



January 22, 2024

Senator Ingwersen, Chair  
Representative Pluecker, Chair  
Joint Committee on Agriculture, Conservation, and Forestry  
Maine Legislature  
100 State House Station  
Augusta, Maine 04333

**RE: Testimony in Support of LD 2091: An Act Regarding Businesses’ and Consumers’ Use of Returnable, Reusable, and Refillable Containers for Food, Beverages, and Non-Food Items**

Dear Senator Ingwersen, Representative Pleucker, and Members of the Joint Committee on Agriculture, Conservation, and Forestry:

Thank you for the opportunity to provided testimony in support of LD: 2091, An Act Regarding Businesses’ and Consumers’ Use of Returnable, Reusable, and Refillable Containers for Food, Beverages, and Non-Food Items.

Just Zero is a national environmental non-profit advocacy organization that works to implement just and equitable solutions to climate-damaging and toxic production, consumption, and waste disposal practices. We believe that all people deserve Zero Waste solutions with zero climate-damaging emissions and zero toxic exposures.

LD 2091 is a commonsense and necessary measure that directs the Department of Agriculture, Conservation, and Forestry (“ACF”) to develop rules which permit businesses to allow consumers to bring their own containers for the bulk purchase of food and other items. This bill is not a mandate for restaurants to accept reusable food containers, but instead allows them to meet consumer demand to shift away from single-use plastic and packaging. Ultimately, LD 2091 is about choice for consumers and businesses. Customers should have the freedom to bring their own clean, reusable containers when shopping. Similarly, many small businesses such as small grocers and cooperatives should have the freedom of developing their own systems for reuse and what they allow or don’t allow.

However, that is not to say that this bill isn’t necessary or that it won’t have an important impact. The evidence is clear that recycling alone will not solve Maine’s waste and plastic pollution crisis. Most single-use packaging and foodservice ware is not recyclable and ultimately ends up litter, buried in a landfill, or burned in an incinerator.<sup>1</sup> These options are unsustainable, wasteful, and harmful to both our health and the environment. Additionally, chemical migration of toxic

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<sup>1</sup> Greenpeace USA, [Circular Claims Fall Flat Again](#). (Oct. 2022).



chemicals from food packaging and containers can make their way into our food and drink, increasing the chances of cancer, endocrine disruption, and fertility issues.<sup>2</sup>

If enacted, LD 2091 will allow consumers and businesses to embrace reusable containers in lieu of single-use ones. This will significantly reduce waste. This measure will also support small businesses who can choose to reduce the costs associated with purchasing single-use containers by allowing consumers to bring their own reusable containers instead of relying on the business to supply single-use ones.

LD 2091 is also necessary to support the objectives of Maine’s Bottle Bill and Stewardship Program for Packaging. Last year, the legislature enacted legislation to modernize the Bottle Bill. A key provision of the law is funding for a study to evaluate the feasibility of integrating reusable beverage containers into the program.<sup>3</sup> To successfully integrate reusable containers into the program, consumers and businesses must be allowed to accept and use them. Additionally, in 2021, Maine became the first state to enact a stewardship program for packaging to reduce the volume of single-use packaging waste. Currently, the Department of Environmental Protection is working to finalize the rules that will implement the new program. The rules currently have strong reuse goals where covered producers will need to transition away from single-use packaging to reusable and refillable packaging. To effectuate this transition, ACF rules will need to allow consumers to bring their own containers.

Maine is not alone in considering legislation to expand the use of reusable and refillable containers. Last year, the Oregon Legislature enacted Senate Bill 545 to give consumers and businesses more flexibility to use reusable food containers.<sup>4</sup> The new law directs the Oregon Health Authority to adopt rules that enable consumers to bring reusable and refillable containers to restaurants and businesses.<sup>5</sup>

Just Zero strongly urges you to support LD 2091 to tackle plastic pollution and unnecessary waste to create a cleaner, greener future for all Mainers. Thank you for your time and consideration of this testimony. Please don’t hesitate to contact us if you have any questions.

Respectfully submitted,

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Policy and Advocacy Director  
Just Zero.

<sup>2</sup> Geueke B, et al, [Hazardous Chemicals in Recycled and Reusable Plastic Food Packaging](#), Cambridge Prisms: Plastics. (May 2023).

<sup>3</sup> 38 M.R.S.A. § 3114-A(3)(C).

<sup>4</sup> [Oregon Sennate Bill 545 – Relating to Reuse Containers](#). (2023).

<sup>5</sup> *Id.*