

Testimony of Pat Ianni, Falmouth, ME to the Maine Board of Environmental Protection (MEBEP)
in SUPPORT of the
Proposed Draft Rule Chapter 428: Stewardship Program for Packaging,
pursuant to 38 M.R.S. § 2146

Chairwoman Lessard and members of the Maine Board of Environmental Protection (MEBEP), and Brian Beneski, Supervisor of the Sustainability Unit of the Maine Department of Environmental Protection (MEDEP), and associated MEDEP Staff, thank you for this opportunity to offer testimony in support of the proposed draft rule - Chapter 428: Stewardship Program for Packaging. My name is Pat Ianni and I am a resident of Falmouth and a retired environmental scientist. I spent 38 years working as an environmental consultant, regulatory specialist, and environmental due diligence officer in Maine and across the country. Since retiring in 2019, I have dedicated much of my time to working as a volunteer in various capacities to reduce single-use, non-essential plastics - both in the market stream and in our wastes. Incidentally, I have also been a long-distance runner for over fifty years who spends an increasing amount of my run time picking up roadside litter, much of which I have observed is packaging waste – apparently considered a single-use material with little value and thus, worthy of tossing out car windows. Thus, I come to you today as a concerned citizen who hopes to see these rules adopted and this program implemented as soon as possible.

I first learned about Maine's Extended Producer Responsibility (EPR) program for packaging in 2019 and I began testifying in favor of this proposed program starting with **LD 1431** (a Resolve, To Support Municipal Recycling Programs) which was ultimately passed by the 129th Maine Legislature. That Resolve evolved through several iterations including **LD 2104** which was carried over in March 2020 due to the start of the pandemic. During that time, many Maine towns, including my town of Falmouth, signed a resolution (No. 97-2020) showing their support for the law as outlined in LD 2104 and endorsing the concept of EPR. Ultimately, after a few delays and revisions, LD 2104 evolved into **LD 1541** (An Act To Support and Improve Municipal Recycling Programs and Save Taxpayer Money), the EPR bill that was passed and enacted into law in 2021. This law was then codified as the **Stewardship Program for Packaging** law, published at 38 M.R.S. §2146. As a concerned citizen with a keen interest in this topic, I participated in all of the legislative hearings on these bills, originally in person and later, remotely during the pandemic.

My interest in this EPR for Packaging program, then and now, was triggered by my desire to see a reduction in the use of excessive and wasteful packaging that is often unnecessarily used in the sale of many consumer products. Unfortunately, this single use, often non-essential, packaging is unavoidable by most consumers and frequently ends up as roadside litter or in our waste management system where it takes up precious landfill space or generates incinerator ash which must be landfilled. Much of this packaging consists of plastics - which originate from petroleum sources and often contain harmful constituents such as endocrine disruptors. This packaging waste also frequently includes non-stick or water-repellent coated paper which can contain chemicals that are toxic to humans and many environmental receptors.

I recently listened intently to your initial discussion of this proposed Chapter 428 rule at your January 18th, 2024 BEP meeting. Some key questions that arose for me included:

Is all of this excessive packaging actually necessary to protect the products contained within?

Often the answer is NO and thus, my hope is that the fee system imposed by these rules to assist our towns in dealing with the costs to manage these excessive wastes will also serve the purpose of incentivizing the “Producers” to reduce the amount of unnecessary packaging currently being used. If producers take the lead and reduce the unnecessary packaging, they can also reduce the fees they are required to pay and our Maine towns (and taxpayers) will have less waste to manage – a Win-Win solution for all.

Is this rule equitable and are the burdens it poses on the Producers necessary? This rule implements a very creative approach, with the helpful input from dozens of Producers, Trade Associations and stakeholders. I have observed that the staff at MEDEP worked diligently for months and listened to comments shared by the public during more than a year of monthly meetings. The DEP also conducted numerous outreach visits to the facilities in Maine which manage and process these wastes. DEP shared concept drafts of the rule with the stakeholders during the year-long process soliciting additional comments, concerns and suggestions. The DEP then revised those drafts multiple times to incorporate many of the comments received. The staff have now presented a proposed Chapter 428 rule with the conscious intent to address and satisfy many of the stakeholders’ concerns while addressing the underlying problem faced by our towns to manage these excessive packaging wastes. The proposed rule also effectively achieves the stated purpose expressed by the 129th Legislature as outlined in in the original resolve (LD 1431) and by the 130th Legislature as stated

in the governing law (LD 1541, 38 M.R.S. §2146). These rules ultimately benefit so many towns and all the citizens of Maine today and for generations to come.

Is the rule unnecessarily complicated? No, it successfully addresses a diverse and complex variety of critical stakeholder interests and concerns while accomplishing the goal of the governing statute and the intent of our legislators.

In conclusion, I take comfort in knowing that if this rule works as intended, not only will our towns be better able to manage these packaging wastes in an economically sound manner that protects human health and the environment, but they will save taxpayers' dollars. Ultimately, I hope, the rule will result in the future reduction of unnecessary excessive packaging and consequently, in the wastes generated.

Maine is a leader in this process with three other states now following our example, and for the good of our health and the environment, we can only hope that with regard to EPR for packaging - **“as Maine goes, so goes the Nation”**.