

Written Testimony in Support of LD 1541: An Act to Support and Improve Municipal Recycling Programs and Save Taxpayer Money

Submitted by Mark Ward,

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Members of the Joint Standing Committee on the Environment and Natural Resources-

My name is Mark Ward. I wish to express my support for LD 1541, An Act to Support and Improve Municipal Recycling Programs and Save Taxpayer Money, which would put in place an Extended Producer Responsibility program for packaging in Maine.

For the past couple of years, my friend, Michael Uhl, and I have undertaken a self-education campaign on the waste stream in Lincoln County—a project that began when we discovered that our local transfer station had stopped accepting certain materials for recycling. We have shared what we have learned with the readers of the Lincoln County News, first through a series of op-eds, and beginning in 2020 through our bi-weekly “Rubbish!” column.

Among other things, we have monitored our own respective trash bins, which illustrated to us just how much of our household trash consists of packaging. A good deal of packaging contains plastic in combination with other substances, which does not allow it to be easily recycled (e.g., a padded mailing envelope or a plastic-lined coffee bag). It became apparent to us that there was a need to address the growing challenge of packaging, which has moved away from readily recyclable materials like glass to non-recyclable materials like flexible packaging.

When we became aware of the 2019 legislative resolve that directed the DEP to develop an Extended Producer Responsibility program for packaging in Maine, we joined the stakeholder process, reviewed the conceptual framework, provided input, followed LD 2104 in the last session, and gave testimony in support of its adoption.

Although I was disappointed that LD 2104 did not get voted on last year due to the pandemic, I believe that LD 1541 is actually a better bill. Specific improvements in LD 1541 include: better-defined producer incentives, broader exemptions for small businesses in Maine, a flat-fee option for low volume producers, and routine technical rulemaking rather than the lengthier and more onerous major substantive rulemaking.

More broadly, it simply makes sense to shift some of the costs to recycle or dispose of packaging materials from municipalities to producers. It’s estimated that packaging constitutes about 40% of household waste in Maine and costs Mainers more than \$16 million per year. Municipalities are currently burdened with the full cost of packaging disposal and pass these costs along to residents in the form of property taxes.

Based on our conversations with Lincoln County transfer station managers and others officials, there is widespread agreement that reducing the amount of trash that goes to a landfill or incinerator is in our municipalities’ best interest. Municipalities want to recycle, but doing so can be economically

challenging, in part because of volatility in the recycling marketplace. This volatility can cause municipalities to respond by increasing taxes or cutting recycling programs. The 2018 Chinese policy shift, which caused a dramatic drop in prices for many recyclable materials, was merely the latest episode in a market that has seen at least 5 such dips in the last 30 years.

By shifting some of the financial responsibility from Maine municipalities to the producers of packaging, LD 1541 will send a strong message to municipalities that the economics associated with recovering readily recyclable packaging will be rewarded. Extended producer responsibility can therefore help reassure municipalities that they will be partially buffered from a volatile recycling marketplace that has habitually plagued them.

Adopting EPR for packaging in Maine is both necessary and achievable. Maine already has EPR programs for other materials such as beverage containers, rechargeable batteries and paint. Packaging would simply be the next iteration in our state of the product stewardship approach and one that the Maine DEP recommended be adopted in its Product Stewardship Report from January 2019.

EPR for packaging has been adopted in Canadian provinces, European countries, and even in developing countries in Asia, Africa and South America. Given the long track record and expanding breadth of such programs abroad, many of the bugs in such programs have already been worked out.

Moreover, extended producer responsibility for packaging can be seen not just as a shift in funding, but as a way to improve recovery systems. Involving producers in an extended producer responsibility program requires that they become attentive to the full life cycle of their packaging, and accept accountability for the materials that they choose to employ. In this way, extended producer responsibility provides system integration from a package's production to its recovery or disposal.

This cradle-to-grave perspective will help producers to view recycling as a potential part of the supply chain. LD 1541 would incentivize producers who, among other things, reduce packaging, make packaging reusable, and, importantly, use recycled content in their packaging. In other countries where EPR for packaging programs have been implemented, recycling rates have increased and the rates attained are roughly double those in Maine. EPR for packaging could help Maine finally achieve our targeted, but heretofore elusive, 50% recycling goal.

To make an EPR for packaging program work requires a close tracking of materials produced and recycled. Such precise record-keeping offers the potential for enhanced traceability and transparency – following materials, whether recyclable or not, from their production, distribution, and collection, through to their ultimate destinations for repurposing or disposal. These data are, at present, poorly recorded in Maine, which is a systemic weakness. EPR for packaging will give us a much better sense of the volume and types of materials being generated and recovered in our state.

To sum up, LD 1541 will: require producers to share in the responsibility for the costs of recycling or disposal of their packaging, provide reliable funding for municipalities to support recycling infrastructure and education, build incentives for the reduction and improved design of packaging, and increase the recycling rate in Maine. EPR for packaging is not new and has been implemented successfully throughout the world. It offers a proven pathway to take bold action to strengthen Maine's commitment to recycling, and I strongly urge you to support LD1541.

I would briefly like to express my opposition to LD 1471, An Act to Establish a Stewardship Packaging Program, being simultaneously considered at this hearing. LD 1471 is a far inferior bill because it fails to ensure financial relief to Maine municipalities, provides no exemptions for small Maine businesses, doesn't incentivize reduction or improvement of packaging, and includes a governance structure that would effectively put producers in charge of a recovery system for which they have traditionally shown little interest other than to ensure that it cost them nothing.

Sincerely,

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