Supplemental Bills for LPC Subcommittee on Criminal Justice & Public Safety, Environment, State & Local Government & Transportation

(Bills in order of Committee of jurisdiction)
An Act To Amend the Laws Regarding Municipal Conservation Commissions

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §3261, is amended to read:

§ 3261. Conservation commissions

Unless otherwise provided under their home rule authority, municipalities may establish conservation commissions as provided in this section.

1. Appointment of commissioners, associate and alternate commissioners; ad hoc committees. The municipal officers may appoint at least 3, but not more than 7, conservation commissioners. Members shall initially be appointed for terms of one, 2 and 3 years, such that the terms of approximately 1/3 of the commissioners will expire each year. Their successors shall be appointed for terms of 3 years each. Members shall serve until the appointment of their successors.

The commission may recommend to the municipal officers that associate members be appointed to assist the commission as the commission requires. Associate members are nonvoting members. Their terms of office shall be for one, 2 or 3 years.

A. The commission may recommend to the municipal officers that appoint nonvoting associate commissioners be appointed to assist the commission as the commission requires. The term of office for an associate member shall be for one, 2 or 3 years.

B. Commissioners shall elect, for terms of one year, one of the voting commissioners to act as chair and one of the voting commissioners to act as secretary.

C. The commission may recommend to the municipal officers that alternate commissioners be appointed to act in place of absent commissioners to ensure a quorum for voting purposes at a meeting.

D. The commission may appoint recommend to the municipal officers that ad hoc committees be appointed to perform specific tasks, which the commission shall define. Ad hoc committees must include and be chaired by a voting commissioner or associate commissioner. Ad hoc committees may include members of the public who shall be residents of the municipality.

2. Duties of commission. The commission shall:

A. Keep records of its meetings and activities and make an annual report to the municipality;

B. Conduct research, in conjunction with the planning board, if any, into the local land areas;

C. Seek to coordinate the activities of conservation bodies organized for similar purposes; and
D. Keep an index of all open areas within the municipality, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The commission may recommend to the municipal officers or any municipal body or board, or any body politic or public agency of the State, a program for the better protection, development or use of those areas, which may include the acquisition of conservation easements.

(1) Any body politic or public agency of the State conducting planning operations with respect to open areas within a municipality having a conservation commission shall notify that conservation commission of all plans and planning operations at least 30 days before implementing any action under that plan.

E. Develop an open area plan for review and approval by the municipal legislative body.

F. Assist in drafting or updating natural resource provisions in the municipality's comprehensive plan as defined in section 4301, subsection 3.

G. Advise the planning board or other municipal reviewing authority in its deliberations as they relate to effects on the environment and natural resources of the municipality; and

H. Conduct activities designed to educate community members regarding the protection and conservation of natural resources.

Any body politic or public agency of the State conducting planning operations with respect to open areas within a municipality having a conservation commission shall notify that conservation commission of all plans and planning operations at least 30 days before implementing any action under such a plan or operation.

3. Powers of commission. The commission may:

A. Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it considers necessary;

B. Have the care and superintendence of the public parks and, subject to the approval of the municipal officers, direct the expenditure of all money appropriated for the improvement of those parks;

B-1. Develop and recommend to the municipal officers or any municipal body or board, or any body politic or public agency of the State, programs for the better protection, development or use of open areas, which may include the acquisition of conservation easements;
C. Acquire land or interest in land in the municipality's name for any of the purposes set forth in this section for which the municipal officers established the commission with the approval of the municipal officers and the municipal legislative body; and

D. Receive gifts in the municipality's name for any of the commission's purposes and for which the municipal officers established the commission; the commission shall administer the gifts for those purposes subject to the terms of the gift; and

E. Collaborate with conservation entities established for similar purposes;

F. Develop an open area plan for review and approval of the municipal legislative body;

G. Assist in drafting or updating natural resource provisions in a municipality's comprehensive plan as defined in section 4301, subsection 3;

H. Advise the planning board or other municipal reviewing authority in its deliberation as they relate to effects on the environment and natural resources of a municipality; and

I. Conduct activities designed to educate community members regarding the protection and conservation of natural resources in the municipality

4. Park commission under previous law. This section does not require a municipality which has previously created a park commission under prior law to establish a conservation commission. Any such park commission previously created may continue to operate as originally established.
Recommended changes to the title sections of Title 29-A MRSA

29-A §603. Fees

1. Fee of $33. A fee of $33 must be paid to the Secretary of State for the following:
   A. A report of a search of the records of the Bureau of Motor Vehicles for each name or identification number; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
   B. Filing an application for a first certificate of title, including security interest; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §25 (AFF).]
   C. Filing notice of a security interest after the first certificate of title has been issued; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
   F. A corrected certificate of title or salvage; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
   G. A duplicate certificate; [PL 2007, c. 703, §16 (AMD).]
   H. Assignment of a new vehicle identification number; [PL 2007, c. 703, §17 (AMD).]
   I. A 2nd or subsequent security interest noted on an application for certificate of title; [PL 2007, c. 703, §18 (NEW).]
   J. Filing an assignment of a security interest; or [PL 2007, c. 703, §19 (NEW).]
   K. An ordinary certificate of title issued on surrender of a distinctive certificate. [PL 2007, c. 703, §20 (NEW).]
   L. Fee of $50.00 for processing of title for Manufactured Housing and Tiny Homes

§651. Certificate of title required

1. Application of subchapter. Except as provided in section 652, this subchapter applies to a vehicle at first registration or when a change of registration is required by reason of a sale for consideration. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]


3. Warranty title; antique auto; horseless carriage; antique motorcycle; classic vehicle. The Secretary of State may, on documented and notarized evidence of ownership and payment of a $40 fee, issue a warranty title to a Maine resident owner of an antique auto, horseless carriage, antique motorcycle or classic vehicle. A warranty title denotes that there are no known liens or encumbrances against the vehicle. [PL 2011, c. 356, §15 (AMD).]

4. Certificate of salvage. The Secretary of State may issue a certificate of salvage upon surrender of a certificate of title and evidence that a vehicle was declared a total loss by an owner or an insurance company.
5. Certificate of lien. The Secretary of State shall assign a lien to the first named lienholder, when a certificate of title or a certificate of salvage names a lienholder. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Manufactured housing. Beginning October 1, 2007, the Secretary of State shall issue certificates of title for new single-unit manufactured housing beginning with model year 2007. Beginning October 1, 2007 and ending September 30, 2009, the Secretary of State shall issue a certificate of title for used manufactured housing that was previously issued a State of Maine certificate of title. Beginning October 1, 2009, the Secretary of State may issue a certificate of title for used manufactured housing that was previously issued a State of Maine certificate of title or a model year 2007 or later model that was never issued a certificate of title. A certificate of title issued pursuant to this subsection remains in effect unless cancelled pursuant to section 669. [PL 2009, c. 435, §9 (AMD).]

7. Tiny Homes. Beginning ???, the Secretary of State shall issue certificates of title for new Tiny Homes as defined in 29-A MRSA 101. Beginning ???, the Secretary of State may issue a certificate of title for used Tiny Homes that was previously issued a State of Maine certificate of title.

§654. Application for certificate of title and certificate of salvage

1. Contents. An application to the Secretary of State for a certificate of title or a certificate of salvage must be made on a form prescribed by the Secretary of State, be signed by the owner of the vehicle and contain the following information:

A. The name, residence and mailing address of the owner; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. A description of the vehicle, including, as far as data exists, its make, model, model year, vehicle identification number, type of body, current mileage, whether new or used and whether repaired or rebuilt; [PL 1995, c. 482, Pt. A, §11 (AMD).]

B-1. Beginning January 1, 2002, the manufacturer's suggested retail price pursuant to Title 36, section 1482, subsection 4, paragraph A minus the destination charge must be included on the certificate of title application for a new vehicle. For a used vehicle sold in this State after January 1, 2002 or sold in another state or country, the manufacturer's suggested retail price must be included on the certificate of title application if it appears on the original certificate of title issued by the State. [PL 2001, c. 671, §13 (AMD).]

C. The date of purchase by the applicant, the name and address of the person from whom the vehicle was acquired; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. If for a certificate of title, the names and addresses of lienholders in the order of their priority and the dates of their liens; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

E. If for a new vehicle, a certificate of origin; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

F. If for a used vehicle, a previous certificate of title; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

G. Any further information that the Secretary of State requires to identify the vehicle and to enable determination of whether the owner is entitled to a certificate and the existence of security interests in the vehicle; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Purchased from the dealer. If the application is for a vehicle purchased from a dealer, in addition to the requirement set forth in subsection 1, the application must be signed by the dealer and must contain the name and the address of any lienholder or assignee holding an interest created or reserved at the time of sale and the date of the lien. The dealer shall, within 30 days after the sale, deliver the application to the Secretary of State. The dealer must deliver a copy of the application to the lienholder.

