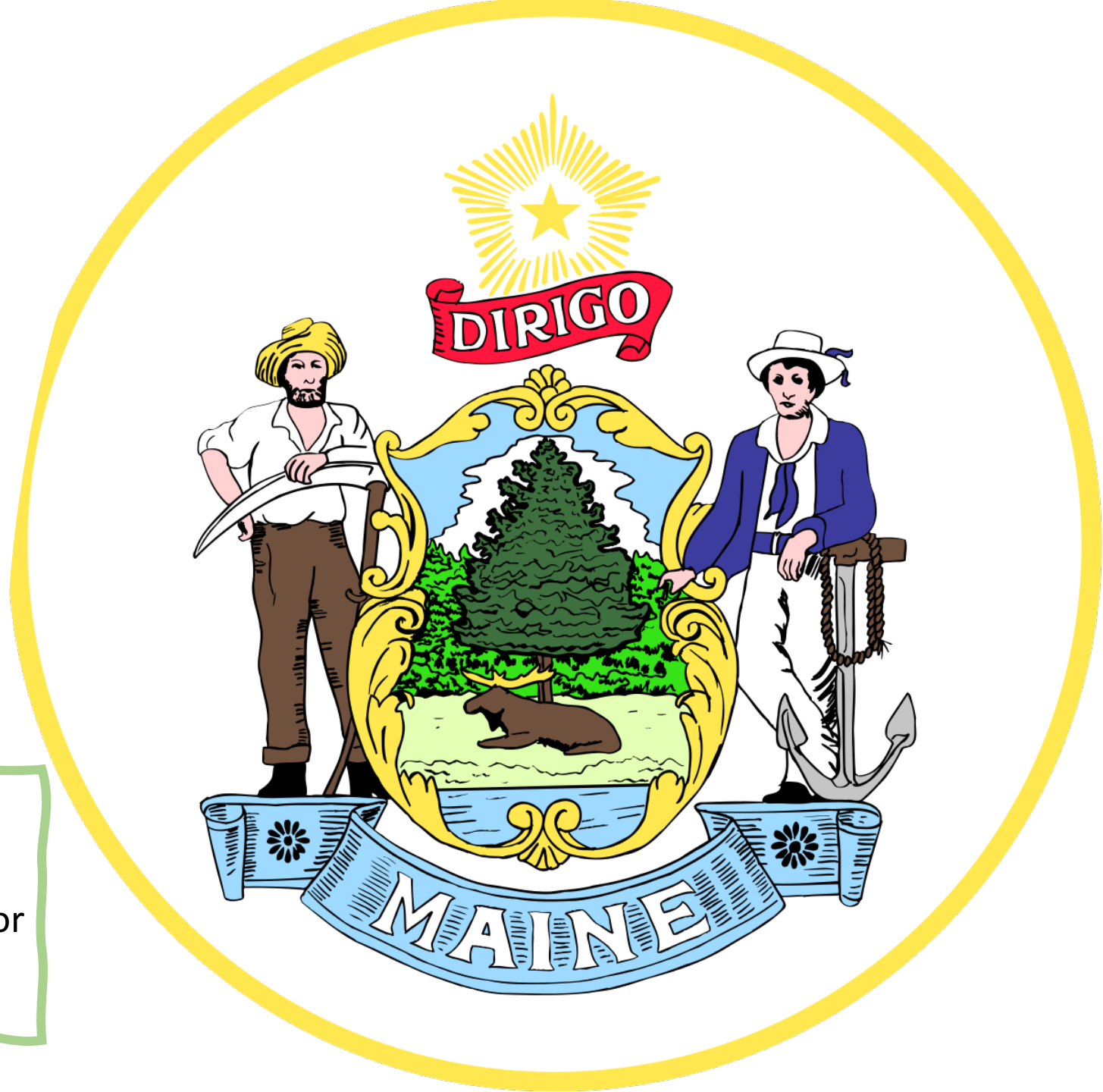


Why, Who, What, When, and How Maine Passed the First EPR for Packaging Law in the U.S.



