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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

TESTIMONY OF
PAULA CLARK, DIRECTOR
DIVISION OF MATERIALS MANAGEMENT
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING NEITHER FOR NOR AGAINST L.D. 911

**AN ACT TO PROHIBIT THE RECEPTION OF FOREIGN WASTE PLASTIC IN MAINE
PORTS**

SPONSORED BY REPRESENTATIVE FAULKINGHAM

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

**DATE OF HEARING:
APRIL 26, 2021**

Senator Brenner, Representative Tucker, and members of the Committee, I am Paula Clark of the Department of Environmental Protection speaking neither for nor against L.D. 911.

This bill would add a new element to the general prohibition section of the waste management statutes (38 M.R.S. § 1306) providing that: "A port on navigable waters in the State may not receive from a vessel plastic waste originating from another

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jurisdiction or country.” We have identified several issues related to matters that could affect implementation of the bill if the Committee should decide to proceed with it:

- To avoid any confusion, the term “plastic waste” should be defined in the context of this prohibition, since it is possible that certain plastic materials might be designated as “fuel” at some point(s) during handling or shipping.
- The term “another jurisdiction” should be defined. As written, it could mean another state, county, municipality, or any other jurisdictional division.
- Prohibiting the receipt of plastic waste from other states may run afoul of the Interstate Commerce Clause.
- International treaties/agreements, such as those of the Basel Convention and the OECD (Organization for Economic Co-Operation and Development) could possibly affect or pre-empt the bill.

Thank you for the opportunity to testify today. Although bullets 3 and 4 raise potentially complicated questions that would require further analysis to address, I am happy to answer any questions that I can.