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**Testimony of Representative Victoria Doudera on LD 1467, “An Act To Promote a Circular Economy through Increased Postconsumer Recycled Plastic Content in Plastic Beverage Containers”**

**April 26, 2021**

Greetings Senator Brenner, Representative Tucker, and members of my esteemed joint standing committee on Environment and Natural Resources. I am Representative Vicki Doudera, and I represent House District 94, the towns of Camden, Islesboro and Rockport. I’m here today to introduce **LD 479, “An Act To Promote a Circular Economy through Increased Postconsumer Recycled Plastic Content in Plastic Beverage Containers.”**

We all remember the famous line from *The Graduate*, when Benjamin Braddock is told there is a great future in plastics. Indeed, the growth of plastics production in the past 65 years has dramatically outpaced any other manufactured material. <sup>1</sup>As we on this committee know, the same properties that make plastics so versatile in so many ways make these materials difficult or impossible for our environment to absorb. Without well-crafted management strategies for end-of-life plastics, our planet stands to accumulate billions of metric tons of material across all major terrestrial and aquatic ecosystems.<sup>2</sup>

The bill before you is one management strategy, focusing on one important piece of the plastics “pie” -- plastic beverage bottles. We are in the midst of a plastic bottle explosion and this alone is an environmental crisis. Back in 2004, beverage companies produced 239 billion plastic

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<sup>1</sup>Roland Geyer, Jenna Jambeck, Kara Lavender Law, “Production Use of All Plastics Ever Made,” [Science Advances](#), 19 Jul 2017: Vol. 3, no. 7,

<sup>2</sup>Aaron Kunkler, “No Good Solution to the Plastics Problem,” [Bothell Kenmore Reporter](#), 9 June 2019.

bottles. That total had more than doubled by 2017 to 494 billion, and the trend continues, with plastic bottle production predicted to hit 594 billion by 2022. That means bottlers will be churning out more than 1.6 billion plastic bottles every day.<sup>3</sup>

While most bottles and other plastic items are made of recyclable polyethylene terephthalate (or PET), the problem is that very little of the material has been returned for reprocessing or reuse. Of all the plastics produced since the 1950s, just 9.5 percent were recycled, with the rest either incinerated or piling up in landfills and the natural environment.<sup>4</sup> According to the Container Recycling Institute, the average amount of recycled plastic in beverage containers is woefully small -- only 7.5% --and Americans waste more than two times the amount of plastic bottles that we recycle.

Now here is the good news: we have the ability, here in Maine, to address this environmental crisis -- this plastic bottle explosion -- through the bill before you, by focusing on the same plastic beverage containers currently covered in our bottle bill. Not only that, but we can benefit our municipalities, waste haulers, sorting facilities, recycling processors and beverage manufacturers at the same time.

LD 1467 is legislation that has been crafted with one of our leading environmental groups, the Natural Resources Council of Maine, along with the trade association for Maine's local distributors of soda, bottled water, and juices, the Maine Beverage Association. We have studied and sought the input of bottle manufacturers big and small. This bill is a compromise, hammered out over several years, that takes into consideration most if not all of the stakeholders involved. It is a compromise that recognizes this sobering fact: using recycled PET plastic to make new containers instead of using new virgin PET plastic not only reduces the volume of plastics in our oceans, woods, beaches and backyards, but can cut carbon pollution by as much as 67%.

LD 1467 creates a minimum post-consumer recycled content requirement (PCR) for all plastic beverage containers sold in Maine beginning with 25% PCR by 2026 and increasing to 30% by 2031. The choice of 2026 and 2031 was one of the first compromises. We had been targeting a year earlier, but in a world still reeling from the pandemic, the dates stipulated in the bill give manufacturers plenty of time to move toward the post-consumer recycled plastic content requirements. (In fact, many manufacturers have already pledged to work toward these goals.) The bill allows manufacturers to define their own reporting region or territory - whether it be Maine-specific, or a region or territory that includes Maine. This was an important consideration for the bottle manufacturers who operate in vast markets, and was again another compromise. It also gives large manufacturers the ability to have their distributors submit their reports if desired.

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<sup>3</sup> James Rainey, "[Banning Plastic Straws Will Not be Enough: the Fight to Clean the Oceans.](#)" NBCNews.

<sup>4</sup> Roland Geyer, Jenna Jambeck, Kara Lavender Law, "Production Use of All Plastics Ever Made," [Science Advances](#), 19 Jul 2017: Vol. 3, no. 7

The agency overseeing this bill is our Department of Environmental Protection, and in drafting it, the stakeholders and I have been mindful of their responsibilities, time, and budget, and we met often and early with DEP to hear their concerns. Consequently, the bill gives DEP discretion whenever possible. For instance, the Department may form an advisory committee to measure and report the manufacturers' Maine-specific information, or it can contract with a 3rd-party entity to do so. The bill allows the Department to set the manufacturers' registration fees and offset any costs through these fees. It gives the Department the discretion to assess penalties against a manufacturer that fails to comply with the requirements, and gives them a calculation to do so if they wish. It also gives them the ability to grant waivers at the request of manufacturers who may suffer anomalous market conditions or a disruption in the supply of post-consumer recycled plastic. The Department is required to report to this committee their collected data and any recommendations, but they may include the report in their annual update of existing product stewardship programs, in accordance with existing statute.

The plastics problem is vast, and growing, and can seem insurmountable, but I come to you today feeling hopeful, because Maine has the opportunity to tackle a big part of this problem using a commonsense approach that benefits not only our environment but our economy as well. We can make our state an environmental leader on this issue, while still supporting beverage manufacturers and distributors. You have before you one of the strategies to reduce plastic pollution, and I hope you will join me in voting ought to pass on **LD 479, "An Act To Promote a Circular Economy through Increased Postconsumer Recycled Plastic Content in Plastic Beverage Containers."**

Thank you, and I am happy to answer any questions.