



**Testimony before the
Committee on Environment and Natural Resources
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Conservation Law Foundation
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RE: Testimony in Support of LD 295– An Act to Ensure Accurate Recyclability Labeling of Plastic Containers and Plastic Packaging Material

Good morning Senator Brenner, Representative Gramlich, and members of the Environment and Natural Resources Committee:

My name is Nora Bosworth, and I am a Staff Attorney for the Conservation Law Foundation’s (“CLF”) Zero Waste Project. CLF’s Zero Waste Project works to identify and address polluting and unsustainable waste management practices while promoting proven and effective solutions such as source reduction, reuse, recycling and composting. These goals are the same solutions outlined in Maine’s solid waste hierarchy.¹

CLF supports LD 295, An Act to Ensure Accurate Recyclability Labeling of Plastic Containers and Plastic Packaging Material. This bill would ensure that plastic containers and packaging that carry the chasing arrows symbol, indicating recyclability, are actually recycled in the state of Maine at least 75% of the time.

LD 295 would aid our state in reaching its statutory goals for waste diversion. Maine’s objective, laid out in 38 M.R.S.A. 2132, is to recycle or compost half the municipal solid waste generated in Maine by 2021, and to reduce our municipal solid waste disposal rate by 5% per capita every 5 years.² Maine has not yet met these goals.³ In fact, between 2018 and 2022, the amount of municipal solid waste landfilled in Maine rose by 47 percent.⁴ This bill would help decrease landfill reliance by increasing recycling rates for plastic, and could even lower plastic consumption in the state.

Packaging and container waste makes up an enormous amount of our waste stream. According to the Maine Department of Environmental Protection, about 30 - 40% of Maine’s municipal waste stream is packaging waste. Per best estimates, Mainers pay upwards of \$16 million in annual municipal costs to manage this material through recycling or disposal.⁵

¹ [38 M.R.S.A. 2101](#)

² [38 M.R.S.A. 2132](#)

³ Maine Department of Environmental Protection, 2020&2021 Municipal Solid Waste Generation & Disposal, 9-10, Jan. 2023, available at [2023-DEP-WGDC-Report-CY-2020-21 \(3\).pdf](#)

⁴ [Garbage in Maine landfills is up nearly 50 percent \(themainemonitor.org\)](#)

⁵ Maine DEP, Annual Product Stewardship Report, 15, Jan. 2019, available at [2019-Product-Stewardship-Report-final-with-comments.pdf](#)

Contrary to popular belief, plastic is rarely recyclable. For years, the recycling rate for plastics has hovered between 5% and 9%.⁶ In most of the country, only # 1 and # 2 plastics are recycled with any consistency. For instance, Maine's 2023 Municipal Solid Waste Generation & Disposal Report showed that there was absolutely no recycling of #5 plastic, polypropylene, in 2020 and 2021. Number 5 plastic is used ubiquitously for products such as yogurt containers, food takeout containers, packaging for personal care products like deodorant, lotion, or shampoo, and much more. All these containers come with the misleading chasing arrows symbol, leading consumers to place such containers in recycling bins.

When we throw non-recyclable plastic into the recycling bin, it lowers recycling rates overall because it becomes harder to separate the recyclable materials. The mix of recyclable plastic with non-recyclable plastic thus increases the burden of labor and costs for recycling facilities, adding to the documented trend of municipalities increasingly being unable to afford recycling programs.⁷ Accuracy in recycling labeling, which LD 295 would achieve, can thereby result in higher rates of recycling and make recycling programs more economically sustainable.

In advocating for a bill aimed at recycling plastic, we want to underscore that plastic is toxic and is harming our health and our planet. While plastics appear inert, the chemicals inside them easily leach away, especially when exposed to heat.⁸ Two of the most concerning types of chemicals in plastic are phthalates and bisphenols, which can lead to infertility, thyroid imbalance, preterm births, behavioral problems in children, asthma, Type 2 diabetes, heart disease, and obesity.⁹ Moreover, studies show that in some cases, recycling plastic actually increases its toxicity. For instance, once PET plastic is recycled, the chemicals leaching from it worsen.¹⁰ Plastic's impact on the natural world is grave. Tens of millions of tons of plastic flow into our oceans each year; 99.8% of this plastic sinks well below the surface, contaminating marine life. When exposed to the elements, plastics break apart into small pieces, harming ecosystems and ourselves. The cost of microplastics and nano plastics circulating in all parts of our bodies, and natural habitat, is overwhelming. A study this month published in the Journal of the Endocrine Society estimated that chemicals used in plastics have amounted to \$249 billion in health care costs in 2018, alone.¹¹ Recycling will not solve the plastic pollution crisis.

⁶ Laura Sullivan, Recycling Plastic is Practically Impossible—and the Problem is Getting Worse, National Public Radio, Oct. 24, 2022, available at <https://www.npr.org/2022/10/24/1131131088/recycling-plastic-is-practically-impossible-and-the-problem-is-getting-worse>

⁷ Maine DEP, Maine Materials Management Plan: 2024 State Waste Management and Recycling Plan Update and 2022 Waste Generation and Disposal Capacity Report, Jan. 2, 2024, available at <https://www.maine.gov/tools/whatsnew/attach.php?id=12222463&an=1>

⁸ Alice Callahan, The Types of Plastics Families Should Avoid, The New York Times, (April 17, 2020), available at <https://www.nytimes.com/article/plastics-to-avoid.html>

⁹ *Id.*

¹⁰ Tim Pilgrim, Harmful Chemicals Found in Bottled Drinks Prompts Call for Better Recycling, Brunel University London, Mar. 18,, 2022, available at <https://www.brunel.ac.uk/news-and-events/news/articles/Harmful-chemicals-found-in-bottled-drinks-prompts-call-for-better-recycling>

¹¹ Leonardo Trasande, Roopa Krithivasan, Kevin Park, Vladislav Obsekov, Michael Belliveau, Chemicals Used in Plastic Materials: An Estimate of the Attributable Disease Burden and Costs in the United States, Journal of the Endocrine Society, Volume 8, Issue 2, Feb. 2024, available at <https://doi.org/10.1210/jendso/bvad163>

Source reduction--making less plastic--is the only true solution to reducing plastic pollution and the public health impacts of constant plastic exposure. Despite the growing problem of plastic pollution, plastic production is projected to increase exponentially. In fact, the 367 million metric tons of plastics manufactured in 2020 is predicted to *triple* by 2050.¹² Modest gains in recycling will not solve the harms incurred by the proliferation and mass production of plastic.

But LD 295 could also aid in source reduction. The great myth behind plastic is that it is generally recyclable and being recycled. Once consumers are able to correctly determine how much plastic is truly non-recyclable, they can opt for more sustainable options. Raising awareness about the overall lack of recyclability of plastics is a critical step in reducing the consumption and overproduction of plastic. LD 295 would be instrumental in educating consumers, as they would no longer be relying on false recycling claims and symbols.

In sum, CLF wants to see Maine achieve its statutory waste goals, lessen reliance on landfills, and help consumers make sustainable and healthier choices—accordingly, we support LD 295. I urge this Committee to vote LD 295 favorably.

Respectfully submitted,



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¹² Laura Parker, Microplastics are in Our Bodies. How Much Do They Harm Us?, National Geographic, May 8, 2023, available at <https://www.nationalgeographic.com/environment/article/microplastics-are-in-our-bodies-how-much-do-they-harm-us>