Sarah K. Nichols
Sustainable Maine Director
August 20, 2021















Natural Resources Council of Maine



Maine's EPR Laws

1976	1991	2002	2004	2006	2007	2009	2013	2021	2021
									
Beverage Containers	Rechargeable Batteries	Mercury Auto-switches	Electronic Waste	Mercury Thermostats	Cell Phones	Mercury Lamps	Unused Paint	Unused Drugs	Packaging

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



Costs to cities and towns disrupting recycling programs

**Plastic Pollution
Crisis in Public Eye**

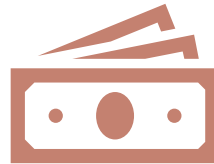
**China National Sword
Exposed Fundamental
Flaws with Status Quo**

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



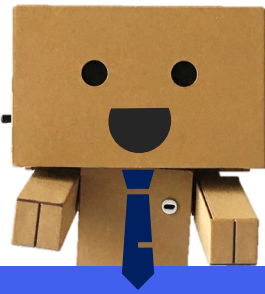
Estimates \$16-\$17.5M cost for municipalities

All costs associated with packaging



Explains concern with producer run program

- Monopoly
- Fairness
- Transparency



RECYCLING REFORM FOR MAINE

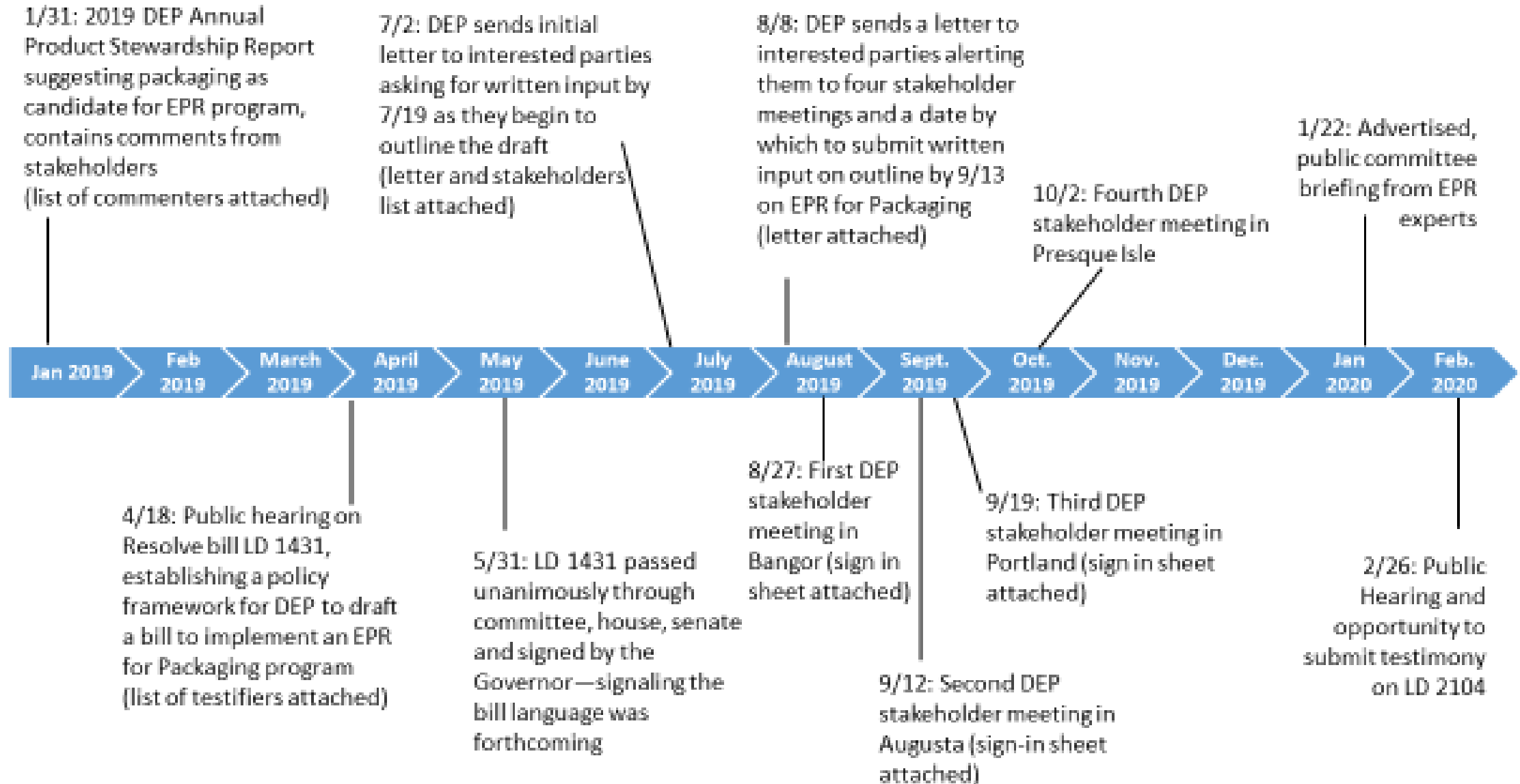
More Effective. More Sustainable.
More Equitable.