A. Violation of this subsection is a traffic infraction when the application is delivered to the Secretary of State more than 30 days but less than 90 days after the date of sale. [PL 2017, c. 229, §15 (NEW).]

B. Violation of this subsection is a Class E crime when the application has not been delivered to the Secretary of State 90 days or more after the date of sale. [PL 2017, c. 229, §15 (NEW).]

3. Registered in another state. If the application is for a vehicle last registered in another jurisdiction, in addition to the requirements set forth in subsection 1, the application must include:

A. A certificate of title or a certificate of salvage issued by that jurisdiction; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The certificate of a person authorized by the Secretary of State that the identification number of the vehicle has been inspected and found to conform to the description given in the application, or other proof of the identity of the vehicle required by the Secretary of State. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Vehicle declared total loss. If a vehicle is declared a total loss by an owner or insurer, the owner or insurer shall file an application for a certificate of salvage pursuant to section 667. The application must be on a form prescribed by the Secretary of State and, in addition to the requirements set forth in subsection 1, must include:

A. A certificate of title or a certificate of origin; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Any other information or documents the Secretary of State requires to administer the provisions of this section. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

The Secretary of State shall act on an application for a certificate of salvage within 20 days of receipt of an application submitted in accordance with section 603, subsection 3-A or section 655. [PL 1997, c. 437, §15 (AMD).]

5. Manufactured housing. The following provisions govern applications for a certificate of title for manufactured housing.

A. An application for new single-unit manufactured housing must be submitted to the Secretary of State by the retail seller. If the manufactured housing is purchased new out of state, the application must be submitted by the lienholder or the owner. The application must be accompanied by the manufacturer's certificate of origin. [PL 2005, c. 678, §8 (NEW); PL 2005, c. 678, §13 (AFF).]

B. An application for used single-unit manufactured housing must be submitted by the retail seller. In the absence of a retail seller located in this State, the application must be submitted by the lienholder. In the absence of a retail seller and a lienholder, the application must be submitted by the owner. The application must be accompanied by the previous State of Maine certificate of title.
6. **Tiny Homes.** The following provisions govern applications for a certificate of title for Tiny Homes.

A. An application for new Tiny Home must be submitted to the Secretary of State by the retail seller. If the manufactured housing is purchased new out of state, the application must be submitted by the lienholder or the owner. The application must be accompanied by the manufacturer's certificate of origin.

B. An application for used Tiny Home must be submitted by the retail seller. In the absence of a retail seller located in this State, the application must be submitted by the lienholder. In the absence of a retail seller and a lienholder, the application must be submitted by the owner. The application must be accompanied by the previous State of Maine certificate of title.
Area’s to be addressed regarding “Tiny Homes”

Introduction

The purpose and intent of this document is define, identify and outline areas of concern and language for possible legislation concerning “Tiny Homes”. Currently there exists no language, or governance concerning this growing industry. This document will address areas of concern and possible language that must be inserted.

Definition (Sec 101)

“Tiny Home” means a living space permanently constructed on a frame or chassis and intended as an individual’s residence, manufactured in a facility certified in the applicable standards governing construction of living spaces and meets all of the following;

1. Meets the American National Standards Institute (ANSI) 119.5 code requirements
2. May not move under its own motive power;
3. Is not larger in any dimension than allowed by Title 29A regarding dimensions;
4. May only be transported on the highway by way of a Transit Permit from the point of sale to final destination, or annually or seasonally to an established temporary residence;
5. Are defined as “Tiny Home” on any titling document.

Registration (Sec 462)

A. “Tiny Homes” are not to be considered as, or intended to be used as;
   1. Recreational Vehicles (RVs);
   2. Camp Trailers;
   3. Mobile Home;
   4. Motor Home;
   5. Mobile Home;
   6. Manufactured Housing as defined in Title 29A sec 101(32B)

B. Add “Tiny Homes” within Sec 462 with the same basic language and intent as 462 (4) (Mobile Homes) and Sec 1002 (9)

Titling

A. Add “Tiny Homes” into Sub Chapter 2 CERTIFICATE OF TITLE AND CERTIFICATE OF SALVAGE. Where applicable; i.e. 651, 653, 654,655, 657, 662, 663, etc.

B. Add “Tiny Homes” into Sub Chapter 2 SECURITY INTERESTS where applicable
A distinctive and collaborative approach to EPR for packaging and printed matter in Québec

January 22, 2020

Isabelle Laflèche, Director, Company services
Mathieu Guillemette, Senior Director, Services to Municipalities

Isabelle Laflèche
Director, Company services

- Various responsibilities over the years:
  - Managing Company Services and developing reporting tools
  - Managing the data reporting system
  - Developing application rules
  - Overseeing mandatory consultation processes regarding the Schedule of Contributions
Mathieu Guillemette
Senior Director
Services to municipalities

• Various responsibilities over the years:
  - Negotiating curbside recycling net costs
  - Calculating contributions
  - Waste auditing and activity-based costing management
  - Managing the Away from home recovery program, etc...

Québec Context
Curbside recycling in the province of Québec

- Population of 8.4 million
  - More than 99% of the population has access to door-to-door recycling
  - Quantity recovered per capita: 93 kg
- 780,000 tons recovered yearly
  - 63% recovery rate
- 1,100 municipalities
  - 557 municipalities and municipal bodies that manage curbside recycling contracts
- 22 sorting centres
  - Private, municipal, profit, non-profit
  - Various sizes (3,000 tons to 100,000 tons)

Legal Context and Obligation

- Recycling begins
  - 1980’s
- Voluntary program
  - 1987 to 2005
- Legal obligation
  - 2005
- A new EPR model?
  - 2020
The Compensation Plan

Payment

Cost reporting

1,100 municipalities
Provide curbside recycling services

Éco Entreprises Québec
Collect Contributions

Targeted companies

Costs to be offset
Municipal recycling programs, including multi-dwelling units and small businesses

Collection

Transportation

Sorting
Annual net costs of curbside recycling ($ millions)

<table>
<thead>
<tr>
<th>Year</th>
<th>Net Costs (Millions)</th>
<th>Percentage Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>153.8</td>
<td>-1.8%</td>
</tr>
<tr>
<td>2015</td>
<td>153.9</td>
<td>0.0%</td>
</tr>
<tr>
<td>2016</td>
<td>151.5</td>
<td>-1.5%</td>
</tr>
<tr>
<td>2017</td>
<td>147.7</td>
<td>-2.3%</td>
</tr>
<tr>
<td>2018</td>
<td>170.6</td>
<td>13.3%</td>
</tr>
<tr>
<td>2019</td>
<td>198.1</td>
<td>16.1%</td>
</tr>
</tbody>
</table>

Designated Materials

- Containers
- Packaging
- Printed Matter
ÉEQ’s Role

Working both upstream and downstream of the curbside recycling value chain.

What really makes our mission?
Éco Entreprises Québec

Private, not-for-profit organization based in Montréal, Québec

Certified by the Québec government in June 2005
- Periodically renewable

Represents 3,400 companies that market containers, packaging and printed matter in Québec

Our governance is adapted to meet growing challenges

- An independent Board of directors made up of:
  - 10 representatives from contributing companies (reflecting industries and generated materials)
  - 4 representatives with competency and experience profiles related to the curbside recycling value chain
- An Annual General Assembly to present ÉEQ’s results and activities
How do we fulfill our mandate?

- Annually prepare a Schedule of Contributions to finance the Québec curbside recycling system
- Raise awareness and make companies accountable for the materials they generate

How curbside recycling is financed in Québec?
Hundreds of contributing companies generate close to 110 billion dollars in sales revenue in Québec

What do they generate?

