



**Testimony before the
Committee on Environment and Natural Resources
Peter Blair
Conservation Law Foundation
May 10, 2021**

RE: Testimony in Opposition of LD 359 – An Act to Amend the State Recycling Goal with Respect to the Beneficial Use of Waste

Dear Senator Brenner, Representative Tucker, and members of the Environment and Natural Resources Committee:

Thank you for the opportunity to submit testimony on LD 359, an Act to Amend the State Recycling Goal with Respect to the Beneficial Use of Waste. Conservation Law Foundation (“CLF”) **opposes** this bill.

CLF is a member-supported nonprofit organization working to conserve natural resources, protect public health, and build healthy communities in Maine and throughout New England. Through its Zero Waste Project, CLF aims to improve waste diversion and recycling programs and protect communities and our environment from the dangers of unsustainable waste management practices and pollution from landfills, waste incinerators, and other high-heat waste processing.

LD 359 would remove crucial language from existing law that limits when incineration can count as recycling. Currently, incinerating paper, plastic, wood, tires, and cardboard may only be considered recycling, and therefore eligible for calculating progress toward achieving the state’s recycling goals, if the Department of Environmental Protection determines that there is “no reasonably available market in the state for recycling that waste.”¹ LD 359 would remove this safeguard, the practical effect of which would be to both water down the definition of recycling and increase the amount of waste sent to incinerators.

Over three decades ago, Maine set a goal of recycling or composting 50% of the municipal solid waste generated within the state each year by 2021.² Not only was this goal not met, but we are losing ground. Maine’s recycling rates for both 2018 and 2019 were lower than the 2017 rate.³ The average rate reported by the Department of Environmental Protection for 2018 and 2019 is

¹ 38 M.R.S.A. § 2132.

² *Id.*

³ Department of Environmental Protection, Maine Solid Waste Generation and Disposal Capacity Report for Calendar Years 2018 & 2019. (January 2021).

only 36.46%.⁴ Maine does need to improve recycling, but not by expanding the definition to include incineration.

Incineration, often referred to as “waste-to-energy” by the industry, is a high-heat waste treatment technology that involves burning municipal solid waste, a.k.a. the combination of commercial, residential, and industrial wastes. Waste incineration not only emits climate-altering greenhouse gases, but it also releases significant levels of toxic pollutants to nearby communities. On average, to produce the same amount of energy as a coal power plant, waste incinerators release:

- 28 times as much dioxin;
- Twice as much carbon monoxide;
- Three times as many nitrogen oxides;
- 6–14 times as much mercury;
- Nearly six times as much lead; and,
- 70% more sulfur dioxides.⁵

Incinerators are also significant sources of particulate matter emissions.⁶ Inhalation of particulate matter has been linked to respiratory and cardiovascular problems and may cause approximately 2 million excess deaths worldwide each year.⁷ A 2011 study published in the *American Economic Review* found that among U.S. industries, waste incineration has the highest ratio of negative economic impacts from air pollution compared to the financial value added by the industry.⁸

Incineration is often touted as a landfill alternative, but after incineration, roughly 25% of the weight of incoming waste remains in the form of residual ash that must be landfilled.⁹ This ash contains high levels of dioxin, mercury, lead, polychlorinated biphenyls (“PCBs”), and polychlorinated naphthalenes (“PCNs”).¹⁰ When incinerator ash is deposited in landfills, these

⁴ *Id.*

⁵ Energy Justice Network, *supra* note 7; see also Environmental Integrity Project, *Dirtying Maryland’s Air by Seeking a Quick Fix on Renewable Energy?* 3–8 (2011), http://www.environmentalintegrity.org/wp-content/uploads/2016/11/FINALWTE_INCINERATORREPORT-101111.pdf (Maryland’s two major incinerators release mercury, lead, nitrogen oxides, and carbon monoxide at significantly higher rates than Maryland’s four coal-fired power plants).

⁶ The New School, U.S. Municipal Solid Waste Incinerators: An Industry in Decline 34 (2019), https://tishmancenter.org/wp-content/uploads/2019/05/CR_GaiaReportFinal_05.21.pdf.

⁷ Howard, C. Vyvyan, Statement of Evidence, Particulate Emissions and Health, Proposed Ringaskiddy Waste-to-Energy Facility 4–5 (2009).

⁸ Muller, Nicholas Z., Robert Mendelsohn, and William Nordhaus, 101 Environmental Accounting for Pollution in the United States Economy, *American Economic Review* 5, 1649, 1664–69 (2011).

⁹ U.S. EPA, Municipal Solid Waste in the United States: 2011 Facts and Figures 143–44 (2013), https://archive.epa.gov/epawaste/nonhaz/municipal/web/pdf/mswcharacterization_fnl_060713_2_rpt.pdf.

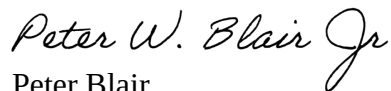
¹⁰ Global Alliance for Incinerator Alternatives, *supra* note 20, at 1; Jindrich Petrlik and Ralph Anthony Ryder, *After Incineration: The Toxic Ash Problem* 4–6 (2005), https://ipen.org/sites/default/files/documents/ipen_incineration_ash-en.pdf; Michelle Allsopp, Pat Costner, and Paul Johnston, *Incineration and Human Health* 11–12 (2001).

pollutants eventually leach out and pose an immediate threat to groundwater, drinking water, and surface water bodies.¹¹

Incineration is not the solution to waste management in Maine. Instead, Maine must enact sensible, proven, and effective policies that increase waste diversion and bolster true recycling. These include banning unrecyclable plastics, improving organic waste diversion through composting and anaerobic digestion, and improving recycling and reuse through extended producer responsibility for packaging. This committee is considering several bills this session that would put in place many of these reforms. Through a combination of these policies, we can implement the zero waste alternatives that will significantly reduce our waste, and the need for incineration.

Thank you for the opportunity to submit this testimony.

Respectfully submitted,

A handwritten signature in cursive script that reads "Peter W. Blair Jr".

Peter Blair
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Conservation Law Foundation.

¹¹ Michelle Allsopp, Pat Costner, and Paul Johnston, Incineration and Human Health 11–12 (2001).