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To: DEP Rule Comments
Cc: Kevin Roche
Subject: Comment on Chapter 428: Stewardship Program for Packaging

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Dear Mr. Beneski, Chair Lazard, and Members of the Board,

On behalf of ecomaine, a community-owned, non-profit organization responsible for the sustainable management of recycling and solid waste for more than 70 Maine cities and towns, I am writing to express our strong support for the updated draft rules for Chapter 428: Stewardship Program for Packaging. We commend the Board for its forward-thinking approach in addressing the critical issue of packaging waste, which has significant environmental and economic impacts on our communities.

As you approach your final deliberations on the draft rules and hopefully move towards their approval, we urge you to keep the following in mind:

Reducing Packaging Waste and Enhancing Recyclability

One of the most crucial aspects of the proposed rules is the emphasis on reducing the overall volume of packaging material. This is an essential step in minimizing the environmental footprint of consumer products and alleviating the strain on our recycling systems. By incentivizing manufacturers to use less material and to design packaging that is more readily recyclable, the draft rules will help create a more sustainable and circular economy. This approach not only conserves natural resources but also reduces the burden on municipalities tasked with managing growing volumes of waste.

Shifting the Cost Burden to Producers for Lifecycle Accountability

A key component of these updated rules is the critical need to shift the financial burden of managing packaging waste away from municipalities and onto the industry—specifically, the brands and producers responsible for the packaging materials. Currently, local governments and taxpayers are left to bear the costs of collecting, processing, and disposing of packaging waste. This is not only financially unsustainable but also fails to hold producers accountable for the environmental impacts of their products.

By requiring producers to take financial responsibility for the entire lifecycle of their packaging—from design and production to end-of-life management—these rules promote a system of total lifecycle accountability. This approach incentivizes producers to design more sustainable packaging, reduce excess waste, and invest in recycling infrastructure. Shifting the cost burden to industry will help ensure that the true costs of packaging waste are internalized by those who have the greatest influence over packaging design and material choices, ultimately leading to more environmentally responsible products.

Alternative Collection Programs Must Be Easy to Use

We understand and appreciate the DEP's commitment to flexibility and innovation within the framework of the Chapter 428 rules, recognizing that a one-size-fits-all approach may not be effective across all sectors or regions, but we also continue to emphasize the importance of ease of access and ease of use for the consumer when it comes to Alternative Collection Programs. ACPs must not be so cumbersome that they alienate users from utilizing them and cause other less sustainable options to be more appealing by erecting barriers of inconvenience.

For instance, programs that require residents to drop off materials at specific collection sites that are far from their homes or only open during limited hours can discourage participation. Additionally, systems that mandate complex sorting or the use of specialized containers can also lead to lower engagement. This can be especially true in areas where curbside collection is not available or where the materials accepted by the program are not clearly communicated to the public, leading to confusion and non-participation.

The Role of Waste-to-Energy in the Waste Hierarchy

While recycling remains a cornerstone of our waste management strategy, it is important to highlight the critical role of waste-to-energy (WTE) as part of a comprehensive waste hierarchy. In comparison to traditional landfills, which are significant sources of methane—a potent greenhouse gas—waste-to-energy facilities offer a more environmentally responsible alternative. WTE not only reduces by 90% the volume of waste that ends up in landfills but also generates renewable energy (10x the amount from landfill gas) that can be fed back into the grid, further reducing our reliance on fossil fuels.

Methane emissions from landfills pose a severe threat to our environment, contributing to climate change at a much higher rate than carbon dioxide. By diverting waste from landfills to waste-to-energy facilities, we can significantly mitigate these harmful emissions. The integration of WTE into Maine's waste management strategy ensures that even non-recyclable materials are managed in a way that maximizes environmental benefits and minimizes harm.

Conclusion

In conclusion, ecomaine fully supports the updated draft rules for Chapter 428 and believes they represent a significant step forward in addressing the challenges of packaging waste. By reducing packaging material, enhancing recyclability, shifting the cost burden to producers, and supporting waste-to-energy as a critical component of our waste management strategy, Maine can lead the way in sustainable waste management practices.

We urge the Board to adopt these rules and continue to prioritize strategies that reduce waste, promote recycling, and utilize waste-to-energy to protect our environment and strengthen our communities.

Thank you for your consideration.

Sincerely,

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