



Natural Resources Council of Maine

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Testimony in Opposition to LD 359,
An Act To Amend the State Recycling Goal with Respect to the Beneficial Use of Waste
Sarah K. Nichols, NRCM Sustainable Maine Director, May 10, 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 testify in strong opposition to LD 359.

Converting waste to electricity or fuel *is not* recycling and therefore should not count toward the state's goal of recycling 50% of our waste. There is no compelling reason why we should conflate recycling with waste-to-energy to create the illusion that Maine has a higher recycling rate than it does. The only purpose this bill would serve would be to allow for more non-recyclable trash to flow into Maine, disguised as recyclable, but then be incinerated and destroyed and used to inflate our recycling rates. LD 359 would erode public trust in recycling and ultimately hinder progress toward our state recycling goal.

Maine's definition of recycling in Title 38, section 1771, subsection 7 reads: "*Recycling*" means the transforming or remanufacturing of an unwanted product or the unwanted product's components and by-products into usable or marketable materials. "Recycling" does not include landfill disposal, incineration or energy recovery or energy generation by means of combusting unwanted products, components and by-products with or without other waste. (emphasis added)

In other words, recycling occurs when discarded material is processed and used again—not destroyed. We live on a finite planet with finite resources. One of the primary reasons we want to encourage more recycling is because it helps to conserve resources by keeping materials in the supply chain, thereby reducing the need to make products and packaging from new, virgin materials. It is paramount that we do not corrupt that definition by allowing for processes that destroy or otherwise prevent resources from being used again to be counted as recycling.

If people falsely believe that a material is recyclable because of flawed logic like what is proposed in LD 359, then our waste crisis would only worsen. Researchers have found that people feel guilty being wasteful but feel much better about that wastefulness when recycling is an option.¹ And people already feel deceived by recyclability claims, especially for plastics. The plastics industry has knowingly misled the public and marketed their material as recyclable because they know people would feel less guilty using plastic if they thought they were able to recycle it.²

Further, Maine's 36% recycling rate is already inflated as it is. It is only a best guess at what is "collected" for recycling in Maine, not what is actually recycled into new products. If anything, Maine should be more discerning with how we calculate our recycling rate—not less—even if it

¹ Source: Harvard Business Review, <https://hbr.org/2016/10/the-behavioral-economics-of-recycling>

² Source: NPR, <https://www.npr.org/2020/09/11/897692090/how-big-oil-misled-the-public-into-believing-plastic-would-be-recycled>

were to get us further from our goal, because the public deserves to know the truth. NRCM believes that we need better data, and the public needs to be confident that recycling means actual recycling. Maine currently has a long way to go to meet our state's recycling goal that was set back in 1989.

Fudging the numbers by redefining what counts as recycling is not the way to improve our performance. Rather, we need new policies, such as LD 1541, also before the Committee today, that could substantially improve recycling in Maine. We strongly urge the Committee to vote ought-not-to-pass on LD 359. I would be happy to answer any questions that you may have.