Why, Who, What, When, and How Maine Passed the First EPR for Packaging Law in the U.S.
<table>
<thead>
<tr>
<th>Year</th>
<th>Items</th>
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<tbody>
<tr>
<td>1976</td>
<td>Beverage Containers</td>
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<tr>
<td>1991</td>
<td>Rechargeable Batteries</td>
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<td>2002</td>
<td>Mercury Auto-switches</td>
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<td>2004</td>
<td>Electronic Waste</td>
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<tr>
<td>2006</td>
<td>Mercury Thermostats</td>
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<tr>
<td>2007</td>
<td>Cell Phones</td>
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<tr>
<td>2009</td>
<td>Mercury Lamps</td>
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<tr>
<td>2013</td>
<td>Unused Paint</td>
</tr>
<tr>
<td>2021</td>
<td>Unused Drugs</td>
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<tr>
<td>2021</td>
<td>Packaging</td>
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Maines Product Stewardship Framework Law

- Sets product stewardship as state policy to support waste management hierarchy;

- Defines product stewardship program components;

- Requires DEP to submit a status report each January and solicit comments;

- Provides criteria for identifying candidates for new product stewardship programs.
In 2018, the time was ripe to move on EPR for Packaging

China National Sword
Exposed Fundamental Flaws with Status Quo

Plastic Pollution Crisis in Public Eye

Costs to cities and towns disrupting recycling programs
Maine DEP Signals Support in 2019 Annual Product Stewardship Report to the Legislature

- Packaging fits 4/5 criteria
  - Increase recovery
  - Reduce costs for towns
  - Evidence of success elsewhere
  - Voluntary not working

- Estimates $16-$17.5M cost for municipalities
  - All costs associated with packaging

- Explains concern with producer run program
  - Monopoly
  - Fairness
  - Transparency
LD 1431, Resolve to Support Municipal Recycling Programs passed unanimously in 2019.

Directed DEP to write the bill (LD 2104) with these guardrails:

- Reimbursement to towns for recycling costs
- Exemption of bottle bill material
- Did not include paper
- Eco-modulated fees
- Data transparency and reporting
- Assistance to municipalities
LD 2104 Stakeholder Engagement Timeline

1/31: 2019 DEP Annual Product Stewardship Report suggesting packaging as candidate for EPR program, contains comments from stakeholders (list of commenters attached)

7/2: DEP sends initial letter to interested parties asking for written input by 7/19 as they begin to outline the draft (letter and stakeholders list attached)

8/8: DEP sends a letter to interested parties alerting them to four stakeholder meetings and a date by which to submit written input on outline by 9/13 on EPR for Packaging (letter attached)

10/2: Fourth DEP stakeholder meeting in Presque Isle

1/22: Advertised, public committee briefing from EPR experts

4/18: Public hearing on Resolve bill LD 1431, establishing a policy framework for DEP to draft a bill to implement an EPR for Packaging program (list of testifiers attached)

5/31: LD 1431 passed unanimously through committee, house, senate and signed by the Governor—signaling the bill language was forthcoming

8/27: First DEP stakeholder meeting in Bangor (sign in sheet attached)

9/19: Third DEP stakeholder meeting in Portland (sign in sheet attached)

9/12: Second DEP stakeholder meeting in Augusta (sign-in sheet attached)

2/26: Public Hearing and opportunity to submit testimony on LD 2104
Key Parts of First EPR Bill, LD 2104

<table>
<thead>
<tr>
<th>Governance Structure</th>
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<tr>
<td>• No Program Plan</td>
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<td>• Details done in rulemaking</td>
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<td>• One Stewardship Organization</td>
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<th>Bad Amendments</th>
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<tr>
<td>• Sweeping exemptions</td>
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<td>• Producer off-ramp</td>
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<td>• Major Substantive Rulemaking</td>
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<th>Pandemic Shutdown</th>
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<td>• Passed committee</td>
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<td>• Never taken up in House/Senate</td>
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LD 1541: An Act to Support and Improve Municipal Recycling Programs and Save Taxpayer Money
Maine DEP’s Approach:

- Fairness and protection for municipalities, recyclers, haulers, and small businesses
- Incentives and funding for improvements in system
- Transparent data, accountability
- No fox watching henhouse
SMALL PRODUCER EXEMPTION

- Gross Revenue < $5M year for first 3 years then drops to <$2M

or

- Generate less than 1 ton packaging/year; or < 15 tons for perishable food producers

or

- More than 50% of gross revenue from sale of goods acquired from salvages, liquidations, etc.

also

- The definition of producer excludes non-profits

LOW-VOLUME PRODUCERS

- That generate between 1 and 15 tons packaging/year...

