

**Testimony of Bree Dietly to the
House Committee on Environment and Natural Resources
Supporting H.6205; Opposing H.6206 and H.6207**

May 13, 2025

The Honorable David Bennett, Chairman
House Committee on Environment and Natural Resources
The State House
Providence, RI 02903

RE: H.6205 - An Act Relating to Health and Safety - Extended Producer Responsibility for Packaging and Paper Act
H.6206 - An Act Relating to Health and Safety – Beverage Containers Recycling Act
H.6207 – An Act Relating to Health and Safety – Extended Producer Responsibility for Packaging and Paper Act and Beverage Containers Recycling Act

Dear Chairman Bennett and Committee Members:

I am pleased to appear before you this evening to submit testimony in support of House Bill 6205, which would establish an extended producer responsibility or EPR program for municipal recyclables in Rhode Island. This bill follows a procession of well-designed EPR laws around the country that promise to dramatically improve our residential recycling programs while lifting a substantial financial burden from the shoulders of local governments and taxpayers. I would also like to register opposition to two bills that would establish a costly, untested bottle bill in Rhode Island – either by itself or simultaneously with an EPR program for packaging and paper.

I am the Principal of Breezeway Consulting in Somerville, Massachusetts and am appearing today as a consultant to the American Beverage Association and the Rhode Island Beverage Association, which represent manufacturers, distributors, and suppliers to the refreshment beverage industry.

The beverage industry has been a leading advocate for EPR programs around the US, recognizing that policy changes are needed to bring about reforms leading to a circular economy; the ability of producers to capture quality materials and return them to use as new products; and overcoming structural, financial, and organizational obstacles that have held recycling back from its potential in the US.

We have played an important role leading to passage of the laws in Colorado and Minnesota as well as the bills now on the desks of Governors Moore and Ferguson in Maryland and Washington. The bill before you aligns with the principles of these well-designed programs, reflecting best practices proven out in decades of experience around the world, but never quite making it to the United States until recently.

We do not believe a bottle bill is the best policy for Rhode Island and H.6206 and H.6207 propose a flawed version of a deposit program so we cannot support it.

Case and Momentum for EPR

We believe this is the moment for Rhode Island to catch the wave of EPR programs that is rolling across the country. Any day now we expect Maryland Governor Wes Moore and Washington Governor Bob Ferguson to sign the sixth and seventh EPR bills into law in their respective states. While the details of these bills vary, they share a common purpose: to shift the financial burden of recycling from local government and taxpayers to producers of products and to dramatically improve recycling rates by modernizing our residential recycling programs and infrastructure. I have attached a summary of those laws to my testimony.

In contrast, the wave of beverage container deposit programs crested over 40 years ago with the passage of laws in Massachusetts and New York. California adopted its novel approach beginning in 1987. Subsequently only Hawaii has passed a deposit law, which went into effect in 2005.

EPR must be the priority for Rhode Island. The recyclables subject to EPR represent 30 to 40 percent of the waste stream, while a bottle bill targets three to four percent. Launching both programs simultaneously threatens the viability and success of both. The infrastructure requirements, especially for the deposit system which must be built from the ground up, human resources to manage the programs, the regulatory oversight from the Department of Environmental Management, and the ability of consumers to adapt to a different method of recycling all pose serious challenges for either program: enacting both at once is unprecedented.

Over the last 40 years, interest in deposits waned because more comprehensive alternatives emerged in the form of broad-based municipal recycling programs and now those programs are being boosted by EPR. Not only do these programs impact ten times more recyclable material, but many states also adopted comprehensive litter prevention and control programs such as those adopted in New Hampshire, New Jersey, Nebraska, and Washington State.

State legislatures in Colorado, Maryland, Minnesota and Washington agreed that an EPR system guided by these principles is the best way to attain a high-performing collection system. None of these legislatures felt that an EPR program without a deposit system attached was somehow incomplete.

EPR Advocacy: What is EPR for Packaging and Paper Products?

EPR is producer funding of recycling infrastructure and operations. It is a shift in financial responsibility from cities and towns and their taxpayers and ratepayers to the producers of the affected packaging and paper products. The beauty of EPR is that it builds on the infrastructure already in place. Rhode Islanders know it's important to recycle and they want to recycle, but services are inconsistent, not as comprehensive as we would like, and chronically under-resourced.

