



Maine Passes Landmark Product Stewardship Law

Bipartisan effort promotes manufacturer ‘take-backs’ of discarded goods

By: [Melinda Burns](#) | March 25, 2010 | 17:07 PM (PDT)



Maine manages to pass product stewardship legislation with bipartisan support. Will the nation follow its lead? (Maica / istockphoto.com)

With a green light from local business, [Gov. John Baldacci](#) of Maine today signed a landmark product stewardship bill, paving the way for the state to shift more of the cost of recycling and trash disposal to the manufacturers of [consumer goods](#).

“As Maine goes, so goes the nation,” they say in America’s easternmost state. If true, Congress take note: The Maine Legislature has Democratic majorities, but this month’s vote for the [“Act to Provide Leadership Regarding the Responsible Recycling of Consumer Products”](#) was unanimous and bipartisan.

“I hope people take the message that it can be done, and it can be successful,” said state [Rep. Melissa Walsh Innes](#), D-Yarmouth, who wrote the bill. “Maine is a very independent state. People vote for what they believe in, not necessarily for their party.”

Beginning next January, the law allows the [Maine Department of Environmental Protection](#) to draw up an annual report and draft bills for products it believes — after the customer is through with them — should be collected, recycled and disposed of by manufacturers, brand owners or importers. The law thus provides an institutional framework for the introduction of such bills, replacing a more haphazard approach in which lawmakers submitted their own proposals.

“It is now in statute that it is the intent of the state of Maine to pursue product stewardship in our solid waste management strategies,” Innes said. “It was an environmental priority bill here, and to get a unanimous roll call in the House and Senate was phenomenal. That’s very important to us here in Maine. We know we have to have everyone on board to make it work.”

Early on, because of opposition from the business community, Innes abandoned a more comprehensive bill that would have allowed the state to require manufacturer take-backs without a vote of the Legislature. After discussions with the [Maine State Chamber of Commerce](#), Innes incorporated a 30-day public comment period before the department’s proposals will go to lawmakers. During that time, manufacturers who want to improve existing stewardship programs may weigh in as well.

“We wanted legislative oversight of any product that is recommended for management, and an opportunity for the business community to weigh in,” said Chris Jackson, a lobbyist for the Maine Chamber. “The 30-day period is an improvement over the existing process. No longer should the business community be surprised by seeing a piece of legislation show up one day out of the blue.”

Previously, Maine had passed five product stewardship laws — the most of any state in the U.S. — requiring manufacturers to collect, recycle or dispose of discarded televisions, computer monitors, desktop printers, video game consoles, mercury thermostats, mercury auto-switches, compact fluorescent lights and mercury lamps, all of which contain hazardous waste. Thirty-one states have passed one or another such laws.

According to Innes, prescription drugs and household paints will likely be among the first products recommended for manufacturer take-backs. The law exempts Maine’s pulp and paper industry: The disposal of packaging would fall to the manufacturers of the product in the package if targeted for take-back.

Supporters of product stewardship contend that local governments cannot afford to pay for recycling and hazardous waste disposal, and ratepayers should not have to pay for the disposal of things they didn’t buy. They say it makes sense to shift recycling costs to manufacturers, who can then find ways to make “greener” products and turn old products into new ones.

This week, the [Product Policy Institute](#), an Athens, Ga.-based nonprofit group that advocates for a “zero-waste” society, hailed Maine’s new law, saying it may encourage other states to move in the same direction. Two framework bills for product stewardship are awaiting hearings this spring in California and Minnesota, but they face substantial opposition from the business sector. The California Chamber of Commerce last year placed an earlier version on its “Job Killer” list, saying it would drive up prices for consumers.

“Maine is better positioned than any other state to put the responsibility for product stewardship on the state environmental agency and expect something to happen,” said Bill Sheehan, executive director of the Product Policy Institute. “I think it’s a real breakthrough. We’re really excited to see it finally happening, and with business support. It’s going to keep the momentum building.”

On a conference call with Maine colleagues today, Minnesota [Rep. Paul Gardner](#), a member of the Democratic-Farmer-Labor Party and the author of a product stewardship framework bill in his state, said it would help relieve the anxiety of the business community “if we don’t have to reinvent the wheel for every product.

“We appreciate Maine’s leadership on the issue, coming up with cutting-edge ways to deal with stuff nobody wants anymore.”

Rob D’Arcy, chairman of the [California Product Stewardship Council](#), a nonprofit group of cities, counties and government associations, said, “We are thrilled that Maine has moved toward a framework for product stewardship. ... We really hope California is right behind you.”

D’Arcy, who manages hazardous materials for the County of Santa Clara, said, “I see firsthand the hopeless role of local government to manage a wide range of waste products.” Only 5 percent of Californians participate in programs to properly dispose of their hazardous waste, he said.

“Where’s the other 95 percent going?” he asked. “It pains me to say we fail miserably when it comes to managing these things because we can’t reach those people. We have no influence on the design of these products. Local governments sit at the end of the pipe. We need to get much more creative and effective and efficient. Product stewardship allows us to shift that creativity and innovation back to the industry and let the markets work the way they should.”