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



Key Parts of First EPR Bill, LD 2104

Governance Structure

- No Program Plan
- Details done in rulemaking
- One Stewardship Organization

Bad Amendments

- Sweeping exemptions
- Producer off-ramp
- Major Substantive Rulemaking

Pandemic Shutdown

- Passed committee
- Never taken up in House/Senate



4.20.2021

LD 1541's
First Day Out

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**

Who's in and Who's Out

SMALL PRODUCER EXEMPTION

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

or

- Generate less than 1 ton packaging/year; or < 15tons 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

Producer fees based on weight and type of packaging

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

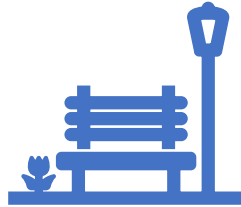


Producer goals:

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

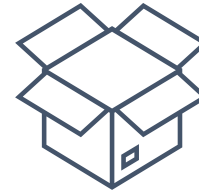
Recycling Standard Defined



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?



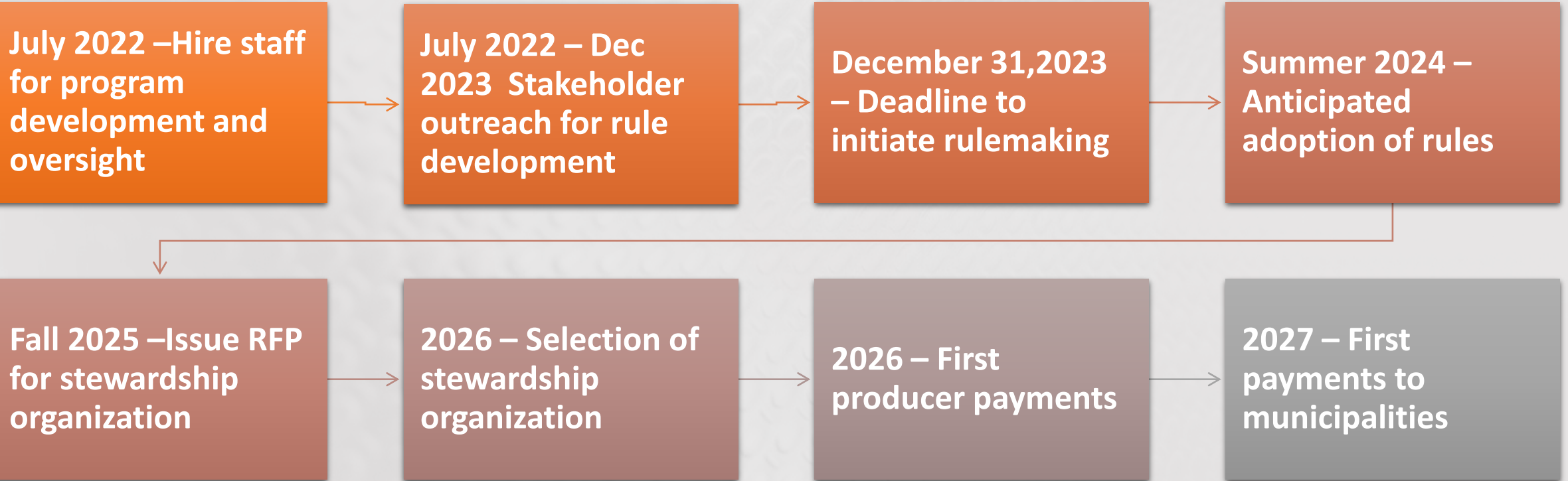
Regular audits of:

Waste stream

Recycling stream

Litter in Maine

Next Steps:



