



Solutions for a  
Toxic-Free Tomorrow

Testimony of Sarah Woodbury, Vice President of Policy and Advocacy, Defend Our Health  
In Opposition of LD 1423, "An Act to Improve Recycling by Updating the Stewardship Program  
for Packaging"

Before the Environment and Natural Resources Committee  
April 23, 2025

Senator Tepler, Representative Doudera and members of the Environment and Natural Resources Committee. My name is Sarah Woodbury. I am the vice president of policy and advocacy for Defend Our Health. Defend Our Health's mission is to make sure that everyone has equal access to safe food and drinking water, healthy homes and products that are toxic-free and climate friendly. I am here to testify in opposition to LD 1423, "An Act to Improve Recycling by Updating the Stewardship Program for Packaging".

We have several concerns with this amendment to Maine's Extended Producer Responsibility (EPR) law, including the broad industry exemptions it creates for things like cosmetics and products regulated by the federal pesticides laws, the major loopholes it creates in the law including creates additional off-ramps from producer responsibility based on packaging characteristics. A producer could be exempt if their packaging is not collected by a residential recycling service or isn't separated from other materials at sorting facilities. If I talked about every concern we had, my testimony would be far too long so I'm just going to focus on the concerns we have with the possible amendments to section 9, subsection U, the amendments to the definition of toxicity.

The first issue we have is with their amendment to weaken the language around intentionally added chemicals to packaging. The way the current law is written, manufacturers can get a break in fees if they are not intentionally adding toxic chemicals in the manufacturing, recycling, or disposing of packaging. The amendment put forward would allow them to get reduced fees if there are no intentionally added chemicals in the packaging itself, not if it's added throughout any stage in that process. If they are only looking at the original package itself, not what happens throughout its lifecycle. This does not mean they get dinged if recycled packaging has toxics already in it, but rather if they intentionally add more toxics during the recycling process. This is a real concern. Sadly, virgin packaging tends to be less toxic than recycled packaging because additives are added during the recycling process. We need to incentivize manufacturers to reduce toxics throughout the entire lifecycle of the packaging to help protect the health and environment of all Mainers.

The second concern we have is with them weakening the list of chemicals that would be considered toxic. The first thing I want to make clear is that the EPR law DOES NOT ban any of these chemicals. It simply impacts the fees that have to be paid. If a producer can show that their packaging doesn't contain these chemicals, they can get a reduction of fees paid for recycling. If they don't want to do that, they don't have to. There is no requirement that they



move away from any of the chemicals referenced. It is simply meant to incentivize them into moving away from using toxics in their packaging. In the current law, toxicity is defined as “pursuant to Title 32, chapter 26-A; food contact chemicals of high concern or priority food contact chemicals regulated pursuant to Title 32, chapter 26-B; or chemicals of concern, chemicals of high concern or priority chemicals identified pursuant to chapter 16-D”. In the amendment, they want to strip out reference to chemicals of concern, chemicals of high concern identified pursuant to chapter 16-D. Chapter 16-D is reference to Maine’s Toxic Chemicals in Children’s Products law. These are chemicals that may have particular impacts on children’s health. There are 36 chemicals on the chemicals of high concern list and around 1400 on the list of chemicals of concern. It is particularly concerning that they don’t want to be incentivized to reduce toxics that can have health impacts on children. Chemicals cannot be put on the the list of chemicals of high concern unless they demonstrate “strong, credible scientific evidence that the chemical is a reproductive or developmental toxicant, endocrine disruptor or human carcinogen.” For example, Toluene is on the chemicals of high concern list. It is found in inks that can be used in packaging. It is considered a reproductive toxicant. Why wouldn’t manufacturers be doing everything they can to get this out of packaging. It is already banned in the EU and India. When you look at the list of chemicals of concern, there are things like vinyl chloride, which is used in PVC packaging which is used for things like packaging for medical supplies and food packaging. Vinyl chloride is considered to be a carcinogen. This is one chemical out of about 1400 on the list. Now, granted, not all are going to be found in packaging. But, once again, this is NOT a ban. Companies can continue to use these toxic chemicals in their packaging. They will just get a break on their fees if they can show they are reducing toxicity in their packaging. I will also point out that the first version of the law was a much more general definition of toxicity. Industry asked for specifics to make it easier to comply, so the Department did that by referencing toxics laws already on the books. Now they are trying to move the goal post again.

Maine’s Extended Producer Responsibility for packaging law is groundbreaking. The legislature, advocates, the Department, and Industry have been working for several years to make sure that we had a law that increased recycling rates, didn’t put a burden on local taxpayers, and was feasible for industry to comply with moving forward. To come in and amend the law at the last minute, without allowing the Department to finish the rulemaking and implement makes little sense. This law should be given time to be implemented and work. If, after that happens there are problems to be solved, it can be revisited. But let’s not have the perfect be the enemy of the good here. I urge you to vote “ought not to pass” on LD 1423.