

Office of Policy and Legal Analysis

Date: May 5, 2021

To: Joint Standing Committee on Environment and Natural Resources

From: Dan Tartakoff, Legislative Analyst

Re: LD 1208, An Act To Amend the State's Electronic Waste Recycling Law (Stewart)

Summary of bill and additional background

This bill amends the State's electronic waste (e-waste) recycling law by requiring that, no later than January 1, 2023, manufacturers of certain electronic devices, individually or collectively through a manufacturer clearinghouse, must design and implement a statewide manufacturer e-waste program to provide for the collection, transportation, consolidation and recycling of collected electronic devices in the State. The DEP shall review and approve plans for the implementation of such a program and shall enforce program requirements. The bill also repeals or amends certain provisions of the existing e-waste recycling law to align those provisions with the new program requirements.

As noted by DEP, the state's e-waste recycling law was enacted in 2004 as the country's first EPR program for electronics. Since the program's inception in 2006, more than 100 million pounds of TV, printers, game consoles and other electronic devices with screens have been recycled through the program. Under the program, manufacturers pay much of the cost of recycling these items.

List of legislators/entities that submitted written testimony and/or spoke at the hearing

Proponents – Senator Stewart, Consumer Technology Association, MRM (Electronic Manufacturers Recycling Management Company), Retail Association of Maine.

Opponents – Casella, Department of Environmental Protection, Natural Resources Council of Maine.

Neither for nor against – none.

Notes, issues and proposed amendments

1. *DEP rulemaking; carry over?* – at the hearing, the DEP noted that it has completed a first draft of proposed amendments to the e-waste rules and intends to initiate a rulemaking on those changes this year. DEP believes these changes will result in an improved e-waste recycling system that provides incentives for collection and efficiency.

Given this pending rulemaking, the sponsor requests the committee consider carrying the bill over to the 2022 legislative session for further consideration following the completion of that rulemaking.

2. *Intent/effect of bill* – the DEP and other bill opponents suggested that changes to the e-waste program proposed in the bill may (1) shift certain program costs from manufacturers to municipalities and consumers; (2) limit e-waste collection opportunities in rural areas and otherwise reduce program convenience to consumers; and (3) increase e-waste recycling costs to municipalities.

Proponents of the bill countered that the intent of the bill is not to reduce the availability of recycling or to shift or increase costs. Instead, as suggested by the CTA, the intent is to (1) change the e-waste program's administration to a producer responsibility organization model, which was not an option for the electronics industry until quite recently; (2) allow consideration of climate impacts as part of the manufacturer-implemented system and (3) incentivize the production of more easily recyclable/environmentally-friendly electronics.

3. *Program costs, other state comparisons* – in response to a number of member questions, bill proponents provided information on other state e-waste programs and their associated costs. It was suggested that the comparative cost of Maine's program is on the higher end of the spectrum, in line with other states like CT, HI, NJ, NY, PA and RI and is more than double the cost of other states like IN, IL, MN, NC, SC and WI. Bill proponents were asked to provide for work session more information on the costs of Maine's e-waste program compared to other states.

It was suggested by Casella, which testified in opposition, that one of the primary reasons that Maine's e-waste program costs are higher than other states has to do with the geography and population distribution of the state rather than any specific program parameters.

Fiscal information

Not yet available from OFPR.