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DEPARTMENT OF ENVIRONMENTAL PROTECTION



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

**SPEAKING IN SUPPORT OF L.D. 1467**

**AN ACT TO PROMOTE A CIRCULAR ECONOMY THROUGH INCREASED POST-  
CONSUMER RECYCLED PLASTIC CONTENT IN PLASTIC BEVERAGE BOTTLES**

**SPONSORED BY REPRESENTATIVE DOUDERA**

**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 Bureau of Remediation and Waste Management, Division of Materials Management at the Department of Environmental Protection, speaking in support of L.D. 1467, which would set minimum post-consumer recycled content requirements for plastic beverage bottles, supporting the increased use of recycled materials consistent

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with the goals of Maine's Solid Waste Management Hierarchy.<sup>1</sup> While the Department supports the goals of the bill and the increased use of recycled materials, there are several provisions of the bill, particularly those addressing compliance and enforcement, that we recommend modifying to ensure clarity and consistency in its implementation.

The administrative processes proposed in the bill, particularly those related to penalty assessments, penalty reduction/waiver application reviews, and reviews of post-consumer recycled plastic requirements are quite complex and would require significant staff resources to accomplish. An alternative approach would be to rely on existing enforcement authorities and mechanisms currently used in various programs Department-wide, rather than create new, program specific administrative mechanisms, resulting in a simpler and less resource intensive structure. Although the bill appears to anticipate that administration of this program will be funded through annual reporting fees from manufacturers (\$250), penalties for non-compliance with standards, and recovery of costs for processing penalty waiver requests, it is not clear how much revenue would, in fact, be generated. The proposed definition of "manufacturer" can be interpreted in several ways making it unclear which, and how many, "manufacturers" would be participating. Further, it is not possible to determine penalty amounts that may be assessed in the future. We would be happy to work with the sponsor to prepare proposed alternative language addressing these issues, for possible consideration at work session.

The Department is currently participating in a working group formed by the Northeast Recycling Council (NERC) and the Northeast Waste Management Officials' Association (NEWMOA) that is focused on drafting model legislation for minimum post-consumer recycled content for plastic film and plastic containers for which there is currently less

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<sup>1</sup> If L.D. 1467 is passed, Maine would be the second state to enact a requirement to use post-consumer recycled content, although the existing law in California sets a higher minimum standard of 50% post-consumer recycled content in plastic beverage bottles by 2030.

LD 1467, An Act to Promote a Circular Economy through Increased Post-Consumer Recycled Plastic Content in Plastic Beverage Bottles

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market demand than for PET. LD 1467 establishes a solid starting point for requiring recycled content in plastics. The Department will be evaluating the results of the NERC/NEWMOA work to develop any appropriate recommendations concerning future minimum recycled content standards in Maine.

Thank you for the opportunity to testify this morning in support of LD 1467. I will be happy to answer any questions that you might have.