But EPR has to be about more than passing the checkbook from local governments to producers: it has to include plans and investments to improve the recycling system and metrics to monitor that improvement. This EPR bill makes producers responsible for funding these plans, but it also makes producers accountable for performance and transparency about how recycling is working and what it costs.

What Happens Under EPR?¹

First, producers organize under a nonprofit producer responsibility organization or PRO; it represents them and manages the program, collecting data, conducting research, collecting fees from producers, and reimbursing recycling companies and cities and towns doing the work. The PRO then launches a needs assessment to gather data on recycling in the state, collaborating with an Advisory Board appointed by the Department of Environmental Management (DEM) and with DEM itself. With that data, the PRO develops a plan to be reviewed by many stakeholders including the Advisory Board and, eventually, DEM, which must sign off on the plan. Then producers collect fees from producers, start making investments, start funding the operations of new and improved recycling programs all over the state, and launch statewide promotion and education programs to enhance participation and improve the quality of recyclables.

Producers cover all state costs through reimbursement for program review, operation of the Advisory Board, and regulatory development. **There is no fiscal impact to the state** because all related costs (including those of Resource Recovery Corporation) are reimbursed by the PRO. Producers also fund their own program administration, the outreach and education programs, and, most significantly, reimbursements to service providers who collect, transport, and process recyclables and compostables and who operate reuse and refill programs for these materials.

What Changes Under EPR?

Recycling gets a lot better. The types of material recycled are standardized across the state, the level of service households receive is improved to reflect best practices, and EVERY household including multi-family residents will have access to recycling. More Rhode Islanders will have access to recycling at their homes so the convenience of recycling will improve. Producers will fund investments needed for new equipment to store or collect or process recyclables. Residents will routinely receive messages about what and how to recycle across many platforms and many languages. Everyone will see an annual report detailing how material was collected, the end markets to which end markets are sent, levels of contamination, costs, and planned improvements. Every year, after that report, if the program is not on track, DEM and the Advisory Board can require changes.

What Doesn't Change Under EPR?

The infrastructure that government and taxpayers have spent tens of millions of dollars to build and maintain becomes the backbone of this upgraded system. We build on what we have. One of the biggest recycling assets in Rhode Island is the materials recovery facility or MRF run by RI Resource Recovery Corporation. That facility would see significant new investment in technology, including the latest optical equipment, robots, and process improvements to allow for more things to be recycled to a higher level of quality. But the programs residents have paid for and like will still be there.

¹ See the attached timeline for more detail on the steps of the program. In addition, this [link](#) to my presentation before the Plastic Bottle Waste Study Commission provides an expanded introduction to the components of EPR.

Why Not Deposits for Rhode Island?

A bottle bill as proposed under both H.6206 and H.6207 is not the right policy given the program's cost, inconvenience, and disruptive impact on consumers, especially low-income and aging residents, and its harm to small, local businesses that fuel the state's economy. And the operational details of the untested program laid out in these two bills raise great concerns regarding its viability.

Raising Prices

Raising prices 10¢ a can or bottle ignores the rising costs and uncertainty consumers are facing not just in the grocery store, but throughout the economy. Although the deposit can be redeemed, a \$2.40 per case price increase at the point of sale plus the cost to build an entirely new system to handle the redeemed containers will harm consumers, especially those who can least afford it. While the 10¢ is an incentive to redeem, the ability to redeem containers depends on the redemption system established; these bills propose a system that is unprecedented in the US and faces steep challenges in terms of siting a large number of redemption locations. The 10¢ is also an incentive for beverage sales to shift to Massachusetts and for empty containers to flow back into Rhode Island.

Redemption System

A bottle bill, whether by itself or in conjunction with EPR, requires entirely new infrastructure, end-to-end, to manage returned beverage containers.

- Special equipment or facilities must be established to take back empties, meaning these facilities must be sited. The bills before you call for a minimum of 88 redemption centers as a starting point.
 - That requires 88 licensing processes, agreeable landlords, acceptable traffic conditions including heavy truck access, neighborhood and business groups concerned with public safety, and financing all of it.
 - No one in the US has ever built a standalone redemption network from scratch. Redemption systems have built up based on retailer takeback mandates or, in the case of California and Hawaii, scrap buyback center infrastructure that no longer exists in the US.
 - The bills also contain more than a dozen additional criteria to assess in determining the number and type of additional redemption facilities; in short, these 88 centers are just a start.
- New trucks and drivers will need to be on the road to pick up containers from these locations regularly, to provide audit and oversight of the pickup, and to transport the containers to new processing facilities to be counted and verified (if they weren't already) and prepared for sale as commodities. Those facilities also need to be sited, approved, and funded.
- None of this utilizes any of the recycling infrastructure already in Rhode Island. In contrast, EPR does leverage the state's existing infrastructure in that it builds on what we

already have.

