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For a thriving New England

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Via Electronic Mail

May 13, 2025

The Honorable David A. Bennett
Chair, House Environment & Natural Resources Committee
House Lounge, Rhode Island State House
Providence, RI 02903

Re: CLF **Supports** House Bill No. 6207 – Extended Producer Responsibility for Packaging and Paper Act

Dear Chair Bennett:

The Conservation Law Foundation ("CLF") appreciates the opportunity to comment on Senate Bill No. 996, the Extender Producer Responsibility for Packaging Act and Beverage Containers Recycling Act. We offer our enthusiastic **support** for this bill and wish to thank the sponsors for their attention to this important issue.

CLF is a member-supported non-profit advocacy organization working to protect public health and the environment and build healthy communities in Rhode Island and throughout New England. Through its Zero Waste Project, CLF aims to improve waste management through source reduction, recycling, and composting, and to protect our communities from the dangers posed by unsustainable waste management practices.

S-996 would create a ***combined*** extended producer responsibility for packaging and paper program ("EPR program") and a container deposit return system (the "Bottle Bill") in Rhode Island. With a bottle bill, customers pay a deposit on every single-use beverage container (like a water, soda, or beer bottle) that they purchase. They get that deposit back when they return the container. Through this incentive, bottle bills improve recycling and reduce litter. The EPR program addresses the problem of single-use packaging, much of which is plastic, by holding producers responsible for the lifecycle of their products.

Because Rhode Island does not have a container deposit return system, single-use beverage containers and single-use packaging are treated the same from a recycling and waste management perspective. Consumers are left to decide if, and what exactly, to recycle. However, since all recyclable items are treated the same from a municipal collection system, and improper separation and cross contamination are major obstacles, a large percentage of potentially recyclable items are disposed of as trash. S-996 is a necessary element of any solution to shockingly low recycling rates, a rapidly filling Central Landfill, budgetary strain on municipalities, and litter on our streets and our coasts.

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It is an absolute imperative that Rhode Island adopts the bottle bill provisions of S-996. While the EPR components will aid and improve the general recycling system, the only proven method to dramatically increase the recycling of single-use beverage containers and decrease single-use beverage containers litter in our environment is with a modern-day bottle bill.

I. H-6207 Bottle Bill Provisions

The Problem: Litter and Waste

Every year in the US, $5.1 billion in valuable and reclaimable beverage containers are lost to litter, incinerators, and landfills.[1] In the Northeast region of the United States alone, 463,000 tons of recyclable plastic, aluminum, and glass beverage containers, including 70 million individual "nips," are littered and/or wasted each year when they could have been collected and recycled instead.[2] One powerful solution to this problem is the Bottle Bill.

Why a Bottle Bill for Rhode Island?

Quite simply, bottle bills incentivize good, clean, effective recycling strategies. Already, four out of the six New England states have bottle bills.[3] States like Maine and Vermont collect more than 75% of their cans and bottles for recycling, while Rhode Island collects only about 39% of its containers.[4] Meanwhile, Rhode Island buries approximately ***13,400 tons*** of glass, plastic, and metal bottles and cans in the Central Landfill every year.[5]

People who purchase beverage containers covered by a bottle bill have a financial incentive to return empty containers for recycling. According to the Container Recycling Institute, states with beverage container redemption programs recycled aluminum, polyethylene terephthalate ("PET"), and glass at a rate of 77%, 57%, and 66% respectively.[6] Conversely, states without container redemption programs recycled these materials at much lower rates: 36% for aluminum, 17% for PET, and 22% for glass.[7]

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[1] *Northeast Reimaging the Bottle Bill*, RELOOP, *available at* https://bottlebillreimagined.org/wp-content/uploads/2022/06/Reimagining-the-Bottle-Bill-FINAL-JUNE-2022.pdf (last visited June 4, 2024).

[2] *Id.*

[3] Olivia Synoracki, Conservation Law Foundation, *Comparing New England's Bottle Return Programs*, https://www.clf.org/blog/comparing-new-england-bottle-return/.

