



For a thriving New England

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April 18, 2019

Chair Brownie Carson
Chair Ralph Tucker
Joint Standing Committee on Environment and Natural Resources
100 State House Station
Augusta, ME 04333

Re: Testimony in support of LD 1431, “Resolve, To Support Municipal Recycling Programs”

Dear Senator Carson, Representative Tucker, and Honorable Members of the Joint Standing Committee on Environment and Natural Resources:

We are writing to convey Conservation Law Foundation’s (“CLF’s”) support for L.D. 1431, “Resolve, To Support Municipal Recycling Programs.” CLF is a nonprofit, member-supported, regional environmental organization working to conserve natural resources, protect public health, and promote thriving communities in the New England region with an office in Portland. Through CLF’s Zero Waste Project and our Plastic Free New England campaign, CLF aims to protect the regions’ communities from the dangers posed by landfills and incinerators, support the development of a circular economy, and lift the burden of waste costs from municipalities.

CLF supports the Maine Legislature’s consideration of a resolve for EPR for packaging and printed paper and encourages the Legislature to adopt such a resolution.

CLF supports Extended Producer Responsibility (“EPR”) programs for packaging and printed paper so that producers assume the financial responsibility for the end-of-life management of their products. EPR programs have been shown to effectively increase recovery and reduce contamination of recycling, while creating an incentive for producers to design products to be more durable, easier to repair, and less toxic. Recent dramatic increases in recycling costs for local governments have made clear the need for producers to take responsibility for the financial and environmental burdens their products create.

Recycling in the U.S. does not work

Single-stream, commingled recycling may have resulted in more resident and business participation. However, sorting single-stream recyclables is a costly, time and labor-intensive process that ultimately fails to produce quality, clean materials. For the past two decades, recycling companies cherry-picked valuable materials and shipped bales of low-grade mixed paper and plastic to China where processors relied on cheap labor and a booming manufacturing economy to extract value from them. Plastic and paper waste that couldn’t be sold or remanufactured was either burned, disposed of in a Chinese landfill, or ended up as ocean litter.¹

¹ McVeigh, K. (October 5, 2018). *Huge Rise in U.S. Plastic Waste Shipments to Poor Countries Following China Ban*. The Guardian, <https://www.theguardian.com/global-development/2018/oct/05/huge-rise-us-plastic-waste-shipments-to-poor-countries-china-ban-thailand-malaysia-vietnam>

China's recent National Sword policy stopped the importation of most foreign mixed paper and plastic, exposing the failures of single-stream recycling.² Waste Management estimates that roughly 25% of the U.S.'s single-stream recycling is contamination.³ Instead, low-grade plastics and paper are increasingly ending up in dangerous incinerators and landfills.

Rising costs are borne by taxpayers

The cost of recycling has ballooned across New England, including in Maine. Municipalities that previously counted recycling as a revenue stream are now paying several times what they were receiving per ton to manage their single-stream materials. Forty-four percent of towns and cities in Maine have had to reduce their recycling programs over the past year. The Connecticut Conference of Municipalities reports that cities like Stamford, Bridgeport, Waterbury and Fairfield saw around a half-million-dollar swing in their recycling finances from a revenue source to a cost.⁴ These increased costs are being borne by the taxpayers of New England.

While some voluntary, producer-funded programs like the Closed Loop Fund and the Alliance to End Plastic Waste have committed to investing in recycling infrastructure,⁵ their commitments are woefully insufficient to make the changes needed. Meanwhile, the Plastics Industry Association along with other stakeholders have been lobbying lawmakers in Washington to commit \$500 million in taxpayer dollars for recycling infrastructure investments,⁶ and asking local governments to do a better job of educating residents on best recycling practices.

No amount of education or recycling infrastructure investment will make our single-stream recycling system cost-effective for municipalities. Furthermore, the producers of plastic and paper packaging continue to churn out millions of tons of non-recyclable material each year. These companies continue to make enormous profits at the financial and environmental expense of taxpayers and the planet. Local governments with no control over the waste stream should not be responsible for the cost, its producers should.

Extended Producer Responsibility is an effective and proven way to lift recycling costs from municipal governments and promote a circular economy

Across the world, EPR laws have effectively increased recovery and reduced recovery costs for municipalities. Twenty-eight European Union member states have some form of EPR for packaging, along

² Semuels, A. (March 5, 2019). *Is this the end of recycling?* The Atlantic. Retrieved from:

<https://www.theatlantic.com/technology/archive/2019/03/china-has-stopped-accepting-our-trash/584131/>

³ Bell, B. (April 3, 2018). *The battle against recycling contamination is everyone's battle.* Waste Management Media Room.

