



February 11, 2016

Mark Bergeron
Director, Bureau of Land Resources
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

Comments on the Maine Department of Environmental Protection's 2016 Report to the Legislature, *Implementing Product Stewardship in Maine*

Dear Mr. Bergeron,

Thank you for the opportunity to submit comments on the Department of Environmental Protection's 2016 Report to the Legislature, *Implementing Product Stewardship in Maine*. The programs reviewed in this report are very successful in reducing mercury pollution to Maine's environment, diverting millions of pounds of waste from Maine's landfills and incinerators, saving money for taxpayers and municipalities, and creating jobs here in Maine. We have worked with the DEP and key stakeholders to identify ways to continually improve implementation of Maine's nationally recognized product stewardship programs, and we have monitored product stewardship laws across the nation to determine whether additional product categories deserve consideration for possible new product stewardship programs here in Maine.

Overall, NRCM believes that DEP's 2016 product stewardship report to the Legislature strongly validates Maine's product stewardship programs, demonstrating that these laws are succeeding and providing substantial benefits to Maine people and our environment. We are pleased that DEP has included the beverage container program (aka the bottle bill) in the product stewardship report for the first time. The bottle bill was Maine's first product-specific law implemented in 1978, and has successfully collected 90% of bottles for recycling, more than double the recycling rate for other commodities.

NRCM strongly supports the Architectural Paint Stewardship program, and we were very pleased to see the program finally begin last October. We are glad that PaintCare has, to date, successfully enrolled 85 easy and convenient collection sites at which Maine people can dispose of large volumes of unused and unwanted architectural paint, and we will continue to publicly promote this program to ensure its success.

We believe that the program for collecting mercury auto switches is running smoothly, despite the decrease in 2015 collections. Mercury auto switches were no longer installed in new cars after 2003, and older vehicles may be taking longer to come out of service than originally projected, so the decline is not unexpected.

It is good to see that the number of mercury-containing lamps collected for recycling in Maine is increasing. However, we are concerned that the *recycling rate* has declined as indicated in the report. We believe it should be a high priority for the National Electrical Manufacturers Association (NEMA) and DEP to continue to promote consumer awareness of recycling opportunities and establish additional convenient collection sites throughout the state to give the

recycling rate a needed boost. Although the programs for collecting electronic waste and cell phones seem to be operating efficiently, we also believe it is important for DEP to pursue education and outreach strategies that help achieve even higher collection levels in years to come.

As for consumer batteries, NRCM supports proposed product stewardship legislation (LD 1578) that would provide Mainers with the opportunity to recycle all of their single-use consumer batteries, not just the rechargeable type. We urge the Department to support this legislation as well. NRCM regularly receives inquiries on how to recycle alkaline batteries and we are unable to respond with an adequate solution. The proposed legislative language to establish a stewardship program for small batteries does need to be amended, we believe, to include measureable convenience standards and performance goals. We hope that the Department would support such changes.

Finally, NRCM agrees with the Department's recommendations to improve the effectiveness of our mercury-containing thermostat collection program. Due to the success of the \$5 financial incentive, this program has established Maine as a national leader in reducing mercury pollution despite repeated attempts by the Thermostat Recycling Corporation (TRC) to undermine the program's effectiveness. We agree with the Department's recommendations on how to streamline the incentive program and to ensure that mercury from out-of-service thermostats is not ending up in incinerators, landfills, or the environment.

Historically, the TRC has fallen far short of the statutory goal of collecting 160 lbs. of mercury annually from its mercury thermostat recycling program. We agree with the Department that this is an unrealistic collection goal. NRCM recommends that the Legislature revisit and update the performance standards in the law, and institute enforceable collection goals based on current, statistically significant data. NRCM believes that the SERA study, referred to by the Department, will be extremely useful for setting new performance goals for Maine's thermostat collection program.

In sum, we feel that the report supports the importance and success of Maine's eight product stewardship programs. We urge DEP to expand the state's product stewardship programs by supporting an all-consumer battery stewardship law, and continue to work toward stewardship programs for both carpets and mattresses. We believe that the Department has suggested simple ways to improve collection rates of mercury thermostats, and we hope that the Department will move forward on establishment of enforceable collection goals and continue to preserve the integrity of the existing mercury thermostat incentive program. We thank you for the opportunity to provide these comments, and request that they be submitted to the Legislature with the 2016 report.

Sincerely,



Sarah Lakeman
Sustainable Maine Project Director
Natural Resources Council of Maine