



**Solutions
for a Toxic-Free
Tomorrow**

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August 26, 2024

Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333

Dear Commissioner Loyzim,

Thank you for the opportunity to provide comments on the draft rules Revised Chapter 428: Stewardship Program for Packaging Draft Rule. Defend Our Health works to create a world where everyone has equal access to safe food, safe drinking water, healthy homes, and toxic-free and climate-friendly products. The Extended Producer Responsibility (EPR) law is an important law that will help address Maine's waste crisis and protect consumers from toxics in packaging.

It is essential that we take swift action to adopt the actions proposed in the draft of the EPR recycling program to meet Maine's waste and environmental health goals. Our current system of waste management has been shown time and time again to not work – polluting our land, water, and air, and making taxpayers fund recycling programs throughout the state. Maine has had recycling goals since [1989](#) that still have not been reached almost 40 years later. And while we continue to recycle the same percentage of material each year, our total waste generation has been steadily on the rise, leading to an impending waste problem we are already beginning to feel the effects of and need real solutions to manage. Casella is asking the state to allow them to expand the Juniper Ridge Landfill (JRL) to deal with increased waste generation. A better solution is implementing policies like EPR that reduce waste instead of putting the burden on fence-line communities near our landfills.

It is time to move the cost burden of recycling from taxpayers to the producers who should be held accountable for the waste their products generate through poor packaging systems and materials. This “*The Polluter Pays*” principle is the key to revolutionizing waste in Maine and igniting systemic change in packaging and waste production throughout the country. With this principle, polluters will be forced to pay more for layers and layers of nonrecyclable packaging material we still often see these days on products.

Shifting the burden to producers will be economically favorable for Mainers without harming small Maine businesses. This is backed by evidence from similar past programs, such as in British Columbia, Canada, where, as a result of adopting the polluter pays principle, the wealthiest 5% of businesses funded over 80% of the EPR program. There is similarly no evidence that EPR programs increase the cost of goods. Thus, recycling

and better packaging costs will fall onto wealthy corporations, while citizens will be able to recycle more of their packaging without paying more for everyday products. When fully implemented, this system is projected to save taxpayers \$16-17 million annually.



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It is critical for these rules to be enforced as soon as possible to limit the economic stress on communities and hold corporations accountable. The longer these new rules are delayed, the more waste is piled into landfills at the expense of the taxpayer. Delaying implementation of the new rules would hurt impacted communities who need economic help to manage their recycling programs. Our municipalities need this help as soon as possible and the pollution producers are standing in the way of that help.

Turning to the toxics language in the draft, the Department has edited the definition of toxics to align with the definition of toxicity that already exists under statute. While we have no issue with aligning the definitions to make compliance easier and more uniform, as we mentioned in previous comments, we do want to see the Department provide a pathway to add other toxic chemicals and non-recyclable materials to this list moving forward. As scientists continue to study the health impacts of chemicals used in our packaging, they are finding more and more of them are harmful to human health. An international study found that there are more than 3,000 harmful chemicals in food packaging alone¹. If you look at all packaging, that number will most assuredly be larger. The Department needs to make sure that, as scientific information becomes available about the detrimental health impacts of toxic chemicals in packaging, there is a pathway to add them to the law.

The Department should also provide a pathway for additional packaging that should not be included on the “readily recyclable” list. The U.S. Plastics Pact² provides a detailed list of problematic plastics that industry has already agreed are not recyclable and shouldn’t be utilized including plastic packaging; this includes toxic chemicals such as per and poly fluoroalkyl substances (PFAS), polyvinyl chloride including PVDC (Polyvinylidene Chloride), Non-Detectable Pigments such as Carbon Black, polystyrene, and many other materials. We urge the Department to make sure there is a process in place to add these materials.

Thank you once again for the opportunity to provide these comments. We look forward to continuing discussions with the Department on its implementation of this critical law. Please feel free to contact Sarah Woodbury, Vice President of Policy and Advocacy, at swoodbury@DefendOurHealth.org if we can provide additional information.

Sincerely,

Sarah Woodbury
Vice President of Policy and Advocacy
Defend Our Health

¹ Krupnick, M. (2022, May 19). *More than 3,000 potentially harmful chemicals found in food packaging*. The Guardian. Retrieved December 6, 2022, from <https://tinyurl.com/mr4yec83>

² *U.S. Plastics Pact's problematic and Unnecessary Materials List - The U.S. Plastics Pact*. The U.S. Plastics Pact -. (2023, February 15). <https://usplasticspact.org/problematic-materials/>