



Maine Grocers &  
Food Producers  
Association  
PO Box 5234  
Augusta, ME 04332  
207.622.4461  
info@mgfpa.org



Retail Association of Maine  
45 Melville Street, Suite 1  
Augusta, ME 04330  
Tel: 207.623.1149 | Mobile:  
207.240.7377  
curtis@retailmaine.org  
www.retailmaine.org

## IN OPPOSITION – LD 295, An Act to Ensure Accurate Recyclability Labeling of Plastic Containers and Plastic Packaging Material

January 24, 2024

Dear Senator Brenner- Chair, Representative Gramlich- Chair, and Members of the Committee on Environment and Natural Resources,

The Maine Grocers & Food Producers Association and the Retail Association of Maine are jointly opposed to LD 295, An Act to Ensure Accurate Recyclability Labeling of Plastic Containers and Plastic Packaging Material. Our business trade associations represent Main Street businesses including independently owned and operated grocery stores and supermarkets, general merchandise and specialty retailers, convenience stores, distributors, and supporting partners — together representing more than 450 members statewide. Maine's retail sector employs more than 85,000 Mainers.

LD 295 is not dissimilar to last year's LD 1645 as drafted. The intent is to limit or eliminate plastic packaging material by implementing a number of new requirements on the production and labeling of these products. We understand and respect the sponsor's passion in regards to plastic packaging reduction. However, we also feel that LD 295 would undermine the work currently underway with Maine's EPR for Packaging law. This past fall, Maine DEP released more than 50 pages of proposed rules of how this program is going to work. Within the rules are requirement and methodologies to establish which packaging materials will be considering "readily recyclable", or not. Those that are not will be pay higher fees to help manage their end-of-life disposal.

Firstly, the amendment introduces new requirements for recyclability labeling, specific to the "chasing arrows symbol." While the intent may be to enhance consumer awareness, the specific design and conditions associated with the symbol could lead to confusion. The definition of the "chasing arrows symbol" includes various interpretations that may be subject to individual perceptions, potentially complicating efforts to communicate accurate information to consumers.

Moreover, the proposed amendment imposes stringent criteria for the recyclability of plastic containers and packaging materials, including the requirement that these items must routinely become feedstock used in the production of new plastic containers. This criterion may pose challenges for businesses and industries that rely on diverse materials and packaging forms, limiting their ability to comply with the proposed regulations.

Additionally, the mandatory recyclability characterization study, to be conducted by the Department of Environmental Protection, raises concerns about the practicality and feasibility of implementing such a study.

The requirements for waste facilities to allow periodic sampling and reporting within specific timeframes may be burdensome for these facilities, potentially leading to disruptions in their operations. We again question how this interplays with the EPR program.

Furthermore, the amendment introduces complex criteria for determining recyclability, including considerations of population coverage, sorting processes, and the absence of certain chemicals. While the intention is to ensure environmental sustainability, the practical implementation of these criteria may be challenging and could negatively impact businesses that are already striving to meet environmental standards.

Additionally, we recognize that the Maine Department of Environmental Protection has had a number of new significant programs added to their plate in recent years. Many of those programs are complex (like PFAS), involve intense rulemaking, and require an incredible amount of staff resources. There is a lot of work that needs to happen for the EPR program to be realized, and adding LD 295 to their plate may prove to be counterproductive.

We ask the Committee to vote Ought Not To Pass on LD 295 to prevent the disruption of the flow of goods being made and sold into Maine.

Thank you for the opportunity to provide testimony.



Curtis Picard, President & CEO,  
Retail Association of Maine  
45 Melville St., Augusta, ME 04330  
curtis@retailmaine.org | 207-623-1149



Christine Cummings, Executive Director,  
Maine Grocers & Food Producers Association  
PO Box 5234, Augusta, ME 04332  
christine@mgfpa.org | 207-622-4461