



FOODSERVICE PACKAGING
INSTITUTE®

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Maine State Legislature
Committee on Environment and Natural Resources
c/o Legislative Information Office
100 State House Station
Augusta, ME 04333
Submitted via Testimony Portal

May 10, 2021

Dear Members of the Committee on Environment and Natural Resources,

Thank you for the opportunity to submit our support of Maine's LD 1471, "An Act to Establish a Stewardship Program for Packaging" and our respectful opposition to LD 1541, "An Act to Support and Improve Municipal Recycling Programs and Save Taxpayer Money."

Founded in 1933, the Foodservice Packaging Institute (FPI) is the leading authority on foodservice packaging in North America. FPI supports the responsible use of all foodservice packaging, while advocating an open and fair marketplace for all materials. FPI collects, maintains and disseminates science-based information related to the industry and its products. Our members include: raw material and machinery suppliers, manufacturers, distributors and purchasers of foodservice packaging. FPI represents approximately 90 percent of the industry.

The foodservice packaging industry is committed to reducing the impact of its products on the environment and is dedicated to increasing their recovery. FPI has several special interest groups that bring together the supply chain to develop and promote economically viable and sustainable recovery solutions for foodservice packaging. These special interest groups include the Paper Recovery Alliance, Plastic Recovery Group, Paper Cup Alliance and Foam Recycling Coalition. More information on these groups and their efforts can be found [here](#).

As part of our commitment to increasing the recovery of foodservice packaging, we are supportive of policy approaches that advance this effort through systems such as recycling and composting. With respect to extended producer responsibility (EPR) programs, it is our view that programs should be based on the principles of shared responsibility, fairness and system effectiveness and efficiency. It is based on these principles that we support LD 1471 and oppose LD 1541.

Maine's LD 1471 represents a shared responsibility EPR model that would allow for producers, through Producer Responsibility Organizations (PROs), to work with local governments to increase diversion of all packaging.



The multi-stakeholder process for developing the stewardship program and plan includes a strong governance structure. This structure allows for stakeholder engagement and input to happen productively, outside of the rulemaking process.

Further, the inclusion of a needs assessment, with participation from the Department of Environmental Protection (DEP) and municipalities, serves as a mechanism for accurate budget development and appropriate allocation of funds to efforts that support increased recovery.

LD 1471, appropriately places DEP as the approver (or denier) of the stewardship plan, following the collaborative process briefly outlined above.

In contrast to the merits of LD 1471, LD 1541 does not reflect EPR as it places the responsibility to make decisions and manage the stewardship program on the DEP rather than producers. EPR cannot solely be a financial obligation, producers need a role in program development and implementation.

Further, the bill lacks collaborative stakeholder engagement and only provides for required stakeholder input as part of rulemaking.

We are also concerned that the mandate to fund entire municipal solid waste programs, and the absence of a needs assessment, will result in fees to producers that are not reflective of what is needed to improve the recovery of packaging and that are inappropriately allocated to other activities, such as landfilling.

It is our belief that LD 1541 does not allow for a shared responsibility EPR approach to develop an effective and efficient system. The bill, as drafted, compromises the ability to increase recovery / recycling rates while imposing unmitigated and unmanageable costs to producers that are not reflective of improved outcomes.

For the reasons outlined above, we urge the committee to vote in favor of LD 1471 and opposed to LD 1541.

Sincerely,



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