



**Testimony in Opposition to LD 1208,
An Act To Amend the State's Electronic Waste Recycling Law**
Sarah Nichols, NRCM Sustainable Maine Director, April 26, 2021

Senator Brenner, Representative Tucker, and members of the Joint Standing Committee on Environment and Natural Resources, my name is Sarah Nichols, and I am the Sustainable Maine Director for the Natural Resources Council of Maine (NRCM). I appreciate this opportunity to speak to you in opposition to LD 1208.

We oppose this bill because it would shift more costs onto Maine's municipalities and ultimately weaken the efficacy of one of Maine's most successful Extended Producer Responsibility (EPR) laws.

Extended Producer Responsibility (EPR) programs differ from traditional recycling programs, which are run and funded by municipal governments. EPR programs save money for taxpayers by targeting the most toxic, problematic, or costly products in our waste stream and assigning end-of-life recovery, recycling, and disposal costs to the manufacturers of these products. EPR programs shift the costs of dealing with these difficult and dangerous items from town governments already stretched thin, to manufacturers that can internalize those costs and have control over the safety and recyclability of the products they make and sell. [Maine has eight EPR laws on the books](#), and will hopefully add two more soon: LD 8, which the Committee has voted majority OTP-A, which would establish an unused drug take-back program; and LD 1541, which would create an EPR for packaging program and will come before this Committee soon.

NRCM has long championed EPR laws in Maine, and we worked with this Committee to help Maine become the first of 24 states to pass an [EPR law for electronic waste in 2004](#). As a result, most of Maine's towns and cities accept televisions, portable DVD players, game consoles, computer monitors, laptops, printers, digital picture frames, computers, and some other electronics for little or no cost. This "e-waste" can contain toxic substances, including lead, mercury, cadmium, lithium, brominated flame retardants, phosphorous coatings, and PVC plastics—materials that are being kept from entering Maine's environment, incinerators, and landfills as a result of this law. [And we know that the program also works to limit costs to municipalities and consumers and creates jobs](#).

According to the [2019 Annual Product Stewardship report](#) by the Maine Department of Environmental Protection (DEP), our e-waste recycling program has recycled nearly 98 million pounds of covered electronic devices since 2006. DEP notes that staff are examining issues with our current program, including how to provide credit to manufacturers for producing less toxic, more recyclable products and consolidator approval; they then suggest that such issues could be addressed through rulemaking rather than changes to the statute.

We do not support the language in LD 1208 primarily because it proposes to shift some costs from manufacturers back onto the municipalities. We believe that could ultimately lead municipalities to shy away from the program or be forced to charge consumers to recycle their products, which

would lead to less participation in the program, more burning and burying of toxic e-waste, and potentially more illegal dumping of toxic e-waste directly into our environment.

We urge the Committee to vote ought not to pass on LD 1208, and instead rely on DEP to address any outstanding issues with our electronic waste recycling law that are needed to make sure that this program continues to provide benefits to Mainers into the future. Thank you for your consideration of these comments.