- A particular concern with this redemption system is access to redemption for those of limited means, families without cars, people who are disabled, and elderly citizens. A 10¢ deposit is a 10¢ tax if you do not have the time, ability, or access to use a redemption site. That burden is going to fall most heavily on low-income households, making this a regressive policy. Again, in contrast, EPR would bring recycling to every household without the need for special trips or cash outlays.

Border Impacts

- A 10¢ deposit in Rhode Island would end the price advantage that Rhode Island grocery and convenience stores have over their Connecticut neighbors. Connecticut residents now shop for beverages (and other items) in Rhode Island and avoid the \$2.40 per case deposit. Many also redeem those containers in Connecticut, which is part of a flood of fraudulent redemptions swamping the Connecticut redemption system.
- The retail situation would be much worse along the Massachusetts border because these bills would reverse the current advantage Rhode Island businesses have. Instead of Mass residents saving 5¢ by shopping in Rhode Island, it would be Rhode Islanders leaving the state to shop in Massachusetts to save \$1.20 per case on beer and soda and \$2.40 per case on water, teas, sports drinks, and the like.
- These sales impacts are just part of the issue, however. We are now watching a virtual tsunami of empty containers flowing into Connecticut from the entire region after Connecticut became the only state in the region with a 10¢ deposit in January 2024. Redemption rates for many companies, including some of our members, now exceed 100%, and Connecticut has no solution for the problem. Rhode Island would be setting itself up for the same situation along the entire length of its border with Massachusetts, hurting Rhode Island businesses and helping those in Massachusetts.

Litter

Litter control has been the main justification for deposits since the 1950s. At the time, it was concern over broken glass and the introduction of metal cans. But litter is a much more complex problem than beverage bottles and cans. A more careful look at the data reveals the true picture of the role deposits play in litter.

- In its 2020 National Litter [Study](#), Keep America Beautiful (KAB) estimated that beverage containers accounted for 5.6% of total litter, aggregating roadway and waterway sites. Note that higher incidence of beverage containers is likely in areas like parks and beaches where people are more likely to have containers with them. Proponents cite beach cleanup data, for example, and that is likely to overstate the prevalence of containers in litter statewide.
- More than 94% of litter would be unaffected by deposits; the argument that bottles and cans are “worth picking up” for a refund doesn’t apply to snack and candy wrappers, coffee cups and lids, and the wide range of other littered items.

- In total, bottle bill states do average less beverage container litter than all non-bottle bill states. But that is a simplistic reading of the data:
 - Bottle bill states also have less non-beverage container litter suggesting that something other than deposits are at work in those states. California, Oregon, and Maine have different environmental ethics than states like Florida, Alabama, and Texas, for example.
 - KAB data shows there was also 30% less non-beverage container litter in deposit states, so if one uses that difference to adjust for different attitudes, the bottle bill states in aggregate had 23% less beverage container litter than all the others.
 - It is very important to compare “like” states before drawing conclusions about policy. A 2010 study of the northern New England states found New Hampshire, a non-bottle bill state, had less per capita litter overall and less beverage container litter than Vermont.

EPR programs are not without success stories regarding litter. Public space recycling programs can dramatically reduce beverage container litter without deposits. The Recycle Everywhere program in Canada’s Manitoba province has achieved unprecedented success with this approach. It’s particularly unfortunate that Rhode Island’s OSCAR program, specifically designed to control litter, was long-since defunded even though beverage taxes imposed to fund it remain in place.

Specific Concerns with the Proposed Bottle Bill

I mentioned earlier that the deposit language found in both bills is unique. It is not, as some have described, “the Oregon program.”² Oregon’s system has evolved over 50 years and was built based on a retail takeback mandate under which more than 3,000 retailers in the state provided the redemption infrastructure for the system. The establishment of centrally managed redemption sites and bag drop sites is a recent innovation, made possible by that retail mandate that continues to support the economic underpinnings of the program. Consumers have long been conditioned to the program, and the establishment of redemption centers took place on a much smaller scale and in many fewer geographies than what is envisioned under H.6206 and H.6207.

