



Maine Beverage Distributors Association

April 22, 2025

Good afternoon, Senator Tepler, Representative Doudera and members of the Joint Standing Committee on Environmental and Natural Resources, my name is Cheryl Timberlake. I am a resident of Mt. Vernon and serve as the Executive VP for the Maine Beverage Distributors Association, whose members are local family-owned independent distributors that provide beer, wine, and non-alcoholic beverages to retailers from every region of the state.

MBDA is supporting LD 1564, An Act to Delay Implementation of Recent Changes to Maine's Beverage Container Redemption Law.

In 2023, the Maine Legislature passed (P.L. Chapter 482). This law made significant updates to the Beverage Container Redemption Program, foremost of which is the requirement for all Initiators of Deposit (IODs) to join a commingling group, and for all commingling groups to form a commingling cooperative. These changes will allow the commingling of all containers by their group and ultimately reduce the sorting of containers to material type and size.

Timeline of Changes:

October 15, 2024: The commingling Cooperative, ("The Co-op") is established as an IRS non-profit 501©(3). The official legal entity is Maine Beverage Recycling Group (MBRG). It is governed by a Board of members representing beverage types/materials.

October 15, 2024: All Initiators of Deposit (IODs) must join a commingling group. Two new groups, Maine Recycling and TOMRA, have been established. This requirement has substantially reduced the current number of sorts, as all IODs should now be in one of seven commingling groups.

January 15, 2025: The Co-op submits its Draft operation plan to the Department for review and approval. **March 12, 2025,** an updated operation plan was submitted to DEP.

Currently: The Department will provide for a public review of the plan, including holding a public meeting for input and the opportunity for comment.

Currently: The Department is in the process of updating the rules to consider the legislative changes made by P.L. Chapter 482. The DEP 32-page Concept Draft Rule was issued for review in February with comments due by early March.

Currently: MBRG is developing the RFP(s) to implement The Co-op operations plan. The vendor will be responsible for the administrative, financial, managerial and other activities of The Co-op.

By July 15, 2025: The MBRG should be officially formed with an approved operation plan that details the transition from sorting by commingling group, material type, and size to sorting solely by material type and size.

Between today and July 15th, less than three months away, there is a volume of issues to be resolved. In addition to the Operations Plan, the New Rules, there is a transfer of responsibility for the label registrations and implementation of The Co-op implementation for pickup and commingling of containers.

By July 15, 2025: The DEP or The Co-op must implement the prohibition on beverage sales in Maine by IODs not in a Commingling Group.

Included in the MBRG Bylaws and Draft Operation Plan, IODs must submit appropriate sales data, and the appropriate costs connected with those sales to The Co-op. The Co-op does not have the authority to enforce this.

We will need statutory guidance for DEP to be directed to remove a product from sale in the State if an entity selling beverages in Maine has not complied with these requirements, otherwise there is no ability to reign all the entities selling containers in non-compliance to the returnable beverage container law in Maine.

While there is progress for the implementation of the modernization law, it is a time sensitive endeavor. LD 1564 will afford all the beverage interests the time that is needed to ensure the actions and decisions are vetted appropriately.

We appreciate your consideration of our comments.