



January 3rd 2024,

Honorable Chair Brenner and Members of the Joint Standing Committee on Environment and Natural Resources

In re: Opposing, Maine LD 1660 – Proposed Amendment – An Act to Ensure Proper Regulation of Chemical Plastic Processing

We the undersigned organizations representing industries and workers across Maine respectfully request your opposition of LD 1660 – An Act to Ensure Proper Regulation of Chemical Plastic Processing

We are committed to the safety of our products and to the protection of public health. We support Maine legislators' efforts to protect its communities, environment and natural resources, however we respectfully oppose LD 1660 for the following reasons:

Under the proposed amended bill, advanced recycling technologies (also known as chemical recycling) would not be recognized as recycling but as solid waste treatment. The undersigned organizations urge the committee not to proceed with this bill.

This bill provides that advanced recycling technologies are not considered recycling facilities or recycling. ME LD 1660 prohibits advanced recycling technologies including pyrolysis and gasification from being considered recycling and instead links these technologies to the destruction of waste materials under solid waste regulation. **Advanced recycling processes remanufacture post-use plastics back into useful products.**

Advanced recycling enables our ability to remake many "hard-to-recycle" plastics which cannot be recycled through mechanical recycling operations. Advanced recycling helps us decrease plastic waste by taking products that currently do not have strong end markets (e.g. films, pouches, tubes) to be converted back into their basic chemical building blocks. It supports continued progress toward zero waste and sustainability goals for communities and states. And it enables us to turn more plastics into a wide variety of new products—including highly regulated applications such as food-grade packaging— instead of landfilling them.

This legislation in contrary to 24 other states that have passed legislation to properly classify advanced recycling facilities as manufacturing operations. Legislation classifying advanced recycling as manufacturing has passed in 24 states that include bipartisan legislation that moved forward in Kansas, Michigan, Pennsylvania, and Virginia. Democratic Governors Laura Kelly (Kansas); J. B. Pritzker (Illinois); Ralph Northam (Virginia); John Bel Edwards

(Louisiana); Andy Beshear (Kentucky); and Gretchen Whitmer (Michigan) signed legislation classifying advanced recycling as manufacturing.

Advanced recycling is NOT incineration.

Incineration *combusts* waste and produces primarily ash and heat. Combustion requires fuel, heat up to 2700°F, and oxygen. On the other hand, advanced recycling heats plastics to a temperature up to 750°F in the absence of oxygen.

At 750°F, plastics not only melt but are broken down at the molecular level. The resulting vapors are cooled into a circular liquid in a closed system that can be made into new virgin-equivalent plastics. Plastic can repeat this process again and again.

There are two key differences between advanced recycling and incineration:

1. *Incineration requires high heat and oxygen.* Incineration occurs up to 2700°F and must include oxygen. Whereas advanced recycling occurs with little to no oxygen in temperatures up to 750°F.
2. *Incineration primarily produces ash and heat.* However, advanced recycling produces feedstock to create a new virgin-equivalent plastic and other products.

Advanced recycling facilities are subject to the federal, state and local regulatory authorities.

A [recent report](#) found that averaged-sized advanced recycling facilities have air emissions that typically are on par or lower than common industrial facilities such as food manufacturing and community institutions such as hospitals and universities.

These technologies are not expected to produce dioxins and are strictly regulated and monitored by federal, state, and often even local air emissions authorities.

Advanced recycling facilities are subject to the Clean Air Act, the Clean Water Act, and state and local authorities. They also need to obtain operating permits from applicable states and continue to monitor and report various air emissions as they operate. AR facilities would also be subject to potential fines and closure for operational and product safety violations. State environmental officials have the tools they need to properly regulate the facilities.

This legislation conflicts with the goals of Maine's Packaging Stewardship Law and could impede achieving greater amounts of post-consumer recycled content in packaging.

The proposed amendment in LD 1660 conflict with the goal of increasing the amount of plastic recycled by excluding advanced recycling ("chemical plastic processing) from the definition of "Recycling" and from counting towards "Source Reduction Determination Requirements"

It will be difficult for Maine to increase recycled content requirements, without advanced recycling. Advanced recycling helps remove the barrier to mechanically recycling some plastics, for example, recycling mixed and soiled plastics. Additionally, often mechanically recycled plastics cannot be used for food or pharmaceutical grade packaging.

Advanced recycling helps reduce greenhouse gas emissions and has other environmental benefits.

A [2023 study](#) from the Department of Energy's Argonne National Laboratory found that advanced recycling of post-use plastic can significantly cut greenhouse gas emissions and contribute to sustainability.

Also, a [2022 report](#) by the City College of New York's Grove School of Engineering found significant environmental benefits of advanced recycling:

- Advanced recycling technologies produce plastic and chemical products with reduced global warming potential compared to products made from virgin resources, and
- Advanced recycling can reduce fossil energy use by up to 97 percent compared to landfilling.

Another [2022 study](#) by the Consumer Goods Forum shows that pyrolysis and related chemical recycling technologies yield lower CO₂ equivalent emissions compared to primary virgin naphtha production in most scenarios.

In closing, we would like to reiterate the importance of distinguishing the conversion of everyday household plastic items and packaging via manufacturing processes such as pyrolysis and gasification from the destruction and disposal of hazardous, non-plastic waste. The processes which remanufacture plastics back into useful products should remain distinct from other processes that dispose of waste. We urge the committee to oppose LD 1660 to ensure that Maine has the ability to recycle and recover more types of plastics, while simultaneously ensuring state leaders can protect their communities.

Thank you for your consideration.

Sincerely,

American Chemistry Council

American Fuels & Petrochemical Manufacturers

Association of Home Appliance Manufacturers

Berry Global

Braven Environmental

Brightmark

Consumer Brands Association

Flexible Packaging Association

Household and Commercial Products Association

Maine State Chamber of Commerce

Plastic Energy

Plastics Industry Association

Printing United Alliance

Sealed Air

U.S. Tire Manufacturers Association

Vinyl Siding Institute