



January 22, 2024

Sen. Ingwersen, Senate Chair  
Rep. Pluecker, House Chair  
Joint Standing Committee on Agriculture, Conservation and Forestry  
100 State House Station  
Augusta, ME 04333-0100

**RE: Support for LD 2091, An Act Regarding Business' and Consumers' Use of Returnable Reusable and Refillable Containers for Food, Beverages and Nonfood Items**

Senator Ingwersen, Representative Pluecker, and members of the Committee,

Thank you for the opportunity to provide comments on LD 2091 - An Act Regarding Businesses' and Consumers' Use of Returnable Reusable and Refillable Containers for Food, Beverages and Nonfood Items. My name is Sydney Harris and I am the Policy Director at Upstream, a Maine-based, national nonprofit that has advocated for waste prevention and reuse for 20 years. I also live in Portland and coordinate a volunteer coalition of local businesses, environmental organizations, municipal staff and community members who share a vision of transforming Portland and South Portland into a "reuse community." We call ourselves Reuse Portland. On behalf of both Upstream and Reuse Portland, I encourage you to support LD 2091.

We need this bill to update our state's food codes so that all manner of reusable packaging can be provided by companies to Mainers who want to reduce their waste and climate footprints. Reusables are the future of packaging, and businesses across the country and around the world are already shifting their supply chains to transition to this common-sense business model. In fact, the growth of start-up businesses supplying reusable packaging and services like reverse logistics (collection of used containers) and sanitization has been over 1000% in the last four years. There is also growing interest in reusable packaging from the world's biggest brands, including Coke, Pepsi, Mars, WalMart, Clorox, and more. Upstream has hosted over 200 representatives of these and other brands over the past year in our Reuse/Refill Action Forum to support them in their exploration of reusable packaging. Similar efforts are also underway within the US Plastics Pact, the Consumer Goods Forum, and other associations and groups.

To accommodate all of this momentum, the US Food and Drug Administration (FDA) is already working to update our national guidelines for food packaging to include returnable containers. Attached is a guidance document issued by the Conference for Food Protection (CFP) that outlines safe use of reusable containers. The guidance clearly states that returnable food containers provided by a business or food establishment should be allowed if they are "cleaned, sanitized and visually inspected by a food employee." This document is the result of a

multi-year, formal process within the CFP that includes participants from all 50 state health departments - that means at least two people within Maine's health department are already aware of and have already voted to adopt these updates. As a next step, the FDA will issue supplemental guidance (expected in 2025) that will allow business and third party-owned containers to be provided to customers and returned for sanitizing and reuse.

Global standards for reusable packaging are also under development, via a robust process facilitated by an organization called PR3. These reuse system standards will ultimately be approved by the International Standards Organization (ISO) and the American National Standards Institute (ANSI). Just like the federal guidelines, the goal here is to standardize reusable packaging so that it can scale across sectors - including but not limited to foodservice and food packaging.

Businesses elsewhere in the US and around the world are already using returnable packaging to deliver food safely to consumers at scale. In Germany, 82% of beer is sold in reusable bottles, and 99% are returned for reuse. Overall, 54% of beverages sold in Germany are in reusables. In Ontario, 85% of beer is sold in reusable bottles, with 97% returned and an average reuse rate of 15 cycles. New services are emerging to help restaurants provide hot and cold meals via take-out or delivery in reusables, like DeliverZero in New York City and Usefull in Boston. Innovators like Loop are also changing home delivery for groceries and personal care products by providing name brands in reusable, returnable containers and accepting them back to be sanitized and recirculated.

Reusables are great for business - they save businesses money over time and provide customers with a superior experience, which often leads to increased brand loyalty. And customers are clamoring for sustainable packaging. According to the World Economic Forum, North Americans, along with global consumers in all other regions, believe the "most adoptable zero-waste lifestyle practice" is choosing products with reusable packaging. A 2022 study conducted by Trivium Packaging concluded that 74% of Americans are interested in buying products in refillable packaging. For these reasons and more, major consumer brands have begun setting public targets to sell a portion of their products in reusable packaging, and have already made investments to support these goals.

Within Reuse Portland, we've been actively exploring what it will take to bring reusable packaging systems to Maine. With such a strong food culture in Portland and South Portland, it's important to us to start with the foodservice sector. We have already conducted outreach to venues across our cities to explore the creation of a reusable cup system, and we're just getting started. Our vision includes reusable food packaging for hot and cold to-go meals and drinks, and ultimately reusable packaging for all types of consumer goods - including groceries. This type of reuse system will bring safe, local jobs to Portland and South Portland and build wealth in our community. According to GAIA (a global nonprofit that advocates for zero waste), reuse creates over 200 times as many jobs as landfilling and incineration, and vastly exceeds the job creation potential of recycling. Unfortunately, we can't make this vision a reality in the face of structural barriers like outdated food codes.

At Upstream, our vision is for 30% of consumer products to be sold in reusable containers by 2030. We see a future where packaging is a service, rather than a product - where reuse is the default, rather than a niche choice. This is certainly ambitious, but we believe it is achievable given the incredible policy momentum of the past five years. Maine is leading the way in this regard, with our first-in-the-nation packaging Extended Producer Responsibility (EPR) program and modernized bottle bill - two major pieces of waste legislation enacted since 2021. Both of these laws include strong incentives and some direct funding to develop the new reuse economy for Maine.

**We do suggest one minor change to the sponsor's amendment:** To allow for future alignment with the forthcoming global standards for reusable packaging mentioned above, we suggest requiring the Department to update their guidelines at such time as standards are officially adopted, either by the ISO or ANSI.

Reusable packaging beats single-use packaging on every environmental metric. Reusables are great for businesses and consumers, and they are perfectly healthy and safe when properly inspected and sanitized. Furthermore, LD 2091 does not require any businesses to adopt reusable packaging; it simply paves the way for a future where that is possible. **Please support LD 2091 so we can scale reusable packaging in Maine.**

Thank you for all you do,

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