February 25, 2014

George MacDonald
Maine DEP
Division of Sustainability
17 State House Station
Augusta, ME 04333-0017


Dear Mr. MacDonald:

Thank you for inviting the public to review and comment on DEP’s Report to the Joint Standing Committee on Environment and Natural Resources, “Implementing Product Stewardship in Maine,” (February 2014). The Container Recycling Institute (CRI) would like to commend the Department on preparing a thoughtful and comprehensive report. Maine’s impressive, and growing, list of EPR programs is a tribute to your ongoing commitment to product stewardship and responsible materials management.

As I am sure you are well aware, Maine’s groundbreaking container deposit law was enacted in 1976, which predates the development of EPR terminology. Maine’s original Bottle Bill (beverage container redemption law) required deposits on beer, soft drinks, mineral water and wine coolers. Several changes have been implemented since. The law was expanded in 1989 to include wine, liquor, water and non-alcoholic carbonated or non-carbonated drinks. To prevent out-of-state redemption fraud, rules were added in 2009, requiring people wishing to redeem more than 2,500 beverage containers at a time to provide their name, license plate number, and address each time they return containers in bulk, with exceptions made for nonprofit organizations. Other changes made at this time include a limit on the number of redemption centers in a municipality, based on population, and a requirement for dealers or redemption centers to accept plastic wrap used for beverage containers.

The program’s 90% recycling rate¹ for beverage containers far outperforms Maine’s average recycling rate of 38.7% for other recyclable materials. According to a report prepared by Planning Decisions in 2011, 753,307,153 beverage containers were redeemed in 2010². Similarly, in our 2008 Beverage Market Data Analysis, CRI estimated that 804,000,000 containers were returned in 2006, or approximately 55,072 tons³. If this material was included in Maine’s currently reported recycling numbers, this would provide a boost to the state’s overall recycling rate.


Using data compiled by Maine’s State Planning office in 2012:

<table>
<thead>
<tr>
<th>Recycled Material</th>
<th>Municipal Solid Waste</th>
<th>Recycling Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Maine definition, CDD included)</td>
<td>(Maine definition, CDD included)</td>
<td></td>
</tr>
<tr>
<td>665,315</td>
<td>1,722,160</td>
<td>38.7%</td>
</tr>
</tbody>
</table>

Adding 55,072 tons of redeemed beverage containers to both the numerator and the denominator:

<table>
<thead>
<tr>
<th>Recycled Material</th>
<th>Municipal Solid Waste</th>
<th>Recycling Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>720,387</td>
<td>1,777,232</td>
<td>40.5%</td>
</tr>
</tbody>
</table>

Similarly, if 55,072 tons of redeemed beverage containers were added to the 234,797 tons of “municipal/public efforts” recycling tonnage for 2010, that would increase the municipal/public efforts recycling tonnage by 23%.

CRI would like to make the following recommendations to the report:

- CRI would like to see the container deposit program included as one of the product-specific laws enacted from 1976 – 2009, adding to the listed products [Beverage containers (MRS Title 32, Chapter 28, §§1861-1873)].

- CRI further recommends the consideration of transferring the administration of Maine’s bottle bill from the Department of Agriculture, Conservation and Forestry to Maine’s Department of Environmental Protection to help achieve better program performance and integration with Maine’s other recycling and product stewardship programs—all of which are housed at the DEP. Ten other US states have bottle bills, yet Maine is the only state where the bottle bill is administered within the state’s agricultural agency. Maine residents, communities, and lawmakers would be able to gain a more comprehensive understanding of the overall performance of all of Maine’s product stewardship programs by including beverage container recycling in the same department and the same annual report.

- The provisions of the existing beverage container deposit law do not include reporting requirements. In contrast, the laws in California, Hawaii and many Canadian provinces require annual reports on several program parameters. CRI recommends that the State of Maine consider adding such requirements to increase transparency and accountability. Please refer to www.bottlebill.org for examples of these reports.

- Finally, many product stewardship programs charge a nominal fee to stewards to pay for government administration of their programs. Maine may want to consider such a funding mechanism to pay for administration of the beverage container program.

We sincerely appreciate the opportunity to provide input on the important work the Department is doing to promote Extended Producer Responsibility. We would be pleased to answer any questions you may have on our comments.

Sincerely,

Susan V. Collins,
President
CONTAINER RECYCLING INSTITUTE

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