- **Paper/cardboard**: 27% 172 kt
- **Plastic**: 24% 147 kt
- **Glass**: 22% 138 kt
- **Printed matter**: 22% 135 kt
- **Metal**: 4% 24 kt
- **Aluminium**: 1% 6.3 kt
Companies’ contributions

- Based on the Schedule of Contributions, which is adopted and published every year
- Fee (in $/t) by type of material is established based on recycling performance, collection, transportation and treatment costs, as well as market value
  - The less recyclable the material, the more expensive it is
- Each company’s individual contribution is based on the quantity of materials marketed, times the specific rate for each material
  - The more materials a company generates, the more it pays
- Credit for recycled content since 2009 included in the Rules for printed paper, and since 2013 for PET and kraft paper containers

<table>
<thead>
<tr>
<th>Material</th>
<th>2019 fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newsprint inserts and circulars</td>
<td>$205</td>
</tr>
<tr>
<td>Corrugated cardboard</td>
<td>$184</td>
</tr>
<tr>
<td>PET bottles and containers</td>
<td>$285</td>
</tr>
<tr>
<td>Expanded polystyrene for food products; protective polystyrene</td>
<td>$793</td>
</tr>
<tr>
<td>Aluminium food and beverage containers</td>
<td>$181</td>
</tr>
</tbody>
</table>

$1 CND = $1.31 USD
Specific approach for small businesses

- Take into account the administrative burden of reporting for small companies

- Develop a specific approach with associations
  - Exemption from paying a contribution for very small companies (< 1 ton of materials or < $1 million in revenues)
  - Flat fees for low-volume producers based on quantity (since 2007)
  - Flat fees for small companies based on revenues (between $1 million and $2 million) (since 2014)

- Periodical review by a working committee

Initiatives for better curbside recycling services
ÉEQ as an optimizer

- Rethink packaging, marketing and distribution
- Improve citizens’ understanding
- Develop eco-friendly materials and markets
- Modernize municipal practices
- Adapt and transform sorting centres
- Further the evolution of material processing techniques

Eco-design and a circular economy

- Creation of an Eco-design and circular economy Board of directors Committee and Department
- Adoption of the first eco-design and circular economy plan for an EPR program in Canada
- Publication of the first study on circular economy in Québec with CPQ and CPEQ
- Associated Founder partner of quebeccirculaire.org circular economy portal of EDDEC
- Tools and services for companies
Market Development and Sorting Technologies

- Creation of a Market Development and Sorting Technologies Department
- Preparation of road map on plastic packaging in Québec
- Consultation with stakeholders
  - International Forum on plastics in Paris in 2019

Glass Works Plan

A concrete solution for 100% of the glass containers Quebeckers place in their recycling bins

- $13 million invested on equipment for 6 sorting centres and on market development
- Sorting centres now reaching glass purity rate of 97%+
Best practices initiative for effective curbside recycling

- Presentation of best practices in curbside recycling to elected officials and municipal general managers
- Publication of tools and case studies
- For municipalities seeking to adopt best practices, free direct support to prepare specifications for their calls for tenders

Some benefits of EPR (actual)

1. Makes producers accountable for what they put on the market
2. Offers stability for municipalities in times of crisis
3. Provides municipalities with some information about others’ performance (emulation)
Curbside recycling challenges

Increasing eco-design of materials marketed
Adapting the system to expanding e-commerce

Helping consumers better understand what to place in recycling bins (improving recovery rate)
Improving the quality of materials placed in recycling bins (reducing contamination)
What contamination?

Curbside recycling challenges

- Improving the capture rate of recyclable materials in sorting centers
- Improving the quality of outbound materials
- Feeding "local" markets for recovered materials in a circular economy perspective
- Developing new markets for hard-to-recycle materials
- Improving the traceability of materials and increasing transparency to maintain public confidence in recycling
Our vision at ÉEQ is that now, more than ever, we must transform the curbside recycling system by working together with value chain stakeholders.

- Increased accountability for companies
- Higher quality / performance
- Increased traceability / transparency
Question period

Thank you

eeq.ca

Mathieu Guillemette
mguillemette@eeq.ca

Isabelle Laflèche
ilafleche@eeq.ca
Specialists in global environmental packaging and product stewardship compliance

- For major international clients, Lorax/EPI analyzes EPR and stewardship legislation to help address new or existing requirements.
- Using our rediPoint® software, we take customer data and provide EPR reports for any type or jurisdiction across the world.
- Our software can also create costs analyses against bills of materials in every market a product is sold. We apply our extensive knowledge of EPR rules in each country to improve report accuracy, minimize fee impacts and evaluate new packaging designs with respect to waste fees.
PACKAGING RECYCLING LEVIES

• The main purpose of Extended Producer Responsibility (EPR) funding is to build infrastructure for collecting materials to be recycled
  • Countries with EPR have more advanced recycling programs and technology
  • EPR subsidizes recycling markets
• In countries with packaging EPR, companies must pay levies on all product packaging (and sometimes printed paper) they sell
  • The levies are designed to fund recycling efforts
• Packaging levies started in Germany in the early 1990s (der Grüne Punkt or Green Dot) and quickly spread to all European countries
  • More recently packaging levies have spread to other countries around the world
  • The issue is referred to as green dot fees, packaging and product levies or EPR (Extended Producer Responsibility)
PACKAGING EXTENDED PRODUCER RESPONSIBILITY (EPR)

Packaging EPR in 2000

- Mandatory EPR in Effect
- Voluntary EPR in Effect
- EPR in Effect (province-level)
- EPR in Implementation (country-level)
- In Implementation
- (India and China expected by 2022)
- Framework EPR Legislation

Packaging EPR in 2019

Source: EPI
THE COST OF PACKAGING EPR
CANADA 2018

Source: CSSA Report to Stewards 2019, EEQ Consultation on the 2020 Schedule of Contributions

**British Columbia (100% EPR)**
Citizens serviced: 4,578,000
Net cost: CAD $88,728,670
$14.55 USD per capita
($11.75 in 2017)
78.1% recovery rate

**Saskatchewan (75% EPR)**
Citizens serviced: 852,331
Net cost: CAD $6,040,044
$5.36 USD per capita
($5.04 in 2017)
70.1% recovery rate

**Québec (100% EPR)**
Citizens serviced: 8,345,193
Net cost: CAD $170,500,000
$15.64 USD per capita
($13.50 in 2017)
63% recovery rate

**Ontario (50% EPR)**
Citizens serviced: 13,078,155
Net cost: CAD $299,307,268
$17.61 USD per capita
($14.26 in 2017)
60.2% recovery rate

MMSM Net Cost = 100% municipal costs, 100% commodity revenues, Promotion & Education, regulatory, market development and all other program management costs

SO Net Cost = supply chain costs, commodity revenues, P&E, market development and program management costs

www.loraxcompliance.com | info@loraxcompliance.com | www.enviro-pac.com
REPORTING CATEGORIES VARY BY PROVINCE

<table>
<thead>
<tr>
<th>Category</th>
<th>Material</th>
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</thead>
<tbody>
<tr>
<td>PRINTED PAPER</td>
<td>Newsprint</td>
</tr>
<tr>
<td></td>
<td>Magazines and Catalogues</td>
</tr>
<tr>
<td></td>
<td>Telephone Books</td>
</tr>
<tr>
<td></td>
<td>Other Printed Paper</td>
</tr>
<tr>
<td>PAPER PACKAGING</td>
<td>Corrugated Cardboard</td>
</tr>
<tr>
<td></td>
<td>Boxboard</td>
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<tr>
<td></td>
<td>Gable Top Cartons</td>
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<tr>
<td></td>
<td>Paper Laminates</td>
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<tr>
<td></td>
<td>Aseptic Containers</td>
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<td>PLASTICS</td>
<td>PET Containers</td>
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<td>HDPE Containers</td>
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<td>Plastic Film</td>
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<td>Polystyrene</td>
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<td>Other Plastics</td>
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<td>STEEL</td>
<td>Other Steel Packaging</td>
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<td>Steel Aerosols</td>
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<td>Steel Paint Cans</td>
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<tr>
<td>ALUMINUM</td>
<td>Aluminum Food &amp; Milk Containers</td>
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<tr>
<td></td>
<td>Other Aluminum Packaging</td>
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<td>GLASS</td>
<td>Clear Glass</td>
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<td>Coloured Glass</td>
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Recycle BC vs. Éco Entreprises Québec

<table>
<thead>
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<th>Category</th>
<th>Material</th>
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<tr>
<td>PRINTED MATTER</td>
<td>Newsprint Inserts &amp; Circulars</td>
</tr>
<tr>
<td></td>
<td>Printed Matter</td>
</tr>
<tr>
<td>PAPER/CARDBOARD</td>
<td>Corrugated Carton &amp; Kraft Paper</td>
</tr>
<tr>
<td></td>
<td>Boxboard &amp; Other Paper Packaging</td>
</tr>
<tr>
<td></td>
<td>Gable-Top Containers</td>
</tr>
<tr>
<td></td>
<td>Aseptic Containers</td>
</tr>
<tr>
<td></td>
<td>Laminated Paper</td>
</tr>
<tr>
<td>PLASTICS</td>
<td>PET Bottles &amp; Containers</td>
</tr>
<tr>
<td></td>
<td>HDPE Bottles &amp; Containers &lt;5 L.</td>
</tr>
<tr>
<td></td>
<td>Plastic Film, Bags &amp; Plastic Laminates</td>
</tr>
<tr>
<td></td>
<td>PVC, PLA and Polystyrenes</td>
</tr>
<tr>
<td></td>
<td>Other Plastics</td>
</tr>
<tr>
<td>STEEL</td>
<td>Steel</td>
</tr>
<tr>
<td>ALUMINUM</td>
<td>Aluminum</td>
</tr>
<tr>
<td>GLASS</td>
<td>Clear Glass</td>
</tr>
<tr>
<td></td>
<td>Coloured Glass</td>
</tr>
</tbody>
</table>
THE COST OF PACKAGING EPR
EUROPE 2017