Email: 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

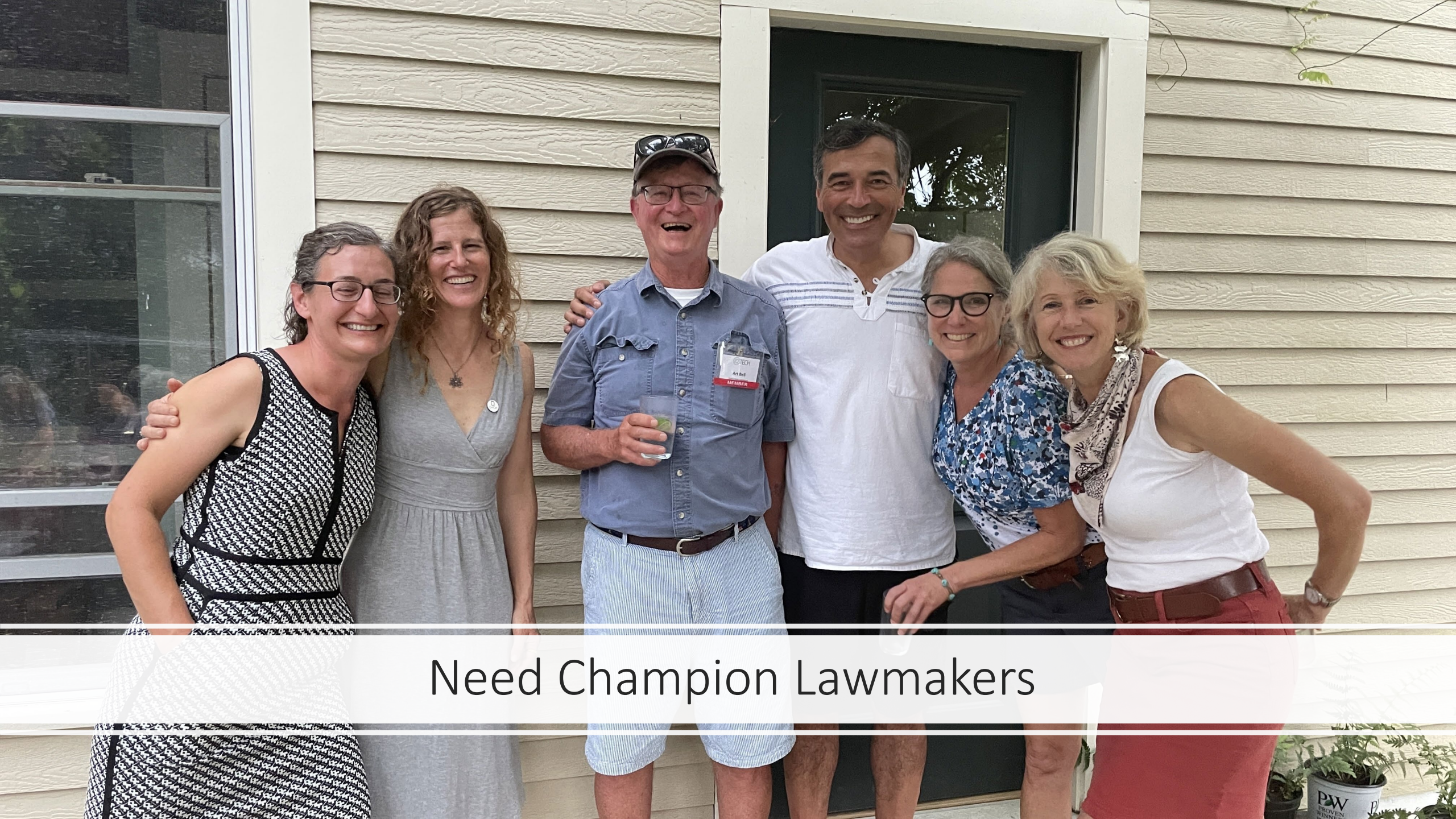


Keep key players up-
to-date and on task



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”





Campaign for Recycling and the Environment

Sponsored • Paid for by Campaign for Recycling and the Environment

Most Mainers agree, our recycling system is broken. LD 1471 has the framework to modernize our state's recycling infrastructure and decrease waste.



Campaign for Recycling and the Environment

Sponsored • Paid for by Campaign for Recycling and the Environment

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



Campaign for Recycling and the Environment

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



NOT
CRE DIBLE

NO
CRE DIBILITY

INCREASING WASTE

CRE = CORPORATIONS RUINING THE ENVIRONMENT



Sponsored • Paid for by Campaign for Recycling and the Environment

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

**DON'T LET
PERFECT
BE THE
ENEMY OF
GOOD**

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