

Testimony in Opposition to LD 1423
"An Act to Improve Recycling by Updating the Stewardship Program for Packaging"
By Sarah Nichols, property tax payer in Cumberland, Maine
April 23, 2025

Senator Tepler, Representative Doudera and distinguished members of the Committee on Environment and Natural Resources, my name is Sarah Nichols and I reside in Cumberland with my two sons and our blue-eyed dog. I'm here in opposition to LD 1423. Today is my first time in 11 years testifying in front of this Committee on my own behalf; and I'd like to think on behalf of all of the property tax payers in Maine's municipalities who are currently unfairly footing the bill for packaging waste they didn't create and patiently waiting for this program to begin.

When I first heard about this bill to roll back Maine's landmark Extended Producer Responsibility (EPR) for Packaging law, I was frustrated that we'd have to go through yet another public hearing and rehash the same debates that we've been having for seven years. But, then I realized that this is actually a great opportunity to remind ourselves why we all worked so hard for so long, to get to this point where the program is poised to go into effect next year. This is the final push, and this is where the effort counts the most.

As evidenced by the extraordinary list of exemptions proposed in LD 1423, I can see that there are a lot of corporations still trying to wiggle out of taking responsibility for the packaging waste they create. But, please, please do not make any changes to the law that will delay or gut this important program when we are so close to implementation. I am not opposed to reasonable changes that clarify definitions, or otherwise do not delay or water it down. As an EPR policy nerd, I'd be honored to help the Committee identify those things before the work session.

Each of the EPR for Packaging laws in the US are crafted to meet the needs of each state— California's or Colorado's law wouldn't make sense for us, and vice versa. I believe one reason why there is so much corporate ire about Maine's policy is because it is indeed the fairest and most transparent in the country. One of the things that makes Maine's law so special is that it *does not* include sweeping and unfair exemptions and producer off-ramps that they lobbied for and achieved in other states, nor does it let the fox watch the henhouse.

The purpose of shifting costs from municipalities is not just to internalize costs that lead to lasting change, but to make it more fair. Exemptions make it less fair because they don't actually remove that material from the waste stream. Exemptions just let some producers dodge paying for the waste they create—leaving municipalities and taxpayers to pay. Regardless of the reason for why a package must be the way it is,

It's just not fair for anyone else aside from the producer to pay for waste management.

The cumulative effect of these exemptions would be to remove producer responsibility for large volumes of everyday packaging. Many are plastic or multi-material packages that are difficult or impossible for municipalities to recycle, further burdening local waste systems and taxpayers. For instance, did you know that band-aids, toothbrushes are considered to be medical devices by the Federal government? And that shampoos and lotions are cosmetics?

The law already provides for more reasonable exemptions for small businesses, non-profits, and beverage containers or paint cans that are covered by other laws. The law also provides for a mechanism for the Department to evaluate and propose further exemptions by major substantive rule. There were several meetings focused on exemptions during rulemaking. None of the proposals were found to be justified. There is absolutely NO reason to allow for more exemptions now. I urge you to stay loyal to your towns and taxpayers and refuse all further exemptions to this program. It will only add costs to towns and make the program less fair.

Thank you SO much for your continued support of this transformative policy. I look forward to answering any questions.