

131st Legislature
Senate of
Maine
Senate District 29

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Testimony of Senator Anne Carney introducing

LD 1660: An Act to Provide That Advanced Recycling Facilities Are Subject to Solid Waste Regulation and That Advanced Recycling Does Not Constitute Recycling

before the Joint Standing Committee on Environment and Natural Resources
May 8, 2023

Senator Brenner, Representative Gramlich and esteemed members of the Committee on Environment and Natural Resources, I am Anne Carney, representing Senate District 29. I am pleased to be with you today to introduce LD 1660: An Act to Provide That Advanced Recycling Facilities Are Subject to Solid Waste Regulation and That Advanced Recycling Does Not Constitute Recycling.

Plastic is virtually unavoidable in the modern world. Try as we might, it is a challenge even to purchase food without some type of plastic container, wrap or fastener. Most of it ends up as waste. We generate an estimated 242 million metric tons of plastic waste in the US every year, and only 5% of this plastic waste is recycled annually.¹ The remaining 95% is incinerated, landfilled, or ends up in the environment.²

As public concern over plastic continues to grow, the Maine Legislature has passed laws to reduce unnecessary forms of plastic waste, like single-use plastic bags; promoting recycling of beverage containers; and strengthening Maine's recycling programs. Mainers are rightfully proud of our steps to reduce plastic waste, and we should protect this progress.

In the last few years, a new threat to our environment related to plastic has emerged. Companies are promoting an unproven technology called “chemical” or “advanced” recycling. These companies claim – without any significant evidence – that “chemical” or “advanced” recycling will help address our plastic waste crisis.

For example, a company called Brightmark operates a facility in Indiana which they claim recycles plastic waste. But 70% of the output from this facility is plastic-derived “syngas,” which

¹ Laura Sullivan, Recycling Plastic is Practically Impossible – And the Problem is Getting Worse, NPR. (Oct. 24, 2022). Available at

² *Id.*

Brightmark burns onsite.³ Another 20% of the output is liquid fuel, which Brightmark ships to be burned offsite.⁴ The remaining 10% is a “powdery residue,” which Brightmark landfills.⁵ This same company sought to build similar facility in Georgia, and was required to demonstrate that its existing facilities and technologies actually resulted in plastic being recycled into new products.⁶ The company could not make the demonstration and subsequently the project was not built.⁷

Burning plastics – either directly or indirectly through conversion into a fuel – does not constitute recycling according to Maine, national and international law.⁸

Companies promoting “chemical” or “advanced” recycling are lobbying state legislatures to pass laws that deregulate this technology to avoid government oversight, accountability and regulation. See Attachment 1 for a summary of the harm caused by legislation classifying these processes as recycling, and Attachment 2 for a chart summarizing the impact of “chemical” or “advanced” recycling legislation on waste management oversight in states where it has been enacted.

In essence, the concerning legislation classifies “chemical” or “advanced” recycling facilities as manufacturing facilities, even though virtually all plastic waste processed at these facilities is turned into gases, chemicals, tars, oils, and toxic waste that is subsequently burned. This process is both expensive and energy intensive.⁹ The end result is to exempt these facilities from state solid waste management laws and regulations. It allows facilities to evade the public permitting process, siting restrictions, reporting requirements, and operating conditions that apply to all solid waste facilities.

LD 1660 will protect Maine from this type of harmful legislation by reinforcing Maine’s solid waste hierarchy and accurately reflecting that this process and these facilities are not recycling.

Turning specifically to the bill, LD 1660 amends Maine’s solid waste laws to accurately reflect that this ‘advanced recycling’ process is processing and disposing solid waste and will ensure that our solid waste laws and regulations will apply to a proposal to develop one of these facilities in Maine. It does so by adding definitions of terms and processes typically used by “chemical” and “advanced” recycling facilities to the Waste Management and Solid Waste Management and Recycling chapters of Title 38 (chapters 13 and 24).

³ See, Brightmark Response to Draft Survey for Pyrolysis and Gasification Units, p. 17. (Dec. 23, 2021).

⁴ *Id.*

⁵ *Id.*

⁶ DeAnne Toto, Brightmark Scraps Plans for Georgia Plant, *Recycling Today*. (Apr. 12, 2022).

⁷ *Id.*

⁸ See 38 MRS 1303-C(22), EPA’s 1997 Measuring Recycling: A Guide for State and Local Governments and European Union, Directive of the European Parliament on Waste and Repealing Certain Directives, Pub. L. No. Article 3(17).

⁹ Andrew Rollinson & Jumoke Oladejo, Chemical Recycling: Status, Sustainability, and Environmental Impacts, p. 23–27 (2020).

This bill will not prohibit a company from proposing a facility in the state. However, it makes clear that if a facility is proposed, the facility will be regulated like all other waste facilities and therefore be subject to the requirements we have created to protect Maine residents and our environment from harm due to improper waste management. I urge you to continue Maine's tradition of responsible waste management. Our laws and regulations ensure that the waste we produce, and the facilities that manage it, are designed, sited, developed, and operated in a way that limits any harm to our communities and our shared environment.

I will conclude with a suggestion that the committee consider carrying over LD 1660, to allow the committee to continue focusing on PFAS and allow more time to address this important issue in the second session.

Thank you for your thoughtfulness and attention today. I am happy to answer any questions you may have.



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