



THE MAINE LEGISLATURE

Board of Environmental Protection
17 State House Station
28 Tyson Drive
Augusta, ME 04333-0017

August 26, 2024

Dear Commissioner Loyzim and members of the Board of Environmental Protection:

We are writing in support of the proposed rules regarding Chapter 428: Stewardship Program for Packaging, pursuant to 38 M.R.S. 2146 passed by the 130th Maine Legislature. As proponents of the enabling legislation, LD 1541, *An Act to Support and Improve Municipal Recycling Programs and Save Taxpayer Money*, we are writing to thank you for working through the details of this transformative policy, guided by the staff experts at the Department of Environmental Protection (DEP) and informed through the thorough stakeholder process that they conducted and comments received.

As you know, Maine's cities and towns are in urgent need of help to manage and pay for the growing amount of packaging waste in our communities. Once implemented, the Extended Producer Responsibility (EPR) for Packaging program will ensure that communities can access needed funding and provide more access to waste reduction and recycling programs without raising taxes. EPR for Packaging programs have been in place in 45+ jurisdictions all over the world for more than 30 years and have led to drastic increases in recycling and less waste. The cost-internalization by producers has also led to better packaging and overall less cost.

Maine lawmakers have proudly led the way for this policy to come to the United States; and we've since been joined by Oregon, Colorado, California, and Minnesota. Here is a brief legislative timeline to emphasize the rigor to which Maine lawmakers evaluated this policy over three years leading to its passage:

- In 2019, the first piece of legislation that enabled the development of Maine's EPR for Packaging law was LD 1431, A Resolve To Support Municipal Recycling Programs, which passed the Legislature with unanimous support and was signed by the Governor. It required the DEP to present statutory language to the Committee on Environment and Natural Resources (ENR) that would establish a stewardship program for packaging.

- In 2020, Maine DEP presented the statutory language to the ENR Committee, which they reported out as a bill, LD 2104, An Act to Support and Increase the Recycling of Packaging. The bill had a public hearing that lasted more than 8 hours and received 181 pieces of testimony, 73% of which were favorable. That bill ultimately passed the Committee, but the pandemic led to an abrupt adjournment of the Legislature.
- In 2021, bipartisan co-sponsors Representative Nicole Grohoski and lead co-sponsor Senator Rick Bennett refiled the EPR for Packaging bill, LD 1541, An Act to Support and Improve Municipal Recycling Programs and Save Taxpayer Money. Plastic manufacturers and producers of packaging also filed a competing bill, LD 1471, that would have been largely ineffective.

There were 70 testimonies in support of LD 1541 from a wide diversity of stakeholders including large and small local business owners; municipal staff, local elected officials, and local recycling committee volunteers; solid waste professionals and transfer station managers; state lawmakers; nonprofit and religious institutions; taxpayers; middle and high school students; undergraduate and graduate school students; and University of Maine faculty. Thirty-one Maine municipalities representing more than 346,000 people passed municipal resolutions in support of an EPR for Packaging law. The law passed with bipartisan support and was signed by the Governor on July 12, 2021.

For these reasons, we urge you to support the proposed rules so that the program can provide necessary relief to Maine taxpayers and reduce waste, as the Legislature intended. However, before you do, we encourage you to provide for more equitable reimbursement to towns for the management of material deemed non-readily recyclable (pages 51 and 52) and not penalize rural communities or others who have no other feasible option but to landfill these materials due to transportation, capacity constraints, or existing contractual arrangements.

On behalf of our constituents, we appreciate your consideration of this request.

Sincerely,

Senator Nicole Grohoski (lead sponsor of LD 1541)

Senator Rick Bennett (lead cosponsor of LD 1541)

Senator Donna Bailey

Senator Stacy Brenner

Senator Anne Carney

Senator Craig Hickman

Former Senator Cathy Breen

Former Senator Brownie Carson

Representative Arthur Bell
Representative Kristen Cloutier
Representative Vicki Doudera
Representative Lori K. Gramlich
Representative Allison Hepler
Representative Christopher Kessler
Representative Scott Landry
Representative Maggie O'Neil
Representative Melanie Sachs
Representative Sophie Warren
Representative Stanley Paige Zeigler
Former Representative Seth Berry
Former Representative Lydia Blume
Former Representative Patrick Corey
Former Representative Patty Hymanson
Former Representative Ralph L. Tucker