



Maine Conservation Voters

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Testimony in opposition to LD231, *An Act to Update the Solid Waste Management Hierarchy*

March 17, 2025

Senator Tepler, Representative Doudera and distinguished member of the Joint Standing Committee on Environment and Natural Resources, my name is Cathy Breen. I am the Director of Government Affairs at Maine Conservation Voters (MCV), a statewide non-profit organization with 13,000 members and supporters that is building a just, thriving future for all by acting on the climate crisis, protecting the environment, and safeguarding our democracy. I'm speaking in opposition to **LD231, *An Act to Update the Solid Waste Management Hierarchy***. MCV's opposition to this bill stems from two basic concerns:

1. It upends - not updates - Maine's Solid Waste Hierarchy statute, moving our waste management policy away from environmental protections;
2. It would contribute to the climate crisis by increasing emissions of greenhouse gases, rather than reducing them, which contradicts Maine's climate change policy goals.

First, Maine's Solid Waste Hierarchy was put into state statute in 1989 and updated in subsequent years.¹ Governor McKernan signed the original legislation and created not only the Waste Management Agency, but also the Waste Management Advisory Council, signaling the growing importance of this issue in Maine state government over 30 years ago.² The **purpose of the hierarchy is to** provide an explicit set of priorities for solid waste management in order to **reduce the production and disbursement of pollutants** in Maine's air, water and soils. In both the initial statute and in subsequent amendments to it, the hierarchy has held up to changes in technology and new information about how the climate is changing. LD231 would essentially upend the hierarchy by lifting number 5 in the 6 steps of the pyramid to number 2.

While waste-to-energy, which is primarily trash incineration, should have a place in the hierarchy, it should remain close to the bottom - just above landfilling - for sound scientific reasons. Nitrous oxides, sulfur dioxides, dioxins, mercury, lead and particulate matter are common pollutants that large scale incinerators emit. These pollutants cause measurable risks to public health such as increased rates of asthma and other respiratory diseases, rates of certain

¹ <https://legislature.maine.gov/statutes/38/title38sec2101.html>

² https://ldc.mainelegislature.org/Open/Rpts/td788_4_m2m367_1989.pdf

cancers, rates of reproductive and developmental problems, rates of high blood pressure and other heart diseases, and more. Attached to my testimony is a table that summarizes these factors from the Tishman Environment and Design Center.³ Given these well-known and well-documented pollutants and their damaging effects on public health, Maine should actually be trying to *diminish* waste incineration, not lifting it to a higher priority.

Second, incineration plants also emit gases that contribute to climate change, especially with the rise of plastics in the waste stream since these plants were built.. The market for “recycled” plastics dropped greatly when China stopped accepting plastic waste in 2018, and it has not rebounded. As a result, waste management programs have seen more and more plastics enter incinerators and landfills. Since plastic is made from petroleum-based ingredients, burning it contributes to our greenhouse gas emissions, rather than reduces them, which is contrary to Maine’s climate goals.⁴ Again, moving this method of waste management UP the pyramid makes no scientific sense.

Further, Maine’s Extended Producer Responsibility (EPR) program for packaging is in its infancy.⁵ MCV is optimistic that, over time, this program will reduce the amount of material we have to handle as well as help fund waste management systems for municipalities that choose to participate in it. This program holds a lot of promise for our number one priority in the Solid Waste Hierarchy, Reduce.

Lastly, MCV understands that the waste-to-energy plant in Orrington has been struggling for many years.⁶ When I served on this committee in the 127th Legislature, the regional partnership that supports that operation was beginning to fray. And the situation has only gotten worse in the last decade. I would hope that the owners-members-partners could resolve the current quandary with the help of the Maine Department of Environmental Protection, but that’s beyond MCV’s scope. **But I can state unequivocally that weakening a 30+ year old statewide system in order to help solve one regional problem is not the answer. More air pollution across Maine is not the answer.**

I urge you to vote Ought Not to Pass on LD231. Thank you for your consideration.

3

https://static1.squarespace.com/static/5d14dab43967cc000179f3d2/t/5d5c4bea0d59ad00012d220e/1566329840732/CR_GaiaReportFinal_05.21.pdf, p. 71

⁴ <https://www.maine.gov/dep/news/news.html?id=12801571>

⁵ <https://www.maine.gov/dep/waste/recycle/epr.html>

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<https://www.bangordailynews.com/2024/10/07/bangor/bangor-police-courts/perc-sues-eagle-point-energy-center-orrington-trash-incinerator/>

APPENDIX D: Pollutants and Related Health Impacts

Pollutant	Short Term Health Impacts	Long Term Health Impacts and High Exposure
Nitrogen Oxides (NOx)	<p>Aggravates asthma, leading to respiratory symptoms, hospital admissions.³¹⁷</p> <p>Causes coughing and choking, nausea, headache, abdominal pain, and difficulty breathing.³¹⁸</p>	<p>Asthma and respiratory infections.³¹⁹</p> <p>Very high exposure may cause death, genetic mutations, decreased female fertility, spasms, swelling of the throat, rapid pulse, and dilated heart.³²⁰</p>
Sulfur Dioxide (SO₂)	<p>Inflames and irritates the respiratory system and causes breathing difficulties especially during heavy physical activity.³²¹</p>	<p>Reduces lung function and causes incidences of respiratory symptoms and diseases.³²²</p> <p>High concentrations can affect lung function, worsen asthma attacks, and worsen existing heart disease.³²³</p>
Dioxins	<p>The most harmful man-made toxins known to humans.³²⁴ Causes poor liver and immune functioning, and neurological impairment.³²⁵</p>	<p>Causes cancer, reproductive and developmental problems, damage to the immune system, and interference with hormonal systems.³²⁶</p>
Mercury	<p>Neurological and behavioral disorders.³²⁷</p> <p>Symptoms include tremors, insomnia, memory loss, neuromuscular effects, headaches and cognitive and motor dysfunction.³²⁸</p>	<p>Overexposure may cause permanent neurological damage.³²⁹</p> <p>Toxic effects on the kidneys, nervous, digestive and immune systems, and on lungs, skin and eyes.³³⁰</p>
Lead	<p>Relatively low levels can disrupt normal development of the central nervous system, especially during fetal life and early childhood.³³¹</p> <p>May cause miscarriage, stillbirths, and infertility.³³²</p>	<p>Can affect virtually every organ system.³³³</p> <p>Prolonged exposure may increase risk of high blood pressure, heart disease, and kidney disease.³³⁴</p>
Particulate Matter >10 µm (includes PM₁₀ and 2.5)	<p>Deposits into the trachea and deeply into the lungs, irritates and corrodes the alveolar wall, and impairs lung functioning.³³⁵</p> <p>Causes aggravation of asthma, respiratory symptoms and an increase in hospital admissions.³³⁶</p>	<p>Overall mortality and mortality of lung cancer increases by 4%, 6% and 8%, respectively, for every 10 µg/m³ PM_{2.5} increase.³³⁷</p> <p>Cardiovascular disease</p> <p>Respiratory disease</p>