Retrieved from: <http://mediaroom.wm.com/the-battle-against-recycling-contamination-is-everyones-battle/>

⁴ Dixon, K. (March 8, 2019). *CT's recycling market collapses.* Connecticut Post. Retrieved from:

<https://www.ctpost.com/politics/article/CT-s-recycling-market-collapse-13661573.php>

⁵ Detrick, H. (January 1, 2019). *Alliance to End Plastic Waste Criticized for Including Major Plastic Producers.* Forbes

Magazine. Retrieved from: <http://fortune.com/2019/01/21/plastic-waste-alliance/>

⁶ Toloken, S. (March 7, 2019). *Industry coalition eyes \$500 million federal push for domestic recycling.* Plastics News. Retrieved

from: <https://www.plasticsnews.com/article/20190307/NEWS/190305416/industry-coalition-eyes-500m-federal-push-for-domestic-recycling>

with Israel, Brazil, Peru, Japan, Singapore, Russia, and five Canadian provinces, among others.⁷ EU member states have an average recovery rate of 40% for plastic packaging material,⁸ as compared to the United States where the average recycling rate for plastics is between 4-9%.⁹ EPR programs for packaging will also offset taxpayer costs by millions of dollars, and:

1. **Set recycling targets** – Local and state governments can work together with producers to set recovery targets for collection of material.
2. **Educate residents on recycling best practices** – Besides the cost to haul and process recycling, educating residents is an expensive undertaking for municipalities. In EPR programs for packaging, producers should be required to fund adequate education so residents know how best to recycle.¹⁰
3. **Incentivize system efficiency** – When producers are required to fund the recycling system, they have a financial incentive to make sure it works well.
4. **Encourage domestic processing infrastructure development** – Better recycled materials encourage domestic processing infrastructure. An EPR program for packaging will provide a clean and reliable stream of recyclables.
5. **Make post-consumer recycled content possible** – Improved collection systems provide a higher volume of clean and reliable post-consumer recycled content to help producers meet their recycled content goals.
6. **Incentivize producers to design their products for recycling, not disposal** – Every country in the EU and several Canadian provinces have added “disruptor” or “eco-modulated” fees to their programs. Producers of plastic and paper packaging made with post-consumer content, made from one type of material instead of several, are clearly labeled, and easy to recycle pay a smaller fee per ton of material. Producers of packaging that does not meet these standards pay a higher “disruptor” fee. In France, where disruptor fees have been in place for five years, the producer organization CITEO has seen a measurable change in what types of products are sold on the French market.¹¹

CLF supports an EPR law that shifts the financial burden of recycling from municipalities to the producers

CLF supports EPR bills for printed paper and packaging that include the following:

⁷ More Recycling. (February 11, 2019). *Data Sort: Worldwide expansion of EPR packaging*. Resource-Recycling. Retrieved from: <https://resource-recycling.com/recycling/2019/02/11/data-sort-worldwide-expansion-of-packaging-epr/>

⁸ Deloitte Sustainability (2017). *Blueprint for plastics packaging waste: Quality sorting and recycling*. Page 13. Retrieved from: https://www.plasticsrecyclers.eu/sites/default/files/PRE_blueprint%20packaging%20waste_Final%20report%202017.pdf

⁹ Dell, J. (October 4, 2018). *U.S. plastic recycling rate projected to drop to 4.4% in 2018*. Plastic Pollution Coalition. Retrieved from: <https://www.plasticpollutioncoalition.org/pft/2018/10/4/us-plastic-recycling-rate-projected-to-drop-to-44-in-2018>

¹⁰ EXPRA (2017). *Extended Producer Responsibility at a glance*. Retrieved from: http://www.expra.eu/uploads/downloads/EXPRA%20EPR%20Paper_March_2016.pdf

¹¹ Presentation by Axel Darut (CITEO). *Fee modulation in France*. Presentation given at the European Commission Directorate-General Environment Workshop on: Workshop on: The Essential Requirements and new Extended Producer Responsibility rules in relation to the implementation of the Waste Framework and Packaging and Packaging Waste Directives. March 11, 2019

1. **Municipal and environmental representation on the oversight committee** – Most EPR laws stipulate that a governing body of some kind oversee the program. This governing body should have representatives from municipal government, the recycling industry, and environmental organizations as sitting members to ensure that municipal and environmental goals are prioritized.¹²
2. **The EPR program is fully funded by the producers** – While some EPR programs direct the cost of recycling to be split between municipalities and the producers, it is CLF’s position that it is more efficient and equitable for the producer’s to fully fund the program.
3. **Producers should pay disruptor fees** - A strong EPR bill requires that producers of less recyclable materials pay a commensurate larger portion of the cost to recycle them. Evidence from jurisdictions with eco-modulated disruptor fees shows measurable change in the design of materials placed on the market.
4. **Municipalities should remain in control of their recycling programs** – As entities without a profit motive, municipalities are best suited to ensure that waste reduction and diversion goals are prioritized and met. Fees paid by producers should then be used to reimburse municipal governments.

EPR is not a new concept in Maine – the state already has not one but four successful programs for producer takeback in addition to a framework law, and we commend the Maine Legislature for leading on EPR for packaging. Similar legislation to L.D.1431 is under consideration in Connecticut and Massachusetts, and the Governor or Rhode Island expressed interest in the concept as part of the “Tackling Plastics Task Force” convened this past fall. Passage of L.D.1431 in Maine would make the state a national and international leader in best waste management practices.

CLF supports the Committee’s consideration of an EPR program for packaging and printed paper and encourages the Committee to adopt such a resolution. Thank you for the opportunity to submit this testimony. CLF stands ready to answer any questions or supply additional information that the Committee may find useful.

Very truly yours,



John Hite
Policy Analyst, Zero Waste Project, CLF

¹² Evans, L. (November 30, 2016). *How British Columbia can improve its packaging EPR effort*. Resource Recycling. Retrieved from: <https://resource-recycling.com/plastics/2016/11/30/how-british-columbia-can-improve-its-packaging-epr-effort/>