The parameters described in these bills about what party is obligated to comply, how deposits are collected/initiated, performance targets, convenience standards, scope of containers, and reimbursements to materials recovery facilities (MRFs) are all unprecedented and untested. As noted, the beverage industry has expressed its support for deposit programs that operate according to demonstrated best practices, but aside from the governance of this system and retention of unclaimed deposits to finance the program, little else in these bills gives us confidence that this is a workable framework for a deposit refund system.

Additional Considerations of Adopting Both Programs (H.6207)

I am unaware of any state or jurisdiction that has ever implemented both EPR and a bottle bill simultaneously. For long-established deposit programs like Oregon’s or the provincial programs in parts of Canada or the Nordic counties in Europe, those systems were well established before

² For reference, the official redemption rate for the Oregon program was 87% in 2023; official rates for 2024 will not be available until August, but preliminary data indicate a slight decline in the rate.

EPR came along and was adopted. The more recent wave of new deposit systems in Europe has come in response to European Union mandates and are appearing where EPR has had a long foothold. And, as noted, Colorado, Minnesota, and soon, Maryland and Washington, have adopted EPR laws for packaging and paper without deposits.

Rolling out two programs concurrently would impose staggering administrative burdens on producers, system managers, and especially state government. Both programs would take effect virtually simultaneously if the proposed schedule in the legislation were met. I should emphasize that the cost of the EPR program for its obligated producers would grow if a deposit were adopted because there would be less material across which to spread the system's fixed costs. The system's overall economics would suffer as well because of the loss of high value commodities like aluminum and PET plastic, which would largely shift to the redemption system to offset its costs.

Finally, I want to highlight that the EPR provisions in H.6207 are not the same as those in H.6205. We have concerns about several of those differences that lead us to oppose the EPR section of that bill as well and recommend instead the language in H.6205.

Additional Considerations of a Bottle Bill Only (H.6206)

A critical consideration in adopting any container deposit system is the impact it has on the existing recycling system economics. Reducing the amount of material in the system makes the system less efficient in general, but the much greater consideration is the loss of revenue from the Resource Recovery Corporation's MRF. A deposit system would yank the rug out from under the MRF and significantly increase tipping fees paid by Rhode Island cities and towns to send their recyclables there. A recent national study³ estimated the impact would be a \$29 per ton increase in fees for an average size facility.

In the case of a combined EPR and deposit system, those higher costs would be shifted to the producers in the EPR program. Without EPR, cities and towns would absorb those costs.

A standalone deposit system fails to address the broad-based improvements in recycling that are needed and that can be brought about by EPR. A deposit system alone provides no relief to cities and towns. Rather, it makes the economics of recycling worse. For the reasons above, we oppose H.6206.

Conclusion

In conclusion, the state's recycling system is underperforming and denying state of the art recycling access to many of its residents. As a result, valuable, recyclable material is being landfilled rather than remade, which forces producers to rely on newly manufactured or produced inputs rather than recycled or reused feedstock.

EPR shifts funding so that the producers of the materials are paying for its recovery. Producers will pay more if they use materials that aren't recyclable or that are hard to recycle, and they will pay lower fees for packaging and products with recycled content already in them. Then by

³ A \$29/ton increase based on a 2022 [study](#) for the National Waste and Recycling Association

bringing the overall design of the state's recycling system under one cohesive plan, all participants in the programs are pulling in the same direction – recycling and composting the same material in the same way. That coherence makes investments more efficient, education and promotion more practical, and recycling simpler. EPR also opens the window of transparency into what happens to the material that is collected, measures how well we are doing, and monitors how we can do better.

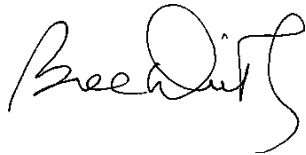
A bottle bill would affect three or four percent of Rhode Island's solid waste, based on waste composition studies. The system to implement that program would have to be built from nothing, posing enormous obstacles to siting and permitting, where EPR builds on infrastructure already in place.

Fees on products under EPR are levied at the producer level well upstream from most Rhode Island businesses – and funded largely by multinational corporations with huge brand portfolios. Fees are very small when spread out over all affected products. This translates into almost unmeasurable levels of costs on a per product basis; hence there is little evidence that EPR raises consumer prices.

