



Maine Grocers &
Food Producers
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January 22, 2024

NEITHER FOR NOR AGAINST LD 2091 An Act Regarding Businesses' and Consumers' Use of Returnable, Reusable and Refillable Containers for Food, Beverages and Nonfood Items

Dear Senator Ingwersen - Chair, Representative Pluecker- Chair, and Members of the Committee on Agriculture, Conservation and Forestry,

My name is Christine Cummings and I am the Executive Director of the Maine Grocers & Food Producers Association (MGFPA). The Maine Grocers & Food Producers Association is a business trade association representing Maine's food community; Main Street businesses, including independently owned and operated grocery stores and supermarkets, food and beverage producers and processors, manufacturers, wholesalers, distributors, and supportive service companies.

The interest in reusable and refillable food containers has been on-going for a few years now. 2021's LD 885 *An Act To Promote Bulk Retail Purchasing* which passed, and became law, ensured the department was to create guidelines¹ to neither preclude business owners from allowing nor require business owners to allow consumers to supply their own containers for the bulk purchase of shelf-stable food and nonfood items. LD 885 stemmed from LD 1933's proposed Resolve in 2020.

MGFPA appreciates the sections within Maine's Food Code Law that mirror the Federal Model Food Code allowing for the use of properly washed containers for non-hazardous foods. While we recognize and support efforts to reduce packaging and use reusable containers at retail, we express hesitation for any policies that would cause risk to food safety protocols.

Food safety is paramount and our members value compliance with Maine's food laws and regulations for good reason. The use of reusable and refillable containers must remain at the discretion of the business and food retailer. The ability to properly sanitize and work with various containers will vary by business. We respect that there will be those businesses who may look to embrace this practice and there will be those who are not set-up to properly use alternative containers.

We recognize there are still some unknowns in the feasible execution of promoting the use of reusable containers, specifically in relation to weighing goods on scales to determine the pricing and how to ensure the correct and fair payment of goods in varying customer-supplied containers (known in the industry as tare weights, the unladen weight, the total weight of the empty container). This will require staff training, potential customization of computer systems and education for the customers to participate the in process as well.

In communicating with the bill's sponsor, it does sound as though modified bill language maybe forthcoming which will help address our concerns related to hazardous foods and ensure that this practice will be acceptable if only permitted by the business. We look forward to reviewing the details and any updated language. The Maine Grocers & Food Producers Association stands ready to work with the interested businesses who wish to promote the practice of refillable and reusable containers and the Department of Agriculture to continue to facilitate the development of best practices and guidance documents.

Thank you for the opportunity to provide testimony.

Christine Cummings

Christine Cummings
Executive Director

¹ <https://www.maine.gov/dacf/qar/documents/reusable-container-guidance-retail.pdf>