Italy – Conai
- Citizens serviced: 55,000,000
- Net cost: € 524,000,000
- Number of clients*: 8,500
- Municipalities covered: 6,700
- $10.61 USD per capita

France – Citeo
- Citizens serviced: 64,850,000
- Net cost: € 665,000,000
- Number of clients*: 22,741
- Municipalities covered: 36,508
- $11.42 USD per capita

Belgium – Fost Plus
- Citizens serviced: 11,000,000
- Net cost: € 144,300,000
- Number of clients*: 5,000
- Municipalities covered: 589
- $14.61 USD per capita

*Clients = brand owners or retailers paying fees into the system
### REPORTING CATEGORIES VARY BY COUNTRY

#### Italy

<table>
<thead>
<tr>
<th>Category</th>
<th>Material</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PAPER</strong></td>
<td>Paper</td>
</tr>
<tr>
<td></td>
<td>Multimaterial Packaging Predominantly Paper</td>
</tr>
<tr>
<td><strong>PLASTIC</strong></td>
<td>Level A – Sortable &amp; Recyclable C&amp;I</td>
</tr>
<tr>
<td></td>
<td>Level B1 – Household w/ Effective &amp; Consolidated Sorting/Recycling</td>
</tr>
<tr>
<td></td>
<td>Level B2 – Household Other Sortable &amp; Recyclable</td>
</tr>
<tr>
<td></td>
<td>Level C – Not Sortable/Recyclable</td>
</tr>
<tr>
<td><strong>STEEL</strong></td>
<td>Steel</td>
</tr>
<tr>
<td><strong>ALUMINUM</strong></td>
<td>Aluminum</td>
</tr>
<tr>
<td><strong>GLASS</strong></td>
<td>Glass</td>
</tr>
<tr>
<td><strong>Wood</strong></td>
<td>Wood</td>
</tr>
</tbody>
</table>

#### France

<table>
<thead>
<tr>
<th>Category</th>
<th>Material</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PAPER &amp; CARDBOARD</strong></td>
<td>Paper/Cardboard</td>
</tr>
<tr>
<td></td>
<td>Brick</td>
</tr>
<tr>
<td><strong>PLASTIC</strong></td>
<td>Bottle/Vial in Clear PET</td>
</tr>
<tr>
<td></td>
<td>Bottle/Vial in Coloured PET, PE or PP</td>
</tr>
<tr>
<td></td>
<td>Rigid Packaging in PE, PP or PET</td>
</tr>
<tr>
<td></td>
<td>Flexible PE</td>
</tr>
<tr>
<td></td>
<td>PS Rigid</td>
</tr>
<tr>
<td></td>
<td>Complex or Other Resins Excluding PVC</td>
</tr>
<tr>
<td></td>
<td>Packaging Containing PVC</td>
</tr>
<tr>
<td><strong>STEEL</strong></td>
<td>Steel</td>
</tr>
<tr>
<td><strong>ALUMINUM</strong></td>
<td>Aluminum</td>
</tr>
<tr>
<td><strong>GLASS</strong></td>
<td>Glass</td>
</tr>
<tr>
<td><strong>OTHER MATERIALS</strong></td>
<td>Wood, Cork, Textiles, Etc.</td>
</tr>
<tr>
<td></td>
<td>Stoneware, Porcelain, Ceramic</td>
</tr>
</tbody>
</table>

#### Belgium

<table>
<thead>
<tr>
<th>Category</th>
<th>Material</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PAPER &amp; CARDBOARD</strong></td>
<td>Paper/Cardboard (&gt;85%)</td>
</tr>
<tr>
<td><strong>PLASTIC</strong></td>
<td>PET Bottles &amp; Flasks</td>
</tr>
<tr>
<td></td>
<td>HDPE Bottles &amp; Flasks</td>
</tr>
<tr>
<td></td>
<td>Plastics Other</td>
</tr>
<tr>
<td><strong>STEEL</strong></td>
<td>Steel (&gt;50%)</td>
</tr>
<tr>
<td><strong>ALUMINUM</strong></td>
<td>Aluminum (&gt;50%)</td>
</tr>
<tr>
<td><strong>GLASS</strong></td>
<td>Glass</td>
</tr>
<tr>
<td><strong>OTHER MATERIALS</strong></td>
<td>Beverage Cartons</td>
</tr>
<tr>
<td></td>
<td>Complex Packaging, Valued</td>
</tr>
<tr>
<td></td>
<td>Complex Packaging, Non-Valued</td>
</tr>
</tbody>
</table>

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MRFs in the USA (where no packaging EPR is in place) lose an estimated $64 for every ton of material processed. Negative values come primarily from mixed paper, glass and residual streams rather than plastic.
CITEO currently only has one EPR fee for all plastics. Beginning in 2020, there will be 7 categories for plastic packaging “to reflect the level of development of recycling facilities”:

<table>
<thead>
<tr>
<th>Plastic</th>
<th>Material Rates (ct €/kg):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bottle and vial in clear PET</td>
<td>28,88</td>
</tr>
<tr>
<td>Bottle and vial in coloured PET, in PE or PP</td>
<td>30,92</td>
</tr>
<tr>
<td>Rigid packaging in PE, PP or PET</td>
<td>33,30</td>
</tr>
<tr>
<td>Flexible PE packaging</td>
<td>36,08</td>
</tr>
<tr>
<td>PS rigid packaging</td>
<td>38,85</td>
</tr>
<tr>
<td>Complex packaging or other resins excluding PVC</td>
<td>41,63</td>
</tr>
<tr>
<td>Packaging containing PVC</td>
<td>48,57</td>
</tr>
</tbody>
</table>

Source: CITEO 2020 rates for recycling household packaging
FRANCE: CITEO 2020 DISRUPTOR FEES

Penalty (malus) fees:

• **100%** for PET packaging using mineral opacifiers at a > 4% rate
• **100%** for bottles without a recycling channel (i.e. plastic bottles that are *not* made of PET, HDPE or PP)
• **50%** for disruptive packaging, such as:
  • Glass other than soda-lime, or glass with a disruptive infused element such as ceramic
  • Reinforced cardboard
  • Rigid colored PET combined with aluminum, PVC, or silicone
• **10%** for disruptive packaging, such as:
  • Glass with a non-magnetic steel closing system
  • Rigid plastics that are dark in color and not detectable by optical sorting, or made of PE or PP with high density
  • PET containing glass beads
  • Cardboard/paper packaging with inks with mineral oils
FRANCE: CITEO 2020 BONUS FEES

Bonus (discount) fees:

• **50%** for PE or PP packaging containing at least 50% recycled material

• **8%** for recyclability improvement (i.e. switching to a mono-material packaging system or reducing packaging units in a sales unit)

• **8%** for using complete sorting guidelines for all packaging units including Triman

• **5%** for using the Triman logo without related sorting instructions

• **4%** for awareness actions on sorting, such as on TV/radio, display, press or digital medium with purchase of space

**Triman logo:**
Mandatory in France. Its purpose is to provide a more understandable symbol for consumers to know what is recyclable (replaces Green Dot)
MODULATING FEES LEAD TO GREATER USE OF SORTING LABELS

Source: Citeo, March 2019. Workshop on the essential requirements and new EPR rules

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MODULATING FEES LEAD TO SOURCE REDUCTION

Evolution of packaging tonnages which benefited from a source reduction bonus on the total tonnages placed on the market

Source: Citeo, March 2019. Workshop on the essential requirements and new EPR rules

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EVOLUTION OF PET BOTTLE DESIGN IN FRANCE

Evolution of clear PET bottles with presence of aluminum

<table>
<thead>
<tr>
<th>Year</th>
<th>2012</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weight</td>
<td>6 t</td>
<td>3 t</td>
</tr>
</tbody>
</table>

Share on the total deposit of clear PET bottles

<table>
<thead>
<tr>
<th>Year</th>
<th>2012</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Share</td>
<td>2.3%</td>
<td>1.1%</td>
</tr>
</tbody>
</table>

Evolution of PVC bottles with malus

<table>
<thead>
<tr>
<th>Year</th>
<th>2012</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weight</td>
<td>0.9 kt</td>
<td>0.3 kt</td>
</tr>
</tbody>
</table>

PVC bottles vs bottles total clear PET bottles

<table>
<thead>
<tr>
<th>Year</th>
<th>2012</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Share</td>
<td>0.3%</td>
<td>0.1%</td>
</tr>
</tbody>
</table>

