

## Testimony of Nate Cloutier

Before the Joint Standing Committee on Environment and Natural Resources

May 3, 2023

### **In Opposition to LD 1418, “An Act Concerning Single-use Disposable Water Bottles and Water Refill Stations”**

Senator Brenner, Representative Gramlich, and distinguished members of the Committee on Environment and Natural Resources My name is Nate Cloutier, and I am here today on behalf of HospitalityMaine representing more than 1,200 restaurant and lodging operators of all sizes across the state HospitalityMaine opposes LD 1418, “An Act Concerning Single-use Disposable Water Bottles and Water Refill Stations”

LD 1418 proposes to make changes to law concerning single-use disposable water bottles It would

- 1 Prohibit “food service” and “state” institutions from selling or offering drinking water in single-use beverage containers containing one or liter or less of water beginning January 1, 2024
- 2 Require retail establishments that offer water from a water refill station to post signs within the store describing the location of the station and that they may use it free of charge
- 3 Require retail establishments to install and maintain a water refill station for use free of charge to consumers by January 1, 2027
- 4 Instruct the Department of Environmental Protection (DEP) to engage in education and outreach activities with retail establishments regarding the water refill station requirements and requires them to investigate complaints received regarding noncompliance

We appreciate the intent behind what this legislation aims to achieve, however the changes proposed in this bill would be costly and would hurt businesses, including our restaurant and lodging establishments, across the state As a state, we already have a strong, tested history of recycling with our successful bottle redemption program Bottled water companies and many businesses are already taking initiative to be stewards in responsible production, consumption, and recycling Some bottled water companies are even in the process of or have plans to transition more recycled material into their packaging It’s not appropriate or suitable in all instances, but some businesses have included water refill stations at their establishments because they feel offering that fits with their consumers’ desires However, this is not the case with all businesses, and we don’t believe it is the role of the government to be involved to this degree that takes the choice away from each business owner We see there are other potential issues with this legislation

- The cost after installation for each of these machines could be north of \$5,000, which is unfeasible for many of our members operating on a 2% profit margin
- Not everyone has access to reliable and clean drinking water What are businesses to do during emergencies like we just experienced earlier this week? Making bottled water available during circumstances such as these is crucial Moreover, as drafted, my understanding is the bill would make it illegal for establishments to even give bottled water away for free, which has happened during states of emergency
- Is the only enforcement mechanism for DEP to respond to complaints from the public? To me, the definition of “water refill station” proposed in the bill could include a water pitcher
- Personal choice for owners and the consumer should be preserved It would be concerning to see the government intimately involved with product choices on this topic
- Would a food truck need to configure a mobile water refill station? Where would food trucks post the signage that would be required by law?

Maine is a leader in responsible recycling. According to ecomaine, since 2006 it has recycled over 1 billion pounds of recycled material. Businesses are not at a point where they can handle increased cost mandates passed down from the state. We instead urge you to continue to explore ways to incentivize the use of our successful recycled bottle program.

Thank you for your time and attention. I would be happy to answer any questions.