[4] DSM Environmental, *Analysis of Beverage Container Redemption System Options to Increase Municipal Recycling in Rhode Island* 9 (2009).

[5] Mary Lhowe, *New Bottle Bill Lands in House*, ECORI (May 30, 2024), *available at* https://ecori.org/new-bottle-bill-lands-in-house-would-add-10-cent-deposit-on-beverage-containers-including-nips/

[6] *2019 U.S. Nominal Recycling Rates by Deposit Status*, CONTAINER RECYCLING INSTITUTE (2022), *available at* https://www.container-recycling.org/index.php?option=com_content&view=article&id=730&Itemid=1372.

[7] *Id.*

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More Materials Diverted to Recycling

Deposit return systems produce cleaner materials than curbside recycling does, which means that beverage containers will be recycled more effectively, safely, and for a higher value. Whether we are dealing with food scraps, paper products, or beverage containers, no recycling system works better than source separation.[8] When it comes to beverage containers, "[e]ffective source separation supports the highest and best use of materials and cleaner feedstock for producing recycled materials because there is less contamination."[9] Because mixing beverage containers in with curbside recycling leads to their contamination, the best-case scenario is that those materials will be "downcycled" into other products rather than recycled into beverage containers;[10] at worst, they end up in landfills and incinerators or gobbled up by the petrochemical industry and used as feedstock for toxic fuels.[11] In fact, 25% of what consumers put into single-stream recycling bins is too contaminated to be recycled at all, and ultimately ends up in landfills.[12]

According to the Rhode Island Resource Recovery Corporation's most recent report, the statewide recycling rate was 29.6%. That is well under the 35% target set by a 2012 state law.[13] The bottle bill soundly addresses this problem by offering the route of least contamination for recycling aluminum, glass, and plastic beverage containers.

Less Litter

Increased recycling also means less litter across Rhode Island's roadways, parks, rivers, beaches, and other spaces. States with deposit return systems have total litter rates that are 30% lower and beverage

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[8] *Contracting Best Practices: Source Separation Requirement or Preference*, ENVIRONMENTAL PROTECTION AGENCY (Feb. 12, 2021), *available at* https://www.epa.gov/transforming-waste-tool/contracting-best-practices-source-separation-requirement-or-preference (describing the advantages of source separation: best use of materials, increased diversion from composting, higher recycling revenues, and community education).

[9] *Id.*

[10] *PET downcycling is not circularity – the case for closed-loop recycling*, EURACTIV (July 22, 2022), available at PET downcycling is not circularity – the case for closed-loop recycling – EURACTIV.com.

[11] Sharon Lerner, *This "Climate-Friendly" Fuel Comes With an Astronomical Cancer Risk*, PROPUBLICA (Feb. 23, 2023), *available at* https://www.propublica.org/article/chevron-pascagoula-pollution-future-cancer-risk (discussing how the production of fuel from discarded plastics emits air pollution so toxic that "1 out of 4 people exposed to it over a lifetime could get cancer").

[12] Maggie Koerth, *The Era of Easy Recycling May be Coming to an End*, FIVETHIRTYEIGHT (Jan. 10, 2019), *available at* https://fivethirtyeight.com/features/the-era-of-easy-recycling-may-be-coming-to-an-end.

[13] *2023 How is My City or Town Doing? Municipal Recycling, Composting and Waste Diversion in Rhode Island*, Rhode Island Resource Recovery Corporation (April 4, 2022), *available at* https://rirrc.org/sites/default/files/2023%20How%20Is%20My%20City%20Or%20Town%20Doing%2020240402.pdf; *see also* RI Gen. Laws § 23-18.9-1.

container litter rates that are more than 70% lower than states without redemption programs.[14] Rhode Island, as a coastal state, is particularly impacted by the absence of a bottle bill, because "[b]y weight and volume, beverage containers are the number one item found littered in coastal areas in the US and around the world."[15] The Bottle Bill is the best policy option for reducing litter across Rhode Island, with H-6207 covering all beverage types (except for milk, infant formula, and a meal replacement liquid) and containers as small as nips and as large as three liter plastic soda bottles.