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## ITALY – CONAI FEES 2020

<table>
<thead>
<tr>
<th>Material Type</th>
<th>EUR/kg</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Plastic</strong></td>
<td></td>
</tr>
<tr>
<td>LEVEL A</td>
<td>0.150</td>
</tr>
<tr>
<td>Sortable and recyclable packaging – “Commerce &amp; Industry” circuit</td>
<td></td>
</tr>
<tr>
<td>LEVEL B1</td>
<td>0.208</td>
</tr>
<tr>
<td>Domestic circuit packaging with an effective and consolidated selection and recycling chain</td>
<td></td>
</tr>
<tr>
<td>LEVEL B2</td>
<td>0.263</td>
</tr>
<tr>
<td>Packaging with a sorting and recycling chain in the process of consolidation and development, both domestic and C&amp;I</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.436</td>
</tr>
<tr>
<td>(from 1/1/2020)</td>
<td></td>
</tr>
<tr>
<td>LEVEL C</td>
<td>0.369</td>
</tr>
<tr>
<td>Packaging not sortable/recyclable with current technologies</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.546</td>
</tr>
<tr>
<td>(from 1/1/2020)</td>
<td></td>
</tr>
</tbody>
</table>

### A: Liners, large bags, water dispenser bottles, shrink film for over-wrapping, bubble wrap, cans over 5L, etc.

### B1: PET bottles and detergent bottles that are non-multilayer and transparent, HDPE and PP bottles, detergent bottles and cans over 5L that are not black and without covering labels, etc.

### B2: Reusable bags, mechanical dispensers, caps, closures and lids, etc.

### C: Rigid packaging, including presentation containers, cans and jars, etc. of any shape/size, foam crates, foam or rigid protective elements, labels, disposable plates and cups, tubes, etc.
As of January 1, 2019, a lower rate applies to plastic goods that can be sorted and recycled with a positive market value. Modulated plastic fees for 2020:

- **Non-Recyclable Plastics**: € 0.60/kg
  - “All plastic packaging that cannot be unequivocally identified as being recyclable within the current systems of collection, sorting and recycling existing in the Netherlands”, including biodegradable plastics

- **Easily Recyclable Plastics**: € 0.34/kg

“Recyclable” plastic packaging materials in the Netherlands must meet four conditions:

1. Made from type of plastic that is collected, has a market value and/or is supported by a legally mandated program
2. Sorted in predefined streams for recycling processes
3. Processed and recovered/recycled using commercial recycling processes
4. Recycled plastic is used as a raw material for the production of new products
**NETHERLANDS RIGID PLASTIC PACKAGING DECISION TREE**

| Beforehand |  
| --- | --- |
| a. Is it a rigid plastic packaging? | No | This recycle check is only designed for rigid plastic packaging materials; the KIDV is developing separate recycle checks for other packaging materials. |
| Yes |  
| b. Is it a packaging for medical products or one that should be disposed of as part of the small chemical or residual waste stream? | Yes | Packaging materials for medication or those that should be disposed of in the small chemical or residual waste streams are not part of this Recycle Check. [Click here](#) for more |
| No |  

| Interferents |  
| --- | --- |
| 1. Is the packaging free of oxo-degradable material? | No | Oxo-degradable plastics are interferents in the recycling process. |
| Yes |  
| 2. Is the packaging free of PVC or PVdC? | No | PVC and PVdC interfere with the recycling of other plastics. |
| Yes |  
| 3. Is the packaging free of silicone components? | No | Silicone components interfere with the recycling of other plastics. |
| Yes |  

| Material |  
| --- | --- |
| 4. Does the largest component of the packaging consist of PE or PP or PET? | No | Packaging materials made from other types of plastic are currently not optimally recyclable. |
| Yes |  
| 5. Does the largest component consist exclusively of a mono-material without multi-layers, coatings or fillers? | No | Packaging materials made from multi-layer materials or those with a coating impede the recycling process. |
| No |  

Source: KIDV Recycle Check rigid plastic packaging – version 2019, 20 November 2018

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# NETHERLANDS RIGID PLASTIC PACKAGING DECISION TREE

## Sorting

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Is the packaging larger than 5 centimetres and is its volume smaller than or equal to 5 litres?</td>
<td>No; Packaging materials that are too large or too small are currently not sorted for recycling.</td>
<td></td>
</tr>
<tr>
<td>7. Does the largest component of the packaging have a colour other than black?</td>
<td>No; Most sorting facilities currently do not detect or sort black packaging materials.</td>
<td></td>
</tr>
<tr>
<td>8. Does the packaging have a label or sleeve and is it sortable and recyclable according to the table in the clarification?</td>
<td>No; Labels and sleeves impede the recycling process due to their size or the combination of materials used.</td>
<td></td>
</tr>
</tbody>
</table>

## Recycling

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. Is the packaging free of hotmelt and non-washable adhesives?</td>
<td>No; Non-washable adhesives and hotmelt impede the recycling process.</td>
<td></td>
</tr>
<tr>
<td>10. Is the packaging free of enclosed metal components?</td>
<td>No; Enclosed metal components impede the recycling of plastic.</td>
<td></td>
</tr>
<tr>
<td>11. Is the packaging free of opaque PET?</td>
<td>No; The dye in the packaging material impedes the recycling process.</td>
<td></td>
</tr>
<tr>
<td>12. Is the packaging not a PET tray?</td>
<td>No; This type of packaging material is only recycled on a limited scale at the moment.</td>
<td></td>
</tr>
</tbody>
</table>

*Tip:* To help consumers dispose of the packaging correctly, it is advisable to include a disposal logo on the packaging. Go to [www.weggoodwetzer.nl](http://www.weggoodwetzer.nl) for more information.

---

Source: KIDV Recycle Check rigid plastic packaging – version 2019, 20 November 2018

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As of April 1, 2019, there are now two plastic categories with different fees. For 2020:

- **Level 1 fee:** 5.22 SEK/kg
- **Level 2 fee:** 3.47 SEK/kg

- Made from recommended types of plastic, i.e. PE, PP (excluding film) and transparent PET bottles
- NOT black
- Less than 2% EVOH barrier material
- Not laminate
- Maximum 60% printed area
- No shrink sleeve made from other types of plastic than the packaging

Beginning in 2020, a new fee structure applies for paper packaging in order to “reflect the actual costs of recycling and to promote an increase in the share of recyclable packaging.”

- **Level 1 fee: 3.28 SEK/kg**
  - All paper packaging containing mixed/glue material.

- **Level 2 fee 2.23 SEK/kg**
  - All paper packaging consisting solely of paper:
    - No wax, aluminum, plastic, etc. barriers
    - No plastic “windows”
    - No composites, wet-strength paper or wax-treated paper
TYPES OF SCHEMES

For Profit: UK, Austria, Germany
Non-Profit: Canada, Belgium

France / Canada: Household only
Austria / UK: Commercial included

UK: Currently 10 schemes but considering a move to one non-profit scheme.
Germany: Several schemes, but as of 2019 producers must also report to the government.

Many countries moving toward 100% producer responsibility.
BURDEN OF REPORTING

• In the US, brand owners and retailers often do not have data necessary for accurate packaging EPR reports – they require time to gather it.

  • **Solution:** Establish a transitional period for companies to use estimated data, then require real data reporting (typically more advantageous for producers)

• Many programs upon startup will use a **simple fee calculator**, which potentially costs companies more than using real data – phase out simple fee calculator over time.

  • Many programs also have a **flat fee option for small stewards** ($1M to $5M).
  • Many programs also require **reviews by a fiscal auditor**.
WHAT AFFECTS EPR COSTS

1. Material
2. Number of Parts
3. Eco-Design
4. Product Type
5. Packaging Level
6. Distribution
7. Labelling
8. Printed Paper
9. Recycled Content

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REPORTING COMPLEXITY

Data Points by Scheme

Count 2018  Count 2019

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EPR FEES COMPARISON – GLOBAL YOGURT CONTAINERS

**Glass Yogurt Container**
(141 g)
- Clear glass container: 131.24 g
- Aluminum lid: 0.87 g
- Paper label: 0.2 g

**Plastic Yogurt Container**
(150 g)
- PP plastic container: 9.18 g
- Aluminum lid: 0.84 g

### USD/1,000 units

<table>
<thead>
<tr>
<th></th>
<th>BC</th>
<th>Ontario</th>
<th>Québec*</th>
<th>Belgium</th>
<th>France**</th>
<th>Italy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glass Container</td>
<td>$17.49</td>
<td>$4.13</td>
<td>$21.29</td>
<td>$5.92</td>
<td>$2.08</td>
<td>$3.95</td>
</tr>
<tr>
<td>Plastic Container</td>
<td>$8.24</td>
<td>$2.61</td>
<td>$2.66</td>
<td>$7.28</td>
<td>$3.50</td>
<td>$4.45</td>
</tr>
</tbody>
</table>

