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January 14, 2013

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 the Department's Report to the Joint Standing Committee on Environment and Natural Resources: Implementing Product Stewardship in Maine.

The Container Recycling Institute would like to commend the Department on preparing a thoughtful and comprehensive proposal to standardize the EPR framework language in order to incorporate additional products and product categories going forward. Maine's impressive list of EPR programs is a tribute to your ongoing commitment to product stewardship and responsible materials management.

Maine has a long history of product stewardship. The Department itself defines product stewardship as

*...producer's taking responsibility for managing and reducing the life cycle impacts of the producer's product, from product design to end-of-life management...*

*Product stewardship, which also may be referred to as "extended producer responsibility," shifts the cost of the end-of-life management of products from municipalities and taxpayers to producers and the consumers who purchase the products that are part of the program*

It was certainly these objectives that the legislature had in mind when they enacted Maine's container deposit law in 1976. This groundbreaking law predates the development of EPR terminology and, in fact, you will be pleased to know that container deposit laws were an inspiration to Thomas Lindhqvist, the professor who coined the term Extended Producer Responsibility in 1990<sup>1</sup>.

The Bottle Bill, as originally enacted in 1976, requires deposits on beer, soft drinks, mineral water and wine coolers.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.

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<sup>1</sup>Thomas Lindhqvist & Karl Lidgren, "Models for Extended Producer Responsibility," in Sweden, Oct 1990.

The program's 90% recycling rate<sup>2</sup> 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 2010<sup>3</sup>. Similarly, in its 2008 Beverage Market Data Analysis, CRI estimated that 804,000,000 containers were returned in 2006, or approximately 55,072 tons<sup>4</sup>. 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<sup>5</sup>:

Recycled Material (Maine definition, CDD included)	Municipal Solid Waste (Maine definition, CDD included)	Recycling Rate
665,315	1,722,160	38.7%

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

Recycled Material	Municipal Solid Waste	Recycling Rate
720,387	1,777,232	40.5%

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:

**Report introduction:**

CRI agrees with the Department on the intent of the report to increase consistency and efficiency in implementing future product stewardship laws by adopting the proposed framework. We would like to see the container deposit program included as one of *six* product-specific laws enacted from 1976 – 2009, adding to the listed products:

- Beverage containers (MRS Title 32, Chapter 28, §§1861-1873)

**Appendix C:**

We recommend that the beverage container program be included in Appendix C on existing program updates.

**Annual reporting:**

The report provisions of the existing beverage container deposit law do not include report requirements. In contrast, the laws in California, Hawaii and many Canadian provinces do require annual reports on several program parameters. Please refer to the [bottlebill.org](http://bottlebill.org) website for examples of these reports.

**Funding of Government Administration of Beverage Container Program:**

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.

<sup>2</sup> Natural Resources Council of Maine, "Product Stewardship A Success for Maine," [http://www.nrcm.org/documents/bottle\\_bill\\_case\\_study.pdf](http://www.nrcm.org/documents/bottle_bill_case_study.pdf)

<sup>3</sup> Planning Decisions, "Interim Analysis of the Operating Costs of Proposed Changes to Maine's Beverage Redemption Law," April, 15, 2011

<sup>4</sup> Container Recycling Institute, "Beverage Market Data Analysis 2008," <http://www.container-recycling.org/index.php/publications/beverage-market-data-analysis>

<sup>5</sup> Maine State Planning Office, "Solid Waste Generation and Disposal Capacity Report," January 2012

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