Nips are among the most frequently picked up items during beach cleanups and other litter collection events.[16] Because of their small size, nips are difficult to sort from the rest of recycling at Rhode Island's Materials Recycling Facility. With a deposit return system that covers nips, however, Rhode Island could see the recycling rate of nips jump from 0% to 89%.[17]

How Does It Work?

Under H-6207, a retailer would pay a 10-cent deposit to a beverage distributor for each container. Customers would then pay the 10-cent deposit for every single-use beverage container they purchase from a retailer. Consumers would get that deposit back when they return the empty container to an express redemption site, full service redemption site, redemption site, or a retail establishment (although retail establishments have no obligation to redeem covered beverage containers). Those retailers and redemption centers turn over the collected containers to a beverage distributor. The distributor reimburses the retailer or redemption center for the deposits, pays a handling fee, and sells the source-separated containers to recyclers or reuses containers.

This deposit-and-return system would be managed by a producer responsibility organization ("PRO") created by the bill. The PRO would be a nonprofit organization with oversight and accountability from the Rhode Island Department of Environmental Management ("DEM"), as well as the public. The PRO would propose and run the system by establishing statewide access for beverage container redemption and processing mechanisms. H-6207 stipulates mandatory reporting from the PRO to the state, which is important for ensuring the system's efficacy and transparency.

Through a fee issued to its members, the PRO pays for operating the system. Because the fee is proportional to the number of beverages a member sells, H-6207 would not disproportionally impact small retailers with costs. The handling fee, paid by the distributor, supports the collection work and ensures that companies producing all these containers bear some responsibility for recycling them. While H-6207 does not set a specific handling fee, a 3.5-cent handling fee would allow Rhode Island

[14] *Northeast Reimaging the Bottle Bill*, Reloop, *supra* note 1.

[15] *Id.*

[16] *See, e.g.,* Save the Bay, *2019 International Coastal Cleanup: Rhode Island Report & Call to Action*, https://www.savebay.org/wp-content/uploads/ICC-Brochure-for-WEB.pdf.

[17] *Northeast Reimaging the Bottle Bill*, Reloop, *supra* note 1.

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to keep pace with states like New York, Maine, and Vermont, which have handling fees between 3.5 and 4.5 cents.

Importantly, H-6207 sets clear, phased-in targets for redemption. Beginning with the calendar year 2031, the annual redemption rate shall be greater than 65%. Beginning with the calendar year 2034, the annual redemption rate shall be greater than 85%.

Will It Be Effective?

Yes. States with bottle bills collect and recycle far more beverage containers than states without bottle bills. And bottle bills significantly reduce litter. After Hawaii implemented a bottle bill in 2005, the number of beverage containers collected during Hawaii's International Coastal Cleanup fell from 23,471 in 2004 to 10,905 in 2007—a 53.5 percent drop over just three years.[18] The deposit is a powerful incentive to return bottles and cans to be recycled. Moreover, bottle bills create jobs. Studies have shown that redemption programs can support more than ***30 times*** as many jobs as curbside recycling.[19]

Why 10 cents?

A 5-cent deposit is too small an incentive to support robust redemption rates. Massachusetts has a 5-cent deposits, and they only collect around 50% of their containers. Massachusetts is working to increase their deposits to 10 cents, which Connecticut just did. Two U.S. states with 10-cent deposits on beverage containers—Michigan and Oregon—have redemption rates at or above 90 percent.[20] With a 90% redemption rate, a bottle redemption program in Rhode Island could divert more than 15,000 tons of waste containers from the Central Landfill every year. H-6207 also provides for an increase of the refund value for each beverage container if redemption rates do not reach specific targets in each of the two previous calendar years, as set forth in H-6207.

What if People Bring Containers from Connecticut and Massachusetts Here?

H-6207 prohibits knowingly redeeming beverage containers that were not sold in Rhode Island. The bill permits bottlers to use state-specific labels on bottles and cans, so that retailers and redemption

[18] Haw. Dep't of Health, *Report to the Twenty-Fifth Legislature* 9 (2009).