Exchange rates (20 Jan 2020): CAD = 0.766099; EUR = 1.10868
*Québec fees are draft
**France also adds a CSU (consumer sales unit) fee which has not been calculated
EPR FEES COMPARISON – GLOBAL COFFEE CONTAINERS

Steel Can (283 g)
- Steel can: 108.5 g
- PP label: 1.9 g
- Aluminum seal: 1.8 g
- HDPE cap: 5.8 g

Plastic Canister (292 g)
- HDPE can: 68.5 g
- PP label: 1.1 g
- Multi-material film seal: 1 g
- LDPE cap: 10.2 g

Flexible Pouch (311 g)
- Plastic/aluminum blend pouch: 17 g
- LDPE closure strip: 1.5 g

USD/1,000 units

<table>
<thead>
<tr>
<th></th>
<th>BC</th>
<th>Ontario</th>
<th>Québec*</th>
<th>Belgium</th>
<th>France**</th>
<th>Italy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steel Can</td>
<td>$29.57</td>
<td>$6.58</td>
<td>$15.87</td>
<td>$24.15</td>
<td>$7.94</td>
<td>$3.20</td>
</tr>
<tr>
<td>Plastic Canister</td>
<td>$50.67</td>
<td>$10.57</td>
<td>$11.75</td>
<td>$36.60</td>
<td>$28.09</td>
<td>$21.86</td>
</tr>
<tr>
<td>Flexible Pouch</td>
<td>$15.87</td>
<td>$5.20</td>
<td>$5.09</td>
<td>$17.27</td>
<td>$8.40</td>
<td>$11.02</td>
</tr>
</tbody>
</table>

Exchange rates (20 Jan 2020): CAD = 0.766099; EUR = 1.10868
*Québec fees are draft
**France also adds a CSU (consumer sales unit) fee which has not been calculated
EPR FEES COMPARISON – GLOBAL
BABY FOOD PACKAGING

Glass Jar
(128 ml)
- Clear glass: 89 g
- Metal lid: 6.3 g
- Paper label: 0.6 g

Multilayer Pouch
(128 ml)
- Flexible resin pouch: 5.76 g
- Plastic closure: 2.78 g

2-Pack Plastic Pot/Lid
(100 ml per unit)
- Plastic pot/lid: 9.74 g
- Plastic lid film: 0.75 g
- Carton sleeve: 2.9 g

USD/1,000 units

<table>
<thead>
<tr>
<th></th>
<th>BC</th>
<th>Ontario</th>
<th>Québec*</th>
<th>Belgium</th>
<th>France**</th>
<th>Italy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glass Jar</td>
<td>$13.12</td>
<td>$3.13</td>
<td>$15.27</td>
<td>$5.24</td>
<td>$1.66</td>
<td>$2.70</td>
</tr>
<tr>
<td>Multilayer Pouch</td>
<td>$8.61</td>
<td>$2.40</td>
<td>$3.16</td>
<td>$7.17</td>
<td>$3.94</td>
<td>$4.83</td>
</tr>
<tr>
<td>2-Pack Plastic Pot/Lid</td>
<td>$9.80</td>
<td>$3.20</td>
<td>$3.52</td>
<td>$10.00</td>
<td>$5.37</td>
<td>$6.46</td>
</tr>
</tbody>
</table>

Exchange rates (20 Jan 2020): CAD = 0.766099; EUR = 1.10868
*Québec fees are draft
**France also adds a CSU (consumer sales unit) fee which has not been calculated

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**EPR FEES COMPARISON – GLOBAL E-COMMERCE**

<table>
<thead>
<tr>
<th></th>
<th>Corrugated (138.7 g)</th>
<th>LDPE (21.7 g)</th>
<th>Paper Laminate (21.7 g)</th>
<th>LDPE (17.2 g)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>HDPE (5.7 g)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>USD/1,000 units</strong></th>
<th><strong>BC</strong></th>
<th><strong>Ontario</strong></th>
<th><strong>Québec</strong></th>
<th><strong>Belgium</strong></th>
<th><strong>France</strong></th>
<th><strong>Italy</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Shipping Box w/ Air Pillow</strong></td>
<td>$43.14</td>
<td>$13.59</td>
<td>$25.51</td>
<td>$13.63</td>
<td>$27.70</td>
<td>$8.14</td>
</tr>
<tr>
<td><strong>Plastic Bubble Mailer</strong></td>
<td>$18.62</td>
<td>$6.10</td>
<td>$9.02</td>
<td>$17.11</td>
<td>$8.68</td>
<td>$10.49</td>
</tr>
<tr>
<td><strong>Paper Bubble Mailer</strong></td>
<td>$13.80</td>
<td>$4.71</td>
<td>$5.67</td>
<td>$20.53</td>
<td>$3.98</td>
<td>$1.32</td>
</tr>
<tr>
<td><strong>Plastic Bag Mailer (no bubble)</strong></td>
<td>$14.76</td>
<td>$4.83</td>
<td>$7.15</td>
<td>$13.56</td>
<td>$6.88</td>
<td>$8.31</td>
</tr>
</tbody>
</table>

Exchange rates (20 Jan 2020): CAD = 0.766099; EUR = 1.10868

*Québec fees are draft
**France also adds a CSU (consumer sales unit) fee which has not been calculated

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MAINE DRAFT DEFINITION OF “PRODUCER”
38 M.R.S. §1771

“Producer” means a person that:

A. Has legal ownership of the brand of a product sold in or into the State;
B. Imports a product branded by a person that meets the requirements of paragraph A and has no physical presence in the United States; or
C. Sells a product in the State at wholesale or retail, does not have legal ownership of the brand of the product and elects to fulfill the responsibilities of the producer for that product.
Questions?

Victor Bell

US Managing Director,
Environmental Packaging International/
Lorax Compliance

vbell@enviro-pac.com
+1 (401) 423-2225 ext. 800
enviro-pac.com
BRIEFING TO THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE;
MAINE LEGISLATURE

Resa Dimino, Senior Consultant
January 22, 2020
AGENDA

• About RRS
• Challenges in the recycling marketplace
• Role of EPR in addressing the challenges
ABOUT RRS

SINCE 1986 serving industry/governments/non-profits

- Plan and implement materials management and zero waste solutions
- Facilitate recovery value chain collaboration to increase commodity recovery for industry and municipalities
- Analyze packaging recyclability and compostability
- Business case and net system cost analysis
- End market and recovery systems development for circular economies
- Adapt MRF systems & composting facilities with new technologies to process today’s recyclables
- Develop and implement multi-stakeholder communications and outreach

RRS | recycle.com
WHO WE ARE

30 years in recycling and managing resources

40 employees in 3 countries

660 years combined field experience

1,000 projects across 9 markets

OUR SKILLS

SKILLSET DISTRIBUTION

- Recycling/Solid Waste Planning
- Organics/Compost
- Communication/Education
- Engineering
- Policy/Legislation
- Hazardous Materials Safety & Compliance
- Project Finance/Economics
- MRF Operations & Material Flow Studies
- Data Analytics & Design
- Corporate Sustainability
- Collaboration Facilitation
- Administrative
CHALLENGES IN THE RECYCLING MARKETPLACE
COMMON COMMUNITY CHALLENGES:

• Volatile recycling markets
• Pressure from MRFs to drop materials
• Paying for recycling (processing fees), instead of being paid (rebates)
• Questions from administrators / elected officials on program costs
• Public expectation of access to recycling
ECONOMIC CHALLENGE: DRAMATIC DROP IN RECYCLING REVENUE

2-YEAR COMPARISON

- Mixed Paper has decreased by 98%
- SRPN has decreased by 68%
- NHDPE has increased by 97%
- PET has decreased by 24%
- Aluminum has decreased by 24%
- Metals and Plastic currently make up 9% of the stream volume, and 88% of the value

Mixed Plastic #3-7
Colored HDPE
Natural HDPE
PET
Steel Cans
Aluminum Cans (UBC)
Aseptic and Gable-top Cartons (Grade #52)
Corrugated Containers (OCC Grade #11)
Sorted Residential Papers and News (SRPN Grade #56)
mixed Paper (Grade #54)
Glass 3 Mix (Shown as a cost)
Residue (Shown as a cost)
THE EVOLVING TON: CHALLENGES THE INDUSTRY

Source: RRS From packaging generation by weight US EPA Advancing Sustainable Materials Management 2015
ECONOMIC CHALLENGE: MRF COSTS CONTINUE TO RISE

COST INCREASES DUE TO:

• Need to slow the line to meet new quality specs
• Increased transportation costs
• Prevalence of lighter material means more items need to run to reach tonnage target
• Increasing contamination
• Aging MRFs coping with new mix of materials

