

Nicole Grohoski
Senator, District 7



P.O. Box 1732
Ellsworth, ME 04605

THE MAINE SENATE
132nd Legislature

Testimony of Senator Nicole Grohoski in opposition to
LD 1423, An Act to Improve Recycling by Updating the
Stewardship Program for Packaging
Before the Committee on Environment and Natural Resources
April 23, 2025

Senator Tepler, Representative Doudera, and distinguished members of the Committee on Environment and Natural Resources, my name is Nicole Grohoski, and I represent Senate District 7. I was proud to be the primary sponsor of LD 1541, the landmark legislation passed by the 130th Legislature to establish Maine's Extended Producer Responsibility (EPR) for Packaging program. I remain deeply committed to seeing this important policy through to successful implementation.

We passed LD 1541 because Maine's existing system was broken. For too long, municipal taxpayers have been left to shoulder the burden of managing packaging waste – over \$16 million per year – while producers of the waste contributed nothing. At the same time, our statewide recycling rate continues to fall far short of our goals. This situation is both unsustainable and unfair.

The solution we crafted was clear and balanced: shift financial responsibility from municipalities to producers, strengthen local recycling programs, and create incentives for better packaging design. Since the law's passage, I've followed the Department's implementation efforts closely. I've been genuinely impressed by the DEP's inclusive and meticulous stakeholder process. DEP has worked diligently to refine the rules and build a program that is fair, functional, and ready to launch.

I've provided input along the way (since the first stakeholder meeting in December of 2022), particularly on the issue of exemptions. Let me be clear: I do not support carving out new exemptions from the law. Other states have weakened their EPR programs under pressure from corporate interests. Maine didn't, and that's why our law is considered the strongest in the country. Creating new exemptions now, especially for federally regulated packaging, would undermine the program's fairness and open the door to loopholes.

The law already provides a pathway for the Department to consider exemptions through major substantive rulemaking, which is the appropriate venue.

As the sponsor of the original law, I can say with confidence that it was intended to cover **all** packaging managed through municipal waste systems, with limited exceptions for small producers and packaging managed through other stewardship programs. Any additional exemptions would be contrary to the spirit and structure of the law – and would create new burdens for compliant producers and local taxpayers alike.

That said, I do believe there may be room for **technical clarifications** that improve the program's alignment with other states. For example, harmonizing the definition of "producer" could ease compliance for national brands. Adding a definition of "consumer" could help reaffirm that this program is focused on **alleviating costs borne by property taxpayers**, not expanding into manufacturing or industrial waste streams. These are reasonable adjustments that strengthen, rather than dilute, the program.

I also want to highlight that part of why I sponsored this law was to support Maine's paper industry. Maine will never be a plastic-producing state, but our forest products sector is renowned. As packaging producers are incentivized to move away from hard-to-recycle plastics, recyclable alternatives like paper will be better positioned in the market. Aside from reuse, paper is often the best option for sustainable packaging, and this program will help drive demand for made-in-Maine packaging.

LD 1541 was passed with overwhelming support after years of study, collaboration, and public engagement. Maine people – especially our towns – are counting on this program to launch on schedule. I trust DEP to carry it forward, and I will continue to stay engaged as the program evolves with new data and experience.

Let's honor the work that got us here, stand by our municipalities, and keep the program strong. I respectfully urge the Committee to vote Ought Not to Pass on LD 1423 as currently drafted.

Thank you for your time and continued leadership.