



BENNINGTON COLLEGE

May 12, 2025

MEMORANDUM OF SUPPORT WITH AMENDMENTS

House Bill 6206 (Representative Spears)

House Bill 6207 (Representative McEntee)

Dear Chair Bennett and the honorable members of the committee:

Beyond Plastics¹ is working in states to establish strong plastic packaging reduction and recycling programs, also known as extended producer responsibility (EPR), a policy tool making producers legally and financially responsible for mitigating the environmental impacts of their products and packaging. As national experts on this policy, we have established a [set of 10 criteria essential for effective EPR bills](#), one element of which is a strong statewide beverage container deposit program. Since H.6206 and H.6207 contain identical language regarding a beverage container deposit program for the state, this memorandum applies to both bills.

Beyond Plastics supports passage of H.6206 and H.6207 contingent on the inclusion of the amendments outlined below.

Background

Chemical, fossil fuel, plastics, and packaging companies once opposed all efforts to adopt packaging reduction and recycling programs, but they now find it difficult to hold that position when an overwhelming majority of Rhode Islanders say that they are [concerned with plastic pollution in their communities, waters, and coastlines and that their recycling system is not working](#). The packaging industry is pushing states to adopt weak EPR bills that allow it to appear supportive of EPR goals while at the same time opposing the strong packaging waste reduction, reuse, and recycling requirements that make it effective.

Regarding the proposed EPR language, H.6207 is significantly better than the industry-supported EPR bill (H.6205) and is, in fact, stronger than any existing state law as of the submission of this memorandum. It meets several key requirements for a strong packaging reduction and recycling program, including setting mandatory collection and recycling rate goals and milestones in statutory language; mandating access to recycling for residential and *some* commercial buildings (see below); establishing a modest fee on packaging with the money going to local governments and private haulers to cover their collection and disposal costs; and

¹ Beyond Plastics is a national education and advocacy organization that works to end plastic pollution through policy change. Using deep policy and advocacy expertise, Beyond Plastics pursues the institutional, economic, and societal changes needed to save our planet and ourselves from plastic's harmful impacts on health, climate, and the environment.

prohibiting chemical recycling (or so-called “advanced” recycling methods) from being counted as real recycling.

The establishment of statewide container deposit programs as proposed in both H.6206 and H.6207 is not a novel concept. In fact, container deposit programs have been in place, and have shown clear positive results, for over 40 years. Maine's program has seen an estimated 90% recovery rate of single-use beverage containers since its establishment in the late 1970s. In the Northeast, Maine, Vermont, Connecticut, Massachusetts, and New York all have container deposit programs, many of which see regular annual return rates of up to 90%.

Beverage container deposit programs are good for the economy. Besides reducing the fiscal burdens for municipalities and taxpayers, they create opportunities in an entirely new market in the form of licensed redemption centers and reverse vending machine operations. Reuse and refill requirements will result in fewer single-use containers being consumed and subsequently ending up in the waste stream or in the environment. Additionally, recyclable materials collected through container deposit programs — especially those with 10-cent deposits — have less contamination, making them more valuable to end-markets than those collected via single stream recycling.

A beverage container deposit program is good for Rhode Island. It will:

- Create new jobs in the state related to the collection, redemption, and sorting of single-use containers and the collection, washing, and refilling of reusable ones;
- Lower costs for local governments and taxpayers by diverting valuable recyclable material from curbside collection programs;
- Reduce plastic pollution in our neighborhoods and waterways and Narragansett Bay; and
- Reduce water use and fossil fuel emissions related to the extraction, production, and transportation of beverage containers made from virgin materials and feedstocks.

Proposed amendments

While H.6206 and H.6207 go a long way to address some of Rhode Island’s waste management and plastic pollution problems, there is still room for improvement. Beyond Plastics’ support of these bills is contingent on the following amendments to the bill language²:

1. Require environmental packaging standards and reduction, reuse, refill, and performance targets and milestones for packaging and beverage containers in statutory language (H.6206 and H.6207).