<table>
<thead>
<tr>
<th>U.S. MATERIAL RECOVERY FACILITY</th>
<th>Inbound Processing $/Ton</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cost Category</strong></td>
<td><strong>2009</strong></td>
</tr>
<tr>
<td>Fixed</td>
<td>$12.00</td>
</tr>
<tr>
<td>O&amp;M</td>
<td>$46.00</td>
</tr>
<tr>
<td>Residue</td>
<td>$4.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$62.00</strong></td>
</tr>
</tbody>
</table>
AT THE SAME TIME... CORPORATIONS NEED RECYCLED CONTENT TO MEET GOALS
SUPPLY DEMAND IMBALANCES

Domestic demand for some materials outstrips supply

PET Bottles | HDPE | PP

Demand

Supply

Domestic demand is weak for others

Paper | Cardboard | Other plastics

Demand

Supply
MIXED PLASTICS MARKETS ARE NOT DEAD!
NEW RECYCLED PAPER MILL CAPACITY IS BEING ADDED
US RECYCLING FACES CHALLENGING TIMES

• Asian import restrictions are not the cause of the challenges; but have exposed weaknesses in the recycling system:
  • Consumer confusion about what is recyclable / contamination
  • Outdated processing infrastructure
  • Need for domestic market development for some materials, more supply for others
  • Fragmented system
• Communities and states have multiple options to address current market dynamics, for example:
  • New funding sources for recycling (e.g., tip fee surcharges, advanced disposal fees, generator fees, etc.)
  • Requirements for recycling education, access, etc.
  • Minimum recycled content standards for products / packaging
  • Investment in infrastructure & market development
• EPR for packaging and printed paper offers some distinct advantages
ROLE OF EPR IN ADDRESSING THE CHALLENGES
INTEGRATION AND COORDINATION

- EPR fosters system integration
- Producers apply supply-chain thinking to recycling system
- Shifts commodity risk / cost burden from municipalities onto producers
- Stronger data collection, reporting and accountability
• Producer responsibility organization (PRO) education resources can be applied to implement best practices to combat contamination
• PRO’s focus infrastructure investments on key needs, i.e., MRF / sortation upgrades. Examples include:
  • Ontario: Continuous Improvement Fund
  • EEQ: Glass processing investment
  • Canadian Stewardship Services Alliance (CSSA): Step 4 of the 4 Step Fee Methodology (governs ON, MB, SK, BC)
• EPR programs typically increase recycling rates, to create additional supply of valuable recyclables and feed domestic recycling-based manufacturing
  • Recovery rates for packaging materials in Germany range from 75 to 99%
  • On average, recycling rates in Canadian EPR programs increased by 17% after 2 to 4 years
• Recycled content incentives will help to create additional demand and spur additional investments in recycling-based manufacturing
RECYCLE RATES FOLLOWING EPR IMPLEMENTATION

Residential Recycle Rate in Canadian Provinces*

- Quebec
- Ontario
- Manitoba
- BC

Average increase Immediately following EPR Implementation: 8%
Average increase after 2-4 years of EPR: 17%
Average increase after 8-10 years of EPR**: 29%

Source: Statistics Canada
*Recycle Rate calculated by dividing amount recovered by amount generated looking only at the residential sector.
**Only Quebec and Ontario have been implemented that long

Average Increase in Recycle Rate Following EPR Implementation

- 0-2 years: 5%
- 2-4 years: 15%
- 8-10 years**: 25%
In the summer of 2019, Maine state leaders requested support from the U.S. Department of Justice’s Bureau of Justice Assistance (BJA) and The Pew Charitable Trusts (Pew) to utilize a Justice Reinvestment approach to address criminal justice challenges in the state. The letter included this systemic problem statement:

In Maine, as across the nation, many people have co-occurring substance addictions and mental illnesses who come into contact with law enforcement and move through state and local correctional facilities, straining the limited behavioral health resources across Maine.

BJA and Pew approved Maine state leaders’ request and asked The Council of State Governments (CSG) Justice Center to provide intensive technical assistance. Working with the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, CSG Justice Center staff collected and analyzed data and assisted in the development of policy options to address Maine’s criminal justice challenges and increase public safety. In December 2019, the commission approved four high-level policy objectives; this document further develops those objectives into more specific policy options.

**Consistent with the data-driven Justice Reinvestment approach, these policy options are designed to reduce recidivism by tackling the lack of suitable interventions that can help prevent people from coming into contact with the criminal justice system to begin with, serve as an alternative to further involvement, or facilitate successful reentry upon release from prison or jail. The policies would (1) strategically deliver state support for community resources; (2) promote more sentencing to community resources on probation; (3) promote best practices in corrections and responses to domestic violence; and (4) promote further data collection and analysis to support policymaking.**

**A. Community Resources**

**Assessment:** Many people in Maine’s criminal justice system have unaddressed behavioral health conditions, such as substance addictions, mental illnesses, or co-occurring disorders. People needing treatment and intervention often come into contact with the criminal justice system while facing everyday challenges related to transportation, stable housing, access to childcare, gainful employment, and more. Local governments need help from the state to address these challenges. Currently, Maine lacks a state oversight body to strategically support and coordinate state-funded programs and interventions at the local level.

**Key Policy Objective:** Create a robust, inclusive process for coordinating significant state investment in community-based resources to keep people out of the criminal justice system, provide meaningful alternatives to incarceration, improve the likelihood of restorative justice and successful reentry, and reduce recidivism. This policy seeks to improve outcomes for people in the community who are involved with the criminal justice system, particularly those with mental illnesses, substance addictions, or co-occurring disorders and those who have transportation, housing, or childcare needs.

**Summary of Proposal:** Expand the role and membership of the existing Justice Assistance Council (JAC) by providing statutory authority and direction to coordinate and administer state-funded criminal justice and public

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1 The JAC currently distributes U.S. Department of Justice grants and has membership representing the Department of Public Safety, Chief Justice of the Maine Supreme Court, Maine Criminal Justice Academy, Office of Substance Abuse, Department of Corrections, Juvenile Services, Attorney General, Maine State Police, Commission on Domestic and Sexual Abuse, Maine Coalition Against Sexual Assault, Maine Coalition to End Domestic Violence, U.S. Attorney’s Office, district attorneys, police chiefs (two representatives), and sheriffs: https://www.maine.gov/dps/grants/index.html. Additional membership should include the Maine Housing Authority, a representative of a statewide county association, a municipal representative from an association administering General Assistance, a representative from a statewide municipal association, and a representative of the restorative justice community.
safety grants and programs. Initial funding for JAC-administered grants should be transferred from the current county jail operations fund (34-A MRSA §1210-D), which requires each county to utilize 30 percent of its jail operations funding for community corrections. The state should: (1) continue to fund county jails at agreed-upon levels but decouple jail funding from community corrections via the JAC; (2) increase JAC funding beyond the current 30 percent with anticipated savings from small decreases in prison commitments and length of stay realized through the Sentencing policy options (beginning on page 2), for a total annual investment of $6–12 million; and (3) continue to use this funding source to ensure (and potentially expand) coverage by Maine Pretrial Services, but through a JAC contract, or funded by the JAC through local contracts.

B. Sentencing

Assessment: Maine’s prison population hit an all-time high in the summer of 2018. The female prison population increased more than 50 percent between 2014 and 2019, while the male prison population increased only 2 percent during the same period.

Maine has one of the nation’s lowest rates of incarceration, but more than 80 percent of felony sentences in FY2018 involved a period of incarceration in jail or prison (see Figure 1).

Figure 1: Felony Sentences in Maine by Sentence Type, FY2016 and FY2019.2

The use of “straight” probation (probation without a period of incarceration beforehand) is comparatively rare for all levels of felonies, most remarkably for Class C sentences (see Figure 2). Class C offenses include theft, operating while license suspended or revoked (3 priors), and drug possession, among other offenses.