- Have a choice to pay flat fee, or material specific fees that large producers pay.

- Flat fees are on tiered basis and capped.
  - Low volume producer fees would not exceed $500/ton or $7,500 total for the year
Annual fees paid must reflect per-ton costs associated with material:

- Collection
- Processing
- Transportation
- Recycling Fees
- Investments in education and infrastructure
- Share of administrative costs

“Eco-modulated” adjustments to the fees must incentivize:

- Reduction in packaging
- Reuse of packaging
- Lower toxicity in packaging
- Use of post-consumer recycled content in packaging
- “Readily Recyclable” packaging
- Accurate recycling instructions for consumers
Reimbursing Municipalities for Costs of Managing Packaging Waste

- Voluntary for municipalities to participate
- Municipalities can join in groups
- Participating municipalities must collect all “readily recyclable” material
- Annual reimbursements on median per-ton costs for similar muni’s optimizes program efficiency
- Per-capita payments for packaging disposal costs was taken out
EPR Program Goals Established in Rulemaking

Producer goals:
- Packaging reduction
- Packaging reuse
- Increased post-consumer recycled content in packaging

Municipal goals:
- Increased access
- Increased collection/participation

Overall program goals:
- Collection rate vs. Recycling rate
- Litter reduction
Sorted glass is considered recycled if it does not require further processing before entering a glass furnace or before use in the production of filtration media, abrasive materials, glass fiber insulation or construction materials;

Sorted metal is considered recycled if it does not require further processing before entering a smelter or furnace;

Sorted paper is considered recycled if it does not require further processing before entering a pulping operation; and

Plastic separated by polymer is considered recycled if it does not require further processing before entering a pelletization, extrusion or molding operation or, in the case of plastic flakes, does not require further processing before use in a final product.
New, Helpful Data = Continuous Improvement

Amount and type of packaging sold into the State each year

Was that material collected for recycling in fact recycled?

Regular audits of:
- Waste stream
- Recycling stream
- Litter in Maine
Next Steps:

**July 2022** – Hire staff for program development and oversight

**July 2022 – Dec 2023** Stakeholder outreach for rule development

**December 31, 2023** – Deadline to initiate rulemaking

**Summer 2024** – Anticipated adoption of rules

**Fall 2025** – Issue RFP for stewardship organization

**2026** – Selection of stewardship organization

**2026** – First producer payments

**2027** – First payments to municipalities

Email: [MainePackagingEPR@maine.gov](mailto:MainePackagingEPR@maine.gov) to be added to list of interested parties and receive updates from DEP
How we did in Maine; Advocacy tips for EPR
Need Lead Organizers

Bring and keep allies together

Information and messaging hub

Keep key players up-to-date and on task

Natural Resources Council of Maine
Need Champion Lawmakers
Need a Diverse Stakeholder Coalition

ENVIRONMENTAL COMMUNITY

MUNICIPALITIES

BUSINESSES
Need a deliberate messaging and media strategy

- Save taxpayer money and help towns
  - Someone is paying; shifts costs
- EPR is a proven solution used all over the world
  - Maps and Lists
- Increase long-term effectiveness of recycling in Maine
  - Supportive data from other places
Beware Bad Faith
Industry Bills like LD 1471

“A recycling bill written by packaging manufacturers is like a drug enforcement bill written by Pablo Escobar”
Most Mainers agree, our recycling system is broken. LD 1471 has the framework to modernize our state’s recycling infrastructure and decrease waste.

Haven’t grocery prices risen enough? Now is not the time for a new grocery tax.

Excess packaging waste is threatening our environment. Tell your lawmaker, packaging stewardship is the comprehensive solution to modernize our recycling system.

With prices rising at the supermarket, now is not the time to pass the first-in-the-nation EPR bill that will create a new grocery tax.
“Everyone in Maine will only be able to afford potatoes and spaghetti as a result of this law”
Know your must haves vs. nice to haves

- Printed paper; junk mail
- Product Like Packaging
- Commercial Packaging
- Responsible End-Markets
- Faster timeline
The Times They Are A-Changin’

NO! to Corporations Gaslighting and Shaming of Individuals

Gaslighting (verb)
A subtle form of emotional manipulation that often results in the recipient doubting their perception of reality and their sanity.

@ThePsychologyGroup

YES! to Accountability and Corporate Responsibility

MAKE POLLUTERS PAY.
Thank you!

Natural Resources Council of Maine
Protecting the Nature of Maine

www.nrcm.org

Reach me at sarah@nrcm.org or (207) 430-0170