

Testimony of Nate Cloutier

Before the Joint Standing Committee on Environment and Natural Resources

January 24, 2023

In Opposition to LD 295, *“An Act to Ensure Accurate Recyclability Labeling of Plastic Containers and Plastic Packaging Material”*

Senator Brenner, Representative Gramlich, and distinguished members of Committee on Environment and Natural Resources: My name is Nate Cloutier, and I am submitting comment on behalf of HospitalityMaine, representing more than 1,300 restaurant and lodging establishments of all sizes across the state. HospitalityMaine opposes LD 295 *“An Act to Ensure Accurate Recyclability Labeling of Plastic Containers and Plastic Packaging Material”*.

LD 295 seeks to limit or eliminate plastic packaging materials by implementing new requirements on the labeling and production of these products. We have expressed concerns in similar legislation both last year and this year that running parallel, and oftentimes, overlapping legislation to Maine’s Extended Responsibility Program for Packaging (EPR) could stall or undermine ongoing efforts to reduce plastic waste. Just within the last few months, the Maine Department of Environmental Protection (DEP) published over 50 pages of proposed rules regarding how EPR will work. In the rules you will find a proposed framework to establish which materials are “readily recyclable”, using a sliding cost scale depending on recyclability.

HospitalityMaine has been at the table throughout the conversation of environmental reform, including per- and polyfluorinated substances) PFAS, Extended Producer Responsibility (EPR), plastics, and more. The hospitality industry, made of restaurant and lodging establishments, plays a vital role in Maine’s economy, contributing substantially to employment and revenue in the state. As such, our member businesses take their role in being good stewards of the environment seriously.

We share the same concerns outlined in previous testimony to this committee and add the following:

- The amendment introduces new recyclability labeling requirements, specifically for the "chasing arrows symbol," relating to consumer awareness. However, the symbol's diverse interpretations and conditions may cause confusion, complicating efforts to communicate accurate information to consumers.
- Criteria in the amendment mandate that plastic containers and packaging materials must consistently become feedstock for new plastic container production, posing challenges for

businesses and industries that rely on diverse materials and packaging forms and limiting their ability to comply with the proposed regulations.

- We share the concerns of other stakeholders regarding the practicality and feasibility of the mandatory recyclability characterization study conducted by the Department of Environmental Protection. This could lead to potential disruptions in waste facilities' operations due to requirements for periodic sampling and reporting.
- Lastly, the amendment introduces intricate criteria for recyclability determination, incorporating factors such as population coverage, sorting processes, and chemical absence, posing challenges for businesses striving to meet environmental standards and raising questions about the additional workload for the Maine Department of Environmental Protection, potentially hindering the implementation of EPR.

As an association, we've grappled with the complexities of EPR rules. It has been a long and complicated process that has been met with understandable delays. We will continue to work with DEP, DACF, and relevant departments on legislation that is already in development. When the impact of EPR is in full effect, it will no doubt be a learning curve for restaurants. We would recommend giving these businesses the time to breathe with new programs and other mandates before introducing new, complicated requirements on consumers.

Thank you for your time and consideration.