



# Natural Resources Council of Maine

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**Testimony in Support of LD 1660,  
An Act To Provide that Advanced Recycling Facilities are Subject to Solid Waste  
Regulation and That Advanced Recycling Does Not Constitute Recycling**  
*Sarah Nichols, Sustainable Maine Director, May 8, 2023*

Senator Brenner, Representative Gramlich, and members of the Joint Standing Committee on Environment and Natural Resources, my name is Sarah Nichols, and I am the Sustainable Maine Director for the Natural Resources Council of Maine (NRCM). I appreciate this opportunity to testify in support LD 1660.

It is a priority for NRCM to protect the integrity of Maine's Solid Waste Management Hierarchy,<sup>1</sup> and we take a systemic, forward-thinking approach in the work that we do. We believe that it's important for Maine's lawmakers to send a clear message that the State does not place so-called "advanced recycling" technologies on the same rung of the hierarchy as actual recycling. Recycling happens when a discarded material is used as a raw input into a new product or package and thereby conserves our finite natural resources for the future. However, "advanced recycling" processes like pyrolysis and gasification are misleading by design because they are not recycling at all, but a form of waste-to-energy, which destroys our natural resources.

LD 1660 would aptly amend the definition of recycling to make clear that "advanced recycling" does not constitute recycling in the state of Maine, which is very timely. Maine recently became the first state in the nation to establish an Extended Producer Responsibility (EPR) for Packaging law, which requires packaging companies to pay fees based on the sustainability of their packaging. This law requires a distinction between what is "readily recyclable" and not, the details of which of being worked out through a routine-technical rulemaking process by the Maine Department of Environmental Protection (DEP). Manufacturers of packaging would like their materials to be deemed "readily recyclable" because they will pay lower fees to the EPR program, and consumers feel better about purchasing goods if the packaging is considered to be recyclable.

Manufacturers of plastic packaging are feeling particularly threatened because plastic is slowly but surely losing the social license granted to it by recycling, and the plastic industry is trying hard to distract us from the facts with false solutions, like "advanced recycling." The oil and gas companies that make plastic have always known that most plastic can't and won't be recycled but promoted it anyway because they know recyclability sells. The truth is that recycled plastic is not a valuable commodity, and it's cheaper to just make new plastic.

However, it's worth mentioning that Maine's bottle redemption law is an example of where recycling works, because those containers are largely uniform, clean, and pre-sorted, making recycling them into new containers possible. And minimum recycled content standards for plastic beverage containers, like Maine's, help with making the economics work. We should

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<sup>1</sup> <https://www.maine.gov/dep/sustainability/sw-hierarchy.html>

celebrate those successes but know that the real solution is to drastically reduce our use of single-use disposable plastic packaging, not redefine recycling in order to make the use of plastic packaging more palatable.

Further, we support how LD 1660 preemptively sends the message that any “advanced recycling” facilities proposed in Maine will be held to the same environmental standards as other solid waste processing facilities. Our neighboring state of New Hampshire just recently became the nineteenth state in the nation to regulate any new “advanced recycling” facilities as a *manufacturing* operation so that they are subject to weaker environmental standards.<sup>2</sup>

The plastic industry has been strategic and proactive in its approach to sell people on the false merits of “advanced recycling” in the United States. We urge you to join us in support of this equal and opposite approach to solid waste policy by voting Ought to Pass on LD 1660.

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<sup>2</sup> <https://www.americanchemistry.com/chemistry-in-america/news-trends/press-release/2022/new-hampshire-becomes-19th-state-and-first-in-new-england-to-pass-advanced-recycling-law>