This bill is much stronger than existing EPR laws because it sets collection rates and recycling rates and milestones in the statutory language [23-19.19-10 (a)(1)(i)]. However, we know that source reduction is the best way to reduce waste, plastic pollution, and all of the associated costs. As collection and recycling performance targets are written into the statute, so too should be the packaging standards, reduction, reuse, and return requirements and milestone dates. As currently written, the Department of Environmental Management is charged with setting these requirements with input from

² Model legislative language for each of these requested amendments can be found in Beyond Plastics’ model Packaging Recycling and Reduction Act, which can be accessed here: https://www.beyondplastics.org/s/Model-Packaging-Responsibility-and-Reduction-Act_1-20-2023.pdf

the producers. This gives the packaging industry a tremendous amount of influence in drafting the regulations, reduces the overall efficacy of the legislation, and creates regulatory uncertainty from administration to administration, which could negatively impact program efficacy. By writing strong environmental requirements into statutory language, the legislative intent of the policy is clear, program efficacy is maximized, and the regulatory certainty is maintained.

2. Require mandatory “return to retail” in the beverage container deposit program for retailers that sell above a certain number of units per year (H.6206 and H.6207).

In order to maximize collection and recycling rates and reduce plastic pollution, customers should have convenient options for returning empty beverage containers. The statutory language should set a threshold for annual beverage container sales and require any retailer above that threshold to accept returned containers. This ensures that larger businesses like supermarkets, large convenience stores, and big box stores would have redemption facilities available while exempting smaller retailers that sell covered beverage containers.

3. Require the producer responsibility organization (PRO) to ensure access to all residential AND commercial entities (H.6207).

As currently written, the PRO is only required to ensure recycling access to residences and *certain* commercial entities, such as schools, government buildings, and nonprofit organizations. Nationally, commercial waste is roughly 50% of the waste stream, so by excluding the majority of commercial operations, a significant amount of the state's waste falls outside the scope of this law. We know that here in RI, one of the questions we hear most often from people on this issue is why the statewide commercial recycling mandate is not enforced. By broadening the definition of "covered entity" to include all commercial entities, we ensure the collection of all covered material in the state, further reduce plastic pollution, and ensure the existing commercial recycling mandate is enforced as intended.

4. Incorporate specific toxic substance prohibitions in the statutory language (H.6207).

For a long time, advocates and policymakers have addressed plastics and packaging through two major frames: plastic pollution ("litter") and waste management/recycling challenges (and their intersectionality with the climate crisis and environmental justice). But single-use plastics and packaging are also increasingly becoming a public health emergency. Microplastics have recently been found in the [human brain](#), [lungs](#), [blood](#), [testicles](#), [placenta](#), [breast milk](#), and more. They have been detected in newborn babies, and a recent study found that plastic in people's carotid arteries [was linked with an increased risk](#) of suffering from a heart attack or stroke. The toxic chemicals found in plastics have been [associated](#) with cancer, nervous system damage, hormone disruption, and fertility issues. More than 16,000 [chemicals](#) are potentially used or unintentionally present in plastics. At least 4,200 of those are considered to be "highly hazardous" to human health and the environment. Thousands more haven't even been studied for their safety. Because these chemical additives are not tightly bound to plastic, they can [leach into our food](#) and beverages from their plastic packages. Strong EPR bills present an opportunity to greatly reduce or eliminate the pathways of exposure to both microplastics and the toxic substances that comprise plastics. As written, the bill gives industry-wide latitude to identify what is and isn't an "additive of high concern" in the

producer responsibility plan and then only prohibits certain additives from being "intentionally" added. This an enormous loophole that allows toxic chemicals and heavy metals to continue to be present in plastics — especially those made from recycled content — and thus continue to negatively impact human health. The existing definition of "additive of high concern" should be removed from the legislative language and replaced with guidelines for specific toxic substances that prohibit these substances from being present in packaging, whether added intentionally or incidentally.

These bills present an opportunity for Rhode Island to finally comprehensively address the waste management, plastic pollution, and public health problems presented by the deluge of beverage containers and plastic packaging we face in our state. For decades, we have tried to recycle our way out of this problem, and that has proven to be a fruitless endeavor. The true policy solution, then, is one that prioritizes source reduction, improves access to redemption and collection systems, builds out the reuse and refill infrastructure, and addresses the public health risks associated with plastic production and consumption.

Rhode Island is close to a strong plastic packaging and recycling bill and a modern beverage container deposit program that comprehensively addresses these issues and holds the packaging industry accountable for their products, but the existing language must be amended as outlined above to ensure that the legislation is actually effective in reducing waste and improving our communities and public health.

Best,

A handwritten signature in black ink, appearing to read 'JDB', with a long horizontal flourish extending to the right.

Johnathan Berard
Policy Director, Beyond Plastics