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## **RE: Opposition to LD 1519 – An Act to Create a Stewardship Program for Electronic Smoking Devices and Related Products**

Dear Senator Tepler - Chair, Representative Doudera - Chair, and members of the Committee on Environment and Natural Resources,

On behalf of the Retail Association of Maine (RAM) and the Maine Grocers and Food Producers Association (MGFPA), we submit this joint testimony to express our **opposition to LD 1519** and to share our concerns regarding the feasibility and fairness of the proposed stewardship program for electronic smoking devices and related products.

Our business trade associations represent Main Street businesses including independently owned and operated grocery stores and supermarkets, general merchandise retailers, and convenience stores, food and beverage manufacturers, distributors and supporting partners — together representing more than 450 members statewide. Many members which sell vapor products to adult consumers seeking alternatives to traditional tobacco.

While we support responsible environmental practices and compliance with state law, we have two primary concerns with LD 1519.

### **1. The Market Is Dominated by Illicit Products That Will Never Participate**

The majority of e-vapor products sold in Maine today—particularly disposable devices—are illicit, unregulated products manufactured overseas, primarily in China. These products are smuggled into the U.S. market in direct violation of FDA requirements, often bypassing wholesale channels through discreet shipping methods and mislabeling. In fact, according to a 2022 CDC estimate, these illicit products made up over 50% of the market.<sup>1</sup> By early 2025, Altria estimated this share to be more than 60%.<sup>2</sup>

Companies that blatantly violate federal law are not going to comply with a state-level stewardship program. These “free riders” will neither register as producers nor contribute financially or operationally to any collection or recycling efforts. Meanwhile, legitimate companies that follow the law—many of which already participate in voluntary recycling programs like Call2Recycle—will be forced to bear the costs of an ineffective system that doesn’t address the true source of the problem.

<sup>1</sup> <https://www.cdc.gov/media/releases/2023/p0622-ecigarettes-sales.html>

<sup>2</sup> <https://justthenews.com/nation/states/center-square/illegal-vapes-flood-us-market-fda-struggles-squeeze-out-illicit>

This creates a system that is both ineffective in addressing the environmental goal and unfair to compliant businesses, effectively penalizing those already trying to do the right thing.

## **2. Layering Programs on Top of an Incomplete EPR Framework is Premature**

Maine is still in the midst of rolling out its Extended Producer Responsibility (EPR) program for packaging, a sweeping initiative that already includes vapor product packaging. The regulations for that program are not yet finalized, and retailers and producers alike are still trying to understand and comply with those rules. Launching an additional, highly specialized EPR program for electronic smoking devices—before we've even worked through the existing one—creates confusion, compliance burdens, and unintended consequences.

## **Recommendations**

We encourage the Committee to:

- Convene a stakeholder workgroup to better understand the scope of the vapor product market in Maine, including which products are sold, by whom, and how. This issue is far more complex than LD 1519 suggests, and more information is needed before launching a program that would have limited reach and questionable efficacy.
- Pursue separate legislation focused on enforcement against illegal e-vapor products entering the Maine market. Several states have already taken steps to crack down on these products through enforcement, taxation, and distribution controls. Narrowing the market to legal, traceable products would make any future stewardship program more manageable and impactful.

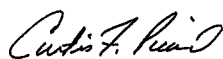
*\*Attached to our testimony, please find an additional article 'More Than \$7 Million Worth of Illegal E-Cigarettes Seized in Federal Operation' and more information as it relates to the illicit e-vapors market and the shipment of these items into the United States.*

We welcome the chance to work with the Committee on more effective, fair solutions for managing e-vapor product waste in Maine. Thank you for the opportunity to comment.

Sincerely,



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