In contrast, the deposit system is paid for by Rhode Island consumers and businesses; those costs all fall within the state's borders. The beneficiaries of the program, those that access additional bottles and cans to make into new containers, pay nothing – the state's residents and businesses are left with the bill.

A deposit program is a bad deal for Rhode Island – for its consumers and its businesses. EPR, if done right, promises huge benefits for taxpayers, cities and towns, and the environment. Rhode Island would do well to move toward EPR, like others have done, and support H.6205 while rejecting H.6206 and H.6207.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bree Dietly", with a stylized flourish at the end.

Bree Dietly, Principal
Breezeway Consulting LLC

Our Employees and Engagement on Recycling

American Beverage Association members produce and distribute a wide array of refreshment beverages through a network of local bottlers who live and work in Rhode Island. Our industry provides jobs for more than 500 Rhode Island residents; these jobs are some of the best paid, highest-benefit jobs available to people with and without college degrees. Many are union jobs.

The beverage industry plays an important role in advancing the circular economy. Our packaging is specifically designed and optimized for recycling. We carefully design PET bottles and aluminum cans to be 100% recyclable. Our containers have a high commodity value and when collected can become new bottles and cans again and again. The industry has invested in local and regional recycling infrastructure for more than 40 years. Our companies have made commitments to collect and recycle packaging waste, to incorporate more recycled content into our PET bottles, and to reduce the amount of new plastic in our bottles. More information on the industry's Every Bottle Back commitment of \$100 million to improve recycling in many areas of the country can be found at <https://everybottleback.org>.

Establishing a Producer Responsibility Program for Packaging and Paper: H.6205 Timeline

2025	Bill passage during session, effective upon enactment
12/31/2025	RIDEM appoints members of Advisory Board
2/1/2026	PRO(s) submits notice of intent to DEM
3/1/2026	Initial Advisory Board meeting
3/31/2026	DEM selects single PRO
7/1/2026	Producers of covered materials must join PRO; producers intending to operate individual plans submit notice of intent (annually thereafter)
8/1/2026	PRO retains consultant to conduct needs assessment; DEM reports prior year's administrative costs to PRO for reimbursement (annually thereafter)
1/1/2027	Service providers must register with DEM
1/31/2027	Baseline assessment delivered to Advisory Board and DEM for comment
4/30/2027	Baseline assessment completed
7/1/2027	Producers can't sell covered materials unless part of PRO or have notified DEM of intent to operate individual plan
12/31/2027	Proposed program plan and individual plans due to Advisory Board
7/1/2028	Approximate date for plan approval; plan implemented within six months
3/31/2030	First program annual report and independent audit of finances due to DEM (annually thereafter)
1/1/2033	Additional PRO eligible to apply for recognition
12/31/2033	Target date for meeting first round of goals
1/1/2034	Approximate date for approval of second program plan

EPR for Packaging and Paper - US Status						
State	Reference	Enacted	Scope	Bottle Bill	Status	Comments
Enacted						
Maine	LD 1541	2021	Packaging; may cover recycling and disposal	1978 (exempt from EPR)	Regulatory development	Substantial role for government; little role for producers besides paying fees
Oregon	SB 582	2021	Packaging, paper products, food	1972 (exempt from EPR)	Approved plan	Unique program design covers processing and new collection service
California	SB 54	2022	Packaging, food serviceware	1987 (exempt from EPR)	Regulatory development	Includes supplemental tax for plastic reduction; substantial state role in regulation
Colorado	HB 22-1355	2022	Packaging, paper products, food serviceware	No	Plan submitted to state	Most like programs in Europe and Canada; plan likely to be model for MN, MD, WA
Minnesota	HF 3911	2024	Packaging, paper products, food serviceware	No	PRO selected	Compromise measure reflecting initial learnings from other laws; achieved broad consensus
Passed Legislature, Awaiting Governor's Signature						
Maryland	SB 901	2025	Packaging and paper products	No	Pending signature	2023 Needs Assessment bill led to recommendations to follow Minnesota model in final language
Washington	SB 5284-S2	2025	Packaging and paper products	No	Pending signature	Protracted debate and revisions over multiple years; incorporation of Minnesota language led to passage
Under consideration this session - Some are only studies, scope and design vary widely, some states have multiple bills						
Hawaii				Since 2005		
Massachusetts				Since 1983		
North Carolina				No		
New Jersey				No		
New York				Since 1983		
Rhode Island				No		
Tennessee				No		
Vermont				Since 1973		