[19] *See* Jeffrey Morris and Clarissa Morawski, Container Recycling Institute, *Returning to Work: Understanding the Domestic Jobs Impacts from Different Methods of Recycling Beverage Containers* 11 (2011), http://www.container-recycling.org/assets/pdfs/reports/2011-ReturningToWork.pdf; Sarah Edwards, Eunomia Research and Consulting, Inc., *Employment and Economic Impact of Container Deposits*, table E1 (2019).

[20] *See* Genevieve Grippo, *An Effort to Dramatically Expand Michigan's Bottle Deposit Law is Back*, Newschannel 3, Dec. 29, 2019, https://wwmt.com/news/local/an-effort-to-dramatically-expand-michigans-bottle-deposit-law-is-back; Cassandra Profita, *Oregon Bottle Deposit System Hits 90 Percent Redemption Rate*, NPR (Feb. 4, 2019), https://www.npr.org/sections/thesalt/2019/02/04/688656261/oregon-bottle-deposit-system-hits-90-percent-redemption-rate.

centers can spot containers that were not sold in-state. By also allowing barcodes on containers, containers could be automatically identified as coming from Rhode Island.

Importantly, under H-6207 no retailers or distributors can lose money because of cross-border redemption.

Reaching the State's Climate Targets

By diverting more materials from landfills and reducing greenhouse gas ("GHG") emissions from the beverage industry, a bottle bill in Rhode Island would also promote the State's 2021 Act on Climate, which set mandatory, enforceable emissions reduction targets in order to achieve a net-zero economy by 2050.[21] If all of the New England states had high-performing bottle bills, about 463,000 additional tons of material would be diverted from landfilling and incineration each year.[22] By keeping beverage containers out of Rhode Island's landfills, a bottle bill will help the State reduce GHG emissions and meet its climate goals.

Now Is the Time to Act.

Rhode Island needs a bottle bill now. H-6207 would improve recycling; decrease litter; protect our land, rivers, and oceans; and provide green local jobs. It would also help Rhode Island address our growing plastics crisis. In 2017, fewer than 6% of the 5.9 ***billion*** pounds of PET (polyethylene terephthalate) bottles sold in the U.S. were recycled into new bottles.[23] The failure to meaningfully recycle plastic bottles contributes to the exponential growth in worldwide plastics production, which is projected to rise from 837 billion pounds produced in 2015 to almost 4 ***trillion*** pounds in 2050.[24] This year, Rhode Island must join other New England states in tackling the mounting litter and waste crises by enacting a bottle bill. Retailers and beverage companies need to have some shared responsibility in being part of the solution to litter and waste.

II. H-6207 EPR Program Provisions

H-6207 would create an extended producer responsibility for packaging program in Rhode Island that would hold consumer brands and packaging manufacturers accountable for the entire lifecycle of their waste, help compensate towns and cities for recycling programs, and help fund reuse and recycling infrastructure and education. This bill would also incentivize and require reductions in packaging waste and increased recycling rates, and it would help eliminate toxic chemicals from packaging.

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[21] *See* R.I. Gen. Laws § 42-6.2-1–12.

[22] *Northeast Reimaging the Bottle Bill*, Reloop, *supra* note 1.

[23] *See* NAPCOR, *Report on Postconsumer PET Container Recycling Activity* 4 (2018), https://napcor.com/wp-content/uploads/2018/11/NAPCOR_2017RateReport_FINAL.pdf.

[24] David Azouly, *Plastic & Health: The Hidden Costs of a Plastic Planet* 6 (2019), https://www.ciel.org/wp-content/uploads/2019/02/Plastic-and-Health-The-Hidden-Costs-of-a-Plastic-Planet-February-2019.pdf.

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Packaging Waste is a Significant and Growing Problem.

