



ESTABLISHED 1975

March 28, 2023

Department of Environmental Protection
State of Maine
17 State House Station
Augusta, Maine 04333-0017

Re: Defining Readily Recyclable and Provisions for Representative Audits

Dear Sir or Madam:

Thank you for the opportunity to participate in this proceeding and to offer comments concerning the topics of Defining Readily Recyclable and Provisions of Representative Audits, objectives of the Department of Environmental Protections stakeholder meetings for the Stewardship Program for Packaging Law, 38 M.R.S. § 2146.

The best way to improve recycling systems is through further investment in existing infrastructure, better public outreach and education, and end-market development. We believe that Maine's Stewardship Program for Packaging Law can help drive these improvements by supporting these initiatives while encouraging producers to design for recycling and reuse, to that end, we offer the following comments:

A Process for Defining Readily Recyclable

As operators of recycling facilities, we have built a business around knowing which household materials are well-suited for recycling. We make this determination based on three considerations:

- 1) the safety of our employees – the essential workers on our trucks and in our facilities;
- 2) whether the materials can be effectively and efficiently sorted using available technologies; and
- 3) whether the sorted commodities will have reliable markets.

Over the decades, packaging materials, sorting technologies, and markets have changed, and will continue to do so. Individual MRF operators are always considering whether and when to modify their acceptable materials list. We also weigh the ongoing communication challenge of educating the public about which materials belong in their bins. We are understandably reluctant to make changes that could add confusion or introduce new forms of contamination to the recycling stream.

If the intent of this EPR program is to reimburse municipalities for the cost of recycling their packaging, the definition of readily recyclable should mirror, or at least contain, the list of materials that we and our MRF operator peers have established to be acceptable in MRF recycling programs (MRF Acceptable). The process for establishing the MRF Acceptable portion of what is Readily Recyclable should involve an annual meeting of MRF operators who receive recycling from Maine households. It is important to recognize that while other stakeholders may wish to be heard on this topic, it would not make sense for them to dictate what is processed

through our facilities. We find the annual process in Massachusetts works well, and would be happy to provide further information and details in that regard.

If a second intent of this program is to eventually provide municipal reimbursement for recycling materials beyond those that can be processed in MRFs (e.g., Specialty Recycling via drop-off, take-back, or mail-in programs), the state might define separate subcategories for those activities within the Readily Recyclable. Reuse Systems might be treated similarly.

The equation for this might look something like this, for example:

Readily Recyclable = MRF Acceptable + Specialty Recycling + Reuse Systems

To be clear, my comments above relate to defining MRF Acceptable on an ongoing basis. The process for establishing the other categories would include additional considerations and stakeholders. It seems likely that programs under the latter two categories might initially be handled under the Alternative Collection Programs section of the rule until they become widely available.

Provisions for Representative Audits

At our recycling facilities, we do two types of audits: inbound and outbound. The focus of inbound audits is quantifying contamination (non-acceptable material) in incoming loads of recyclables. The focus of outbound audits is identifying the presence of outthrows and prohibitives to ensure compliance with mill specifications for a given commodity grade.

At our Lewiston MRF, our space for inbound audits is limited. Conducting the significantly more frequent and detailed audits described in the background documents provided for this meeting would require additional space and labor. We could construct space and hire additional labor to accommodate this auditing work, and we are willing to draft a proposal so those costs can be covered within the budget of the selected Stewardship Organization.

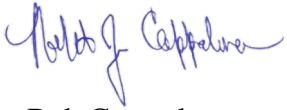
The Department should note that 90% of the material received at our Lewiston MRF arrives on trailers that commingle recyclables from multiple municipalities. If the program requires municipal-level audits, much of that auditing work would need to be conducted at transfer stations. We could work this additional auditing infrastructure and labor into the above-mentioned cost proposal.

In addition to the recycling audits, we understand that the program will require waste characterization audits to determine the types and amounts of covered packaging present in Maine's municipal solid waste stream. We do not have experience conducting these audits ourselves, although we have hosted such audits at our transfer facilities in other states. We would recommend contacting nearby states (such as Vermont) to understand the scope and cost of those audits.

As a closing thought, we would caution the Department that recycling and waste audits are labor- and cost-intensive. We would therefore strongly encourage the Department find ways to *significantly simplify* the municipal reimbursement calculation formulas and reporting requirements. The Department should strive to eliminate any auditing or data collection mandates that won't directly serve the program's overarching goal to advance the reduction, reuse, and recycling of packaging in Maine.

Thank you for the opportunity to provide comment. Please reach out if we can provide you with additional information, or if you have any questions.

Sincerely,



Bob Cappadona
Vice President
Casella Resource Solutions