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**Testimony of Senator Harold “Trey” Stewart
Presenting L.D. 1208, An Act To Amend the State’s Electronic Waste Recycling Law
Before the Environment and Natural Resources Committee
April 26, 2021**

Senator Brenner, Representative Tucker and members of the Legislature’s Joint Standing Committee on Environment and Natural Resources: I am Senator Trey Stewart and I have the distinction of representing 51 communities in Aroostook and Penobscot Counties. I am before you today to present L.D. 1208, An Act To Amend the State’s Electronic Waste Recycling Law.

As you may recall, Maine was the first state to enact manufacturer producer responsibility for electronic devices in 2005. The law was written before any infrastructure existed for implementing an extended producer responsibility (EPR) program for electronics. Under the current system, manufacturers pay “consolidators” chosen by DEP and at rates approved by DEP who then hire electronics recyclers. Recycling rates approved by DEP are the highest in the country.

In recent years, electronics manufacturers have created a Producer Responsibility Organization (PRO) called the Manufacturer Clearinghouse, to address compliance in other states. The legislation before you proposes to incorporate this Clearinghouse into the Maine program to provide greater alignment with other states. This change would allow manufacturers to hire the recyclers who receive direct manufacturer funding and make the system consistent with state procurement law. It’s also consistent with the principle that if the government mandates a private party to do something they should let that party decide who they pay to do the work.

To be clear, L.D. 1208 does not change the financing system of the e-waste program – recycling is still the responsibility of electronics manufacturers. It also would not change the registration fees that manufacturers pay to DEP for oversight of the program. L.D. 1208 would not change the municipality-based collection system where any municipality who wants to collect and participate may do so – nor would it change the scope of products recycled under the program.

Some things this legislation does aim to accomplish include updating the administration of the program by incorporating the multi-state clearinghouse, the PRO. It would also require recyclers to be certified to third party recycling standards approved by DEP, shifting responsibility from DEP to manufacturers for arranging service to collectors. I believe this bill will create incentives for manufacturers to design and produce more environmentally-friendly products – and worth noting, it will incorporate a new requirement to minimize the generation of greenhouse gas emissions associated with the vehicle travel required to implement the program.

I was recently informed DEP is developing a rulemaking that may overlap some elements of L.D. 1208. Given this rulemaking, and in order to have robust discussions with all stakeholders, I

would like to ask that the Committee consider carrying this legislation over to review the rulemaking. I know that there are others who may have questions or concerns with this bill so by carrying this bill over and waiting for rulemaking, greater engagement can occur and something can be created that all parties are agreeable to.

Thank you for your consideration; I am happy to answer any questions you have at this time.