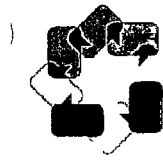


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IN OPPOSITION - LD 1418 'An Act Concerning Single-use Disposable Water Bottles and Water Refill Stations'
May 3, 2023

Dear Senator Brenner- Chair, Representative Gramlich- Chair, and Members of the Committee on Environment and Natural Resources,

The Maine Grocers & Food Producers Association and the Retail Association of Maine are jointly opposed to LD 1418. This bill proposes to require refillable water stations and signage at retail establishments who sell water in single use containers starting in 2027. Our business trade associations represent Main Street businesses including independently owned and operated grocery stores and supermarkets, general merchandise retailers, and convenience stores, distributors and supporting partners — together representing more than 450 members statewide. Maine's retail sector employs more than 85,000 Mainers.

We stand opposed to LD 1418 for a variety of reasons outline below.

Costs This proposal places an unnecessary burden and significant costs on Maine's businesses. In researching refillable stations, the costs vary from \$600 to \$2,000 plus the cost of installation. Installation can include a variety of construction variables from electrical needs to plumbing, and depending on the refillable station, they can be sold with or without chillers, which add additional electricity costs. While it is not required within the definition, it warrants considerations if the purpose is to serve as an alternative to a chilled, bottled water likely consumed as a convenience item. Other costs include filters and increased water utility bills depending on the volume of water dispensed. Additional research noted that high volume filters should be changed every 3-6 months and are estimated at \$80+ per filter. We do not support migrating sales away from profitable products by mandating a free alternative to the consumer when Maine's retailers depend on these sales to remain viable.

Sanitation We express significant concern for consumers bringing in various containers to 'refill' with water. The Maine Department of Agriculture has issued voluntary guidance on best practices for stores interested in reusable containers.¹ This program is voluntary as it must be a mutually embraced strategy between the retailer and consumers to ensure the utmost in sanitation practices and commitment, it is not a one-size fits all model. The requirement of a refillable water station adds yet another piece of equipment for store staff to maintain as the fountain/station would need to be regularly cleaned to maintain proper potability of the water. A potential next step maybe asking the ME DEP or DACF to consider further guidance on best practices for voluntary water refilling stations.

¹ <https://www.maine.gov/dacf/qar/documents/reusable-container-guidance-retail.pdf>

Water Quality & Standards The U S Food and Drug Administration regulates bottled water products, working to ensure that they are safe to drink Bottlers must be licensed by the Maine Department of Agriculture and we question the inconsistency in standards between the regulations and quality standards placed upon bottled water compared to the water output of retailers' refill stations The source of the water is another issue in itself Where and how is the water piped in? Is it community, city water or is it well water, and if so, is it tested annually for coliform and nitrates? Is the filtration system optimized based on the water source? Are there increased liability concerns if retailers serve as a community water source? Proper filtration and maintenance would be critical

Compliance We question how the refillable stations would be installed specific to the Americans with Disabilities (ADA) compliance requirements Currently, water fountains require sitting and standing height water fountains This is yet an added level of complexity for the ME DEP to educate, monitor, and ensure compliance amongst retail establishments

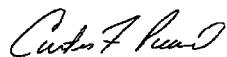
Unlimited Supply There are no limitations to the quantities in which consumers may fill-up at the retail locations What will prevent customers from bringing in 5-gallon containers and refilling for home use? Nothing within the language provides safeguards against customers taking advantage of the service if promoted as the free alternative This language lends itself to the retailers becoming a communal water source

Shifting Consumers to Less Healthy Choices Certainly, a retailer could choose to stop selling bottled water altogether, and perhaps that is a desired outcome However, the committee should consider that if multiple retailers choose to stop selling bottled water, the alternative would be other beverages which may be less healthy and be high in sugar and other additives

Maine has passed significant policies to address sustainability and packaging including, the first in the country, EPR for packaging program and LD 1462 *An Act To Promote a Circular Economy through Increased Post-consumer Recycled Plastic Content in Plastic Beverage Containers* now Chapter 742 Public Law Both of these policies will modify Maine's packaging market and it is important to consider additional policies such as LD 1418 which may affect access to recycled content or alter a material's recyclability In addition, this committee just passed an increase to the handling fee to alleviate the market pressures on Maine's redemption businesses, and now this bill proposes prohibiting (at certain functions and facilities) the sale of uncarbonated, unflavored, water in single-use beverage containers, eliminating a segment of containers from the redemption centers' business model

We urge the Committee to vote Ought Not to Pass on LD 1418 so that our retail members do not reach a point where they simply stop selling water Instead, let's focus on incentives for refill stations For example, Portland's Water Bottle Filling Station Grant ² This is an unnecessary burden that simply makes it more expensive to operate a business in Maine

Thank you for the opportunity to provide testimony



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² <https://www.pwd.org/water-bottle-filling-station-grants>