

LD754

Good morning, Senator Tepler, Representative Gramlick and members of the committee

My name is Anthony Scott; I own a chain of 4 Vape shops in the State of Maine and employ around 25 people.

I appreciate Senator Bennett and his team for coming out to a store and taking the time to understand what the implications of a bill like this means to vape shops and begin strategizing how we can come up with a balanced approach that allows our stores to stay in business but also takes care of environmental concerns.

I believe that establishing a stakeholder group along with the Department for LD754 would allow an opportunity to figure out a plan that would work for everyone. As I would be happy to add more to the future meetings, I would like to bring up a few thoughts I believe need to be addressed or considered in the group.

- 1) If product stewardship is the direction the group goes, **there should not be an exemption for FDA approved products** as this will undermine the States goal by creating environmental loopholes, creating unfair market advantages largely in favor of big tobacco companies, inconsistent messaging for disposal of batteries, regulatory confusion, among other issues.
- 2) Another important concern with implementing a product stewardship program is the uncertainty surrounding federal regulations. As vape products move through the FDA's PMTA (Premarket Tobacco Product Application) process, many will either be approved — and potentially exempt from stewardship requirements — or removed from the market if denied. This creates a scenario where, in the near future, there may be few, if any, products left subject to the program. That uncertainty makes it difficult to secure long-term producer participation, especially if approved products are granted exemptions.
- 3) An alternative solution worth exploring — one that would require coordination between stakeholders, the Department, and waste

management companies — is the creation of a vape battery licensing program. Under this model, retailers could pay a licensing fee (to be determined) to become authorized battery collection sites. Because these are the same locations where vape products are sold, consumer participation would likely be strong.

While this approach would still involve costs for retailers, and enforcement from the State, it is far more reasonable than allowing exemptions to a stewardship program, which risks overwhelming small businesses with burdensome regulations and ultimately handing control of Maine's vape market to Big Tobacco

In Summary, we can't allow exemptions for FDA products in a stewardship program because there will not be participation. This language appears to be another calculated effort that benefits Big Tobacco at the expense of small businesses.

I'll ask you one question to think about. When you recycle cans and bottles for redemption do you only recycle small craft beer and local beverages or can you redeem Budweiser, Coca cola and Pepsi as well?

I'm willing to help find the solution to this problem among other stakeholders and believe we can find a solution quickly and have it implemented in a timely manner.