrows, we had to tighten our guidelines to ensure that dinnerware was manufactured without the use of PFAS. We successfully removed PFAS from our compost. Until we can ensure that molded fiber is free of persistent, toxic and bioaccumulative chemicals, we should not be composting it.

We appreciate the huge efforts that this committee, Maine's Department of Environmental Protection, municipalities and advocates across the state have made to establish Maine's landmark EPR program and we hope you will uphold the integrity of the program and ensure its continued and swift implementation.

² Ibid.