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GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

**TESTIMONY OF**  
**BRIAN BENESKI, SUPERVISOR, RECYCLING PROGRAMS**  
**DIVISION OF MATERIALS MANAGEMENT**  
**BUREAU OF REMEDIATION AND WASTE MANAGEMENT**  
**MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**SPEAKING NEITHER FOR NOR AGAINST L.D. 1306**

**AN ACT TO CONTINUE THE EXEMPTION FOR POLYSTYRENE FOAM  
DISPOSABLE FOOD SERVICE CONTAINERS PREPACKAGED AT WHOLESALE**

**SPONSORED BY SEN. BRADSTREET**

**BEFORE THE JOINT STANDING COMMITTEE  
ON  
ENVIRONMENT AND NATURAL RESOURCES**

**DATE OF HEARING:**

**APRIL 9, 2025**

Senator Tepler, Representative Doudera, and members of the Committee, my name is Brian Beneski and I am the Supervisor of Recycling Programs, within the Division of Materials Management, in the Bureau of Remediation and Waste Management, at the Department of Environmental Protection, speaking neither for nor against L.D. 1306.

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In 2019, the Department testified in support of L.D. 289, An Act to Prohibit the Use of Certain Disposable Food Service Containers, as the bill would substantially reduce the use of polystyrene foam and resulting waste stream through waste reduction – the top rung of Maine’s Solid Waste Management Hierarchy (38 M.R.S. § 2101). L.D. 289, as amended, was passed by the 129<sup>th</sup> Legislature and was signed into law by the Governor on April 30, 2019 (P.L. 2019, ch. 62).

As was discussed in the Department’s testimony in support of L.D. 289, “It is financially and physically impractical to implement a system to sort, collect, transport, and process food-contaminated polystyrene containers for recycling.”<sup>1</sup> This is still the case; there is currently no recycling of polystyrene foam containers in Maine.

The Department’s testimony on L.D. 289 suggested wording identifying the types of disposable food service containers and ware intended to be covered by the ban. As was stated in the testimony:

If you choose to move forward with a bill to ban the use of disposable polystyrene food service containers and ware, the Department recommends the use of the term Food Establishments as defined in Title 22, subsection 2152(4-A) if you want the ban to apply to retail and wholesale food preparers, and the term “Eating Establishment” as defined in Title 22 subsection 2496(7) for the ban to apply to places that prepare food for on-site or off-site consumption, e.g., restaurants, food carts, catering businesses. We also recommend building in a transition period after the ban takes effect to allow these entities to work through existing inventories.”<sup>2</sup>

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<sup>1</sup> Testimony Carole Cifrino, Maine Department of Environmental Protection. Speaking in support of L.D. 289, An Act to Prohibit the Use of Certain Disposable Food Service Containers. February 20, 2019. <http://www.mainelegislature.org/legis/bills/getTestimonyDoc.asp?id=93544>

<sup>2</sup> Testimony Carole Cifrino, Maine Department of Environmental Protection. Speaking in support of L.D. 289, An Act to Prohibit the Use of Certain Disposable Food Service Containers. February 20, 2019.

Since L.D. 289 was passed using the term “Food Establishments” as defined in 22 M.R.S. 2152(4-A), it seems apparent that the intent of the bill as passed by the 129<sup>th</sup> Legislature was to include polystyrene foam packaging for raw meat, eggs, and seafood, in addition to take out food, bakery products, and restaurant leftovers, in order to remove as much polystyrene foam packaging from the waste stream as possible. This original bill did exempt food or beverages that a covered establishment purchases prepackaged at wholesale.

As was stated earlier, L.D. 289 was signed into law in April of 2019, and the ban was originally set to go into effect on January 1, 2021. Due to concerns regarding the availability of replacement packaging for polystyrene foam during the COVID-19 pandemic, the Department delayed enforcement of the ban until July 1, 2021. Additionally, the 130<sup>th</sup> Legislature passed L.D. 1631, An Act to Amend the Laws Banning Polystyrene Foam Regarding Packaging for Meat, Poultry, Fish, Seafood and eggs, which was signed into law by the Governor on June 15, 2021 (P.L. 2021, ch. 208). This law extended the exemption for raw meat, poultry, fish, seafood and eggs until July 1, 2025, for these items both prepackaged at wholesale and packaged by Maine covered establishments. The Department testified neither for nor against this bill as it only extended the exemption to provide for supply chain issues during the Covid-19 pandemic rather than remove it completely. The extension provided by L.D. 1631 with the original two-year implementation schedule set out in L.D. 289 has provided approximately six years since the law’s original passing for covered establishments to prepare for the ban on these polystyrene foam products going into effect. This current bill, if passed, would make the exemption permanent. Alternatives to the disposable food service containers made from polystyrene foam for containing, transporting, and packaging raw, uncooked or butchered meat, poultry, fish, and eggs, such as rigid

L.D. 1306: An Act to Continue the Exemption for Polystyrene Foam Disposable Food Service Containers  
Prepackaged at Wholesale

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plastic trays, do exist, are widely available, and are recyclable. Such items are being accepted at Maine recycling facilities currently.

Thank you for the opportunity to testify before you today. I would be happy to answer any questions from the Committee, both now and at the work session.