Fig. 2: Maine Sentencing Disposition Patterns by Class of Crime and Conviction History, 2008–2019.\(^3\)

<table>
<thead>
<tr>
<th>Class</th>
<th>0-1 Prior Convictions</th>
<th>2-3 Prior Convictions</th>
<th>4-5 Prior Convictions</th>
<th>6+ Prior Convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td>100% Prison</td>
<td>100% Prison</td>
<td>no cases</td>
<td>no cases</td>
</tr>
<tr>
<td>Class A (N=454)</td>
<td>37% Prison</td>
<td>45% Prison</td>
<td>34% Prison</td>
<td>32% Prison</td>
</tr>
<tr>
<td></td>
<td>52% Prison Split</td>
<td>46% Prison Split</td>
<td>45% Prison Split</td>
<td>53% Prison Split</td>
</tr>
<tr>
<td></td>
<td>&lt;1% Jail</td>
<td>1% Jail</td>
<td>no cases</td>
<td>5% Jail</td>
</tr>
<tr>
<td></td>
<td>10% Jail Split</td>
<td>4% Jail Split</td>
<td>14% Jail Split</td>
<td>11% Jail Split</td>
</tr>
<tr>
<td></td>
<td>1% Probation</td>
<td>5% Probation</td>
<td>7% Probation</td>
<td>no cases</td>
</tr>
<tr>
<td>Class B (N=2,868)</td>
<td>26% Prison</td>
<td>33% Prison</td>
<td>40% Prison</td>
<td>45% Prison</td>
</tr>
<tr>
<td></td>
<td>27% Prison Split</td>
<td>27% Prison Split</td>
<td>20% Prison Split</td>
<td>21% Prison Split</td>
</tr>
<tr>
<td></td>
<td>8% Jail</td>
<td>14% Jail</td>
<td>14% Jail</td>
<td>11% Jail</td>
</tr>
<tr>
<td></td>
<td>28% Jail Split</td>
<td>19% Jail Split</td>
<td>15% Jail Split</td>
<td>13% Jail Split</td>
</tr>
<tr>
<td></td>
<td>10% Probation</td>
<td>7% Probation</td>
<td>11% Probation</td>
<td>10% Probation</td>
</tr>
<tr>
<td>Class C (N=9,395)</td>
<td>20% Prison</td>
<td>28% Prison</td>
<td>32% Prison</td>
<td>39% Prison</td>
</tr>
<tr>
<td></td>
<td>7% Prison Split</td>
<td>6% Prison Split</td>
<td>6% Prison Split</td>
<td>7% Prison Split</td>
</tr>
<tr>
<td></td>
<td>35% Jail</td>
<td>38% Jail</td>
<td>38% Jail</td>
<td>35% Jail</td>
</tr>
<tr>
<td></td>
<td>23% Jail Split</td>
<td>17% Jail Split</td>
<td>14% Jail Split</td>
<td>10% Jail Split</td>
</tr>
<tr>
<td></td>
<td>12% Probation</td>
<td>9% Probation</td>
<td>9% Probation</td>
<td>7% Probation</td>
</tr>
</tbody>
</table>

*Note: This examines sentenced people who had a legal address in Maine at the time of case filing and convictions for a Class D offense or higher. Eleven Class B and 196 Class C sentences of Fine/Other are not included in the grid.


Sentences to prison of well under one year are increasingly common (see Figure 3).

Fig. 3: Maine Sentences to Prison by Length of Sentence, FY2016–FY2019.\(^4\)

While most states use the one-year sentence as the misdemeanor/felony, jail/prison demarcation, Maine allows prison sentences as short as “nine months and a day,” which, with credit for time served, typically do not allow enough time for meaningful programmatic intervention.


Before people arrive at the sentencing stage of a case, Violation of Conditions of Release (VCR) is a frequent reason for arrests of people released on bail and is commonly a charge added to the underlying criminal charges (see Figure 4).

Figure 4: Arrests Involving “Violations of the Conditions of Release” (VCR), 2008–2019.

Key Policy Objectives: Refine the state’s approach to sentencing to better utilize probation and provide more community resources through the JAC to incentivize the use of probation and discourage the use of ineffectively short prison sentences that are sometimes used as a means of connecting a person to treatment or programming. Reduce the high volume of additional arrests and jail bed usage based on VCR.

Summary of Proposal: Limit the use of VCR (and revocation of bail) for violations of conditions that do not endanger others. Create a presumption that probation is the appropriate sentence for Class C property and drug offenses and Class B drug possession, allowing for departure from the presumption in aggravated cases (see Figure 5). Permit deferred disposition for Class B drug possession. Limit the permitted periods of incarceration for the first two violations of probation conditions presented in court that are not new crimes.

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**Figure 5. Presumptive Probation Within the Current Offense Classes**

<table>
<thead>
<tr>
<th>Class</th>
<th>Punishment Range</th>
<th>Sentencing Options</th>
<th>Offenses*</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Jail up to 9 months&lt;br&gt;Prison up to 30 years&lt;br&gt;Fine up to $50,000</td>
<td>Eligible for probation or unconditional discharge</td>
<td>Drug Trafficking, Robbery, Gross Sexual Assault, Arson, Aggravated Assault</td>
</tr>
<tr>
<td>B</td>
<td>Jail up to 9 months&lt;br&gt;Prison up to 10 years&lt;br&gt;Fine up to $10,000</td>
<td>Eligible for probation or unconditional discharge</td>
<td>Drug Trafficking, Aggravated Assault, Burglary, Theft (&gt; $10,000), Forgery</td>
</tr>
<tr>
<td>C</td>
<td>Jail up to 9 months&lt;br&gt;Prison up to 5 years&lt;br&gt;Fine up to $5,000</td>
<td>Eligible for deferred disposition, probation, or unconditional discharge</td>
<td>Theft, Operating While License Suspended or Revoked (3 priors), Drug Possession, Domestic Violence, Violation of Conditions of Release</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Proposed Presumptive Probation for enumerated Class C crimes including Theft, Burglary of a Motor Vehicle, Fraud, Computer Crimes, Bribery, Forgery, Criminal Mischief, Drugs</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>Jail up to 364 days Fine up to $2,000</td>
<td>Current Law Permitted Probation for Class D &amp; E crimes enumerated in MRSA 17-A §1802(B), e.g., Violation of Protective Order, Domestic Violence Assault</td>
<td>Criminal OUI, Domestic Violence, Assault, Drug Possession, Criminal Mischief</td>
</tr>
<tr>
<td>E</td>
<td>Jail up to 180 days Fine up to $1,000</td>
<td>Eligible for deferred disposition, community service, administrative release, or unconditional discharge</td>
<td>Violation of Conditions of Release, Theft, Disorderly Conduct, Trespass, Drinking in Public</td>
</tr>
</tbody>
</table>

*Offenses listed in white boxes were the top 5 most frequent arrest offenses by offense class in 2018.

**C. Recidivism**

**Assessment:** Analysis of Missouri Department of Corrections (MDOC) policy and practice shows a need for increased resources for Adult Community Corrections (probation), which is under-staffed and under-resourced in some areas of the state. High probation officer caseloads contribute to challenges with effective supervision. A number of improvements are needed related to agency policy, though the primary method of improving supervision outcomes is likely to increase the availability and quality of community-based programs and treatment services available to people on probation.

The number of women both in prison and on probation has increased significantly in recent years, and MDOC has adopted gender-responsive approaches to working with this population; while policy and practice are largely in place, room for improvement remains.
Domestic violence continues to present challenges in Maine. In 2017, 43 percent of homicides were domestic. A domestic violence assault was reported to law enforcement in Maine every 2 hours and 5 minutes that year, and violent assaults accounted for 40.2 percent of the total assaults reported to law enforcement.\(^6\)

**Key Policy Objective:** Bolster Maine’s domestic violence responses, community supervision, and corrections systems by improving key policies and procedures, increasing staffing and training resources, and creating the necessary array of community-based programs and resources (including behavioral health treatment) for people on probation or who are reentering the community after a period of incarceration.

**Summary of Proposal:** Require (and fund) the attorney general to employ a person to work with district attorneys on best practices for addressing domestic violence. Require the DOC commissioner to coordinate with treatment providers (including improving in-reach for providers to develop connections with people before release), employ a housing navigator to help people secure housing before release, institute a homelessness survey instrument for people under DOC control, confine women in a separate facility to improve connections to care and services, hire additional probation officers, and implement specialized probation caseloads.

**D. Information Collection and Utilization**

**Assessment:** The availability and quality of criminal justice data is inconsistent across Maine state agencies. Data on race, gender, and other critical demographic factors is missing in many records, making a thorough assessment of racial and gender dynamics in Maine’s criminal justice system difficult. As in many states, Maine’s data systems are siloed, and data is rarely linked, analyzed, or reported across agencies. Other states have adopted stringent reporting requirements, undertaken studies on racial disproportionalities to encourage complete reporting of demographic data elements, and matched criminal justice data with health care and behavioral health data to better focus services on the people who need them most.

**Key Policy Objective:** Encourage Maine’s criminal justice and human service agencies to routinely collect, analyze, and report high-quality data and information to better understand and monitor trends and drivers in arrests, sentencing, incarceration, probation supervision, and more. Race and gender data should be included in the analysis and in subsequent reports to identify and address issues of racial disparity and the need for gender-responsive services.

**Summary of Proposal:** Maine’s criminal justice and human service agencies should analyze sentencing data systematically and regularly, with dedicated staff reporting to a body such as a sentencing commission. The attorney general should conduct new research on law enforcement traffic encounters to understand any invidious effects in those decisions and create a baseline for efforts to reduce any disparities. The Maine Health Data Organization should be required to conduct a match of case-level data across health care and criminal justice data systems to identify the prevalence and service needs of high-cost, high-frequency utilizers of multiple systems and determine ways to better to serve that population.

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