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Testimony of Rep. Lori K. Gramlich presenting

LD 295, An Act to Ensure Accurate Recyclability Labeling for Plastic Containers and Plastic Packaging Material

Before the Joint Standing Committee on Environment and Natural Resources

Good morning, Senator Brenner and esteemed colleagues of the Environment and Natural Resources Committee. My name is Lori Gramlich, and I represent House District 131, the lovely seaside community of Old Orchard Beach. I am pleased to present **LD 295, An Act to Ensure Accurate Recyclability Labeling for Plastic Containers and Plastic Packaging Material for your consideration.**

LD 295 was initially submitted as a concept draft, with the intent to address plastic pollution in Maine. As this committee is aware, this bill was carried over last session, and in the interim work was done with advocates and other stakeholders to craft an amendment to this concept, which is the bill before you all today.

When we look at the issue of recycling plastic, there are several issues that impact how much plastics are getting recycled. We need to work to make sure that the plastics that can be recycled actually are. Addressing the plastics that cannot be recycled, those that are impeding our ability to meet recycling goals and protecting public health from toxics in plastics, through education for the public on precisely what can and what cannot be recycled is exactly what LD 295 aims to accomplish.

LD 295 does several things to address these issues. Starting January 1, 2027, a person may not distribute, sell or offer for sale in the State any plastic container or any product contained in plastic packaging material for which a deceptive or misleading claim about the recyclability of the plastic container or plastic packaging material is made.

This bill outlines that containers or packaging material must meet certain recyclability criteria to be considered recyclable and that the packaging cannot have anything that hinders recyclability, including things like inks, dyes and adhesives, and finally that the plastic cannot contain toxic PFAS or other chemicals of concern as defined by the Department.

Additionally, the Department of Environmental Protection is directed to complete a recyclability characterization study to facilitate determination of the recyclability of plastic containers and plastic packaging material, and the law specifies the criteria that must be satisfied for such items to be considered recyclable in the State. This bill aligns well with what the Department is already doing with Extended Producer Responsibility (EPR). LD 295 supports EPR with some additional labeling requirements.

I have been passionate about the need to increase the recycling of plastics, reduce single-use plastics and move away from plastic packaging and other uses of plastic. In order to do the first - to increase the recycling of plastics - we need to make sure that plastic containers and packaging that cannot be recycled do not hinder the recycling process, and we need to educate the public on what can and cannot be recycled.

Currently, only about 9% of plastics are recycled. Of particular concern in Maine, is that about 85% of marine litter is from plastic waste, which harms our beaches and marine life. The public is generally confused about what is and isn't recyclable because there are a lot of plastics that have the chasing arrows on them that cannot be recycled. There is a confusing 1-7 plastic resin identification coding (RIC) system that is used that most people do not understand. Most experts agree that only the plastics with a #1 or #2 on them are actually recyclable in the U.S. We have seen that plastics that are sent to recycling facilities often end up in landfills because there is confusion about what is and isn't recyclable.

Additionally, there are so many toxic chemicals that are used to create plastic that recycled plastic can be more toxic than virgin plastic.

LD 295 includes language that will help prevent toxic plastic containers and plastic packaging from becoming more harmful if they are recycled. LD 295 prohibits recycling of plastics that contain toxic chemicals such as PFAS, cobalt and antimony, which are all known carcinogens. The Department has a list of chemicals of high concern and chemicals of concern that would be banned, along with PFAS, for use in recycled plastic packaging which would help protect public health.

There will be others behind me who can speak with more specificity to some of the science relative to this bill. Also, while we have worked with the Department, they continue to voice some concerns, and while it is my understanding that they agree with the concept and intent of what we are proposing with LD 295, they have indicated that there are already laws on the books that the state can utilize and that there are also federal laws. However, it is not evident that these laws are being enforced.

Again, part of what this bill aims to do is to address the issue of confusion regarding which plastics are actually recyclable. The public assumes that if something has a chasing arrow, it's recyclable, even if it's not. We need to make the system easier for consumers to understand. Additionally, some might refer to the EPR law recently passed - presently there are no labeling requirements embedded into this law. LD 295 aims to address this.

I would be happy to try to answer any questions for you with the caveat that there may be others behind better suited to answer your questions.

Thank you.