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**TESTIMONY OF**  
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**DIVISION OF MATERIALS MANAGEMENT**  
**BUREAU OF REMEDIATION AND WASTE MANAGEMENT**  
**MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**SPEAKING IN SUPPORT OF L.D. 1519**

**AN ACT TO CREATE A STEWARDSHIP PROGRAM FOR ELECTRONIC SMOKING  
DEVICES AND RELATED PRODUCTS**

**SPONSORED BY REP. GRAMLICH**

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

**DATE OF HEARING:**

**APRIL 23, 2025**

Senator Tepler, Representative Doudera, and members of the Environment and Natural Resources 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 in support of L.D. 1519.

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L.D. 1519, if passed, would require the producers of electronic smoking devices, otherwise known as “vape pens”, to establish a stewardship program for end-of-life management of these devices, overseen by the Department. Vape pens and their cartridges were specifically identified as a candidate for a product stewardship program in the 2025 Annual Product Stewardship Report, as they meet all five criteria under the product stewardship framework law (Title 38, Chapter 18: Product Stewardship).

Vape cartridges may contain a variety of chemical compounds that are harmful to human health and aquatic species, including nicotine and Tetrahydrocannabinol (“THC”). These substances are subject to federal waste management requirements if they are accumulated and disposed of outside of a residential, individual consumer setting.

Vape pens may contain microprocessor chips which can contain metals, such as lead and mercury, that are also subject to federal waste management requirements. Vape pens are also constructed with plastics and contain batteries. Improper management of batteries in vape pens may lead to fires as described in the 2025 Product Stewardship Report and in previous Product Stewardship Reports. Even the simple act of tossing a vape pen in a trash can may potentially cause a fire, as shown when a vape pen started a fire at a University of Southern Maine dormitory.

The Department is aware of at least three other states (New Jersey, New York, and Oregon) whose legislatures are currently considering laws to establish a product stewardship program for vape pens. Additionally, California’s legislature is considering a law that would ban single-use vape devices.

The Department has reviewed the language in L.D. 1519 and finds it to be consistent with Maine’s product stewardship framework law. Additionally, the bill incorporates

other components from several of Maine's already existing product stewardship programs where appropriate. The Department does offer the following suggestions for consideration:

- Adding a disposal ban to 38 M.R.S. § 1306. Once a program is in place, it would be appropriate to ban the disposal of vape pens.
- Convenience standard for collection. The bill utilizes the convenience standard outlined in the law for Maine's Stewardship Program for Architectural Paint. Although this standard is suitable for architectural paint, it likely will not be a robust enough standard for a product that is as ubiquitous as vape pens. The Committee may wish to add specific requirements, such as a sales location collection requirement or specific requirements for the stewardship organization to provide collection at municipal transfer stations when requested by the facility. Additionally, the Committee may want to consider a requirement for the stewardship organization to provide collection for schools that confiscate these items from students.
- Bounty for device drop off. This bill mandates that the collection point does not charge a fee for dropping off a device. However, vape pens are relatively inexpensive, with device pricing as low as \$5.00 to \$20.00<sup>1,2</sup>. To maximize the incentive for returning a relatively inexpensive item to replace, the Committee may wish to consider a bounty system for vape pen drop-off, similar to the bounty offered for mercury thermostats by Maine's Mercury Thermostat Recycling Program.

If requested to do so, the Department is happy to work with the bill's sponsor to address these suggestions.

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.

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<sup>1</sup> <https://www.vapedeal.com/blogs/learn/how-much-do-vapes-cost>

<sup>2</sup> <https://www.ciliconplus.com/learn/how-much-does-a-disposable-vape-cost/>