Single-use packaging is ubiquitous. A great deal of what we order online or buy at grocery stores or big box chains is packed, wrapped, or padded with packaging—much of it plastic. Most of that packaging, especially the plastic, cannot be recycled.[25] As a result, Rhode Island buries more than 87,000 tons of packaging waste in the Central Landfill every year—comprising more than 16 percent of everything that goes to the landfill.[26] Recycling costs have skyrocketed in large part because most of the packaging in our recycling bins cannot be recycled.[27] Towns and cities in Rhode Island are now facing massive bills for rejected recycling loads because of all that unrecyclable material.[28] And as the Central Landfill reaches the end of its life expectancy, companies that burn waste are knocking at the door and pitching their toxic and climate damaging technologies as supposed solutions.[29]

Packaging waste is more than just a disposal problem, it is a production problem. The plastics wrapped around our food, our clothing, and our products are derived from fossil fuels.[30] At every stage of their lifecycle, plastics pose risks to human health and the environment.[31] And as we wean ourselves off fossil fuels to power our cars and heat our homes, the fossil fuel and petrochemical industries are expanding plastics production to meet the demand for single-use plastic packaging.[32] If we don't take significant steps to limit plastics production, carbon emissions from the production and disposal of plastics will consume up to 13 percent of the planet's remaining carbon budget.[33] Rhode Island cannot address the climate crisis without also taking steps to limit single-use plastic packaging.

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[25] John Hite, CLF, *Our Recycling System is Broken* (Oct. 28, 2019), https://www.clf.org/blog/our-recycling-system-is-broken/.

[26] See *Rhode Island Solid Waste Characterization Study*, 13 (2015), http://www.rirrc.org/sites/default/files/2017-02/Waste%20Characterization%20Study%202015.pdf.

[27] *See* Lauren Fernandez, CLF, *Recycling Prices Continue to Rise – But at What Cost?* (Nov. 4,

2021), https://www.clf.org/blog/recycling-prices-rise-at-what-cost/.

[28] *See, e.g.*, Jim Hummel, The Providence Journal, *Costly Errors: When Rhode Islanders Don't Recycle Correctly, Cities and Towns Have to Pay Up* (Feb. 14, 2020), https://www.providencejournal.com/story/news/2020/02/14/costly-errors-when-rhode-islanders-dont-recycle-correctly-cities-and-towns-have-to-pay-up/1698990007.

[29] *See* Kevin Budris, CLF, *Big Corporations are Lobbying to Burn Plastic, But We're Pushing Back* (June 11, 2021), https://www.clf.org/blog/corporations-lobby-to-burn-plastic/.

[30] Lisa Anne Hamilton, *Plastic & Climate: The Hidden Costs of a Plastic Planet*, 8 (2019), https://www.ciel.org/wp-content/uploads/2019/05/Plastic-and-Climate-FINAL-2019.pdf.

[31] *See* David Azouly, *Plastic & Health: The Hidden Costs of a Plastic Planet*, 1 (2019), https://www.ciel.org/wp-content/uploads/2019/05/Plastic-and-Health-The-Hidden-Costs-of-a-Plastic-Planet-February-2019.pdf.

[32] Katie Brigham, *How the Fossil Fuel Industry Is Pushing Plastics on the World*, CNBC (Jan. 29, 2022), https://www.cnbc.com/2022/01/29/how-the-fossil-fuel-industry-is-pushing-plastics-on-the-world-.html.

[33] Hamilton, *supra* note 6, at 19.

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Producer Responsibility for Packaging Holds Polluters Accountable.

H-6207 would hold consumer brands and packaging manufacturers accountable by making them responsible for the entire life cycle of their packaging waste.[34] The system created by H-6207 would start with a "needs assessment," conducted by the packaging producer responsibility organization ("PRP") but overseen and ultimately approved by the Department of Environmental Management ("DEM").

This comprehensive approach to studying, incentivizing, and requiring reusable, recyclable, and non-toxic packaging—and requiring consumer brands and packaging manufacturers to pay fees that fund the entire program—would help significantly reduce packaging waste while holding the responsible parties accountable.

States across the country are exploring producer responsibility for packaging. Maine and Oregon passed the first producer responsibility for packaging laws in the U.S.[35] At least eleven other states are considering legislation 2025[36] with a wide variety of approaches to producer responsibility. H-6207 would create a capable and durable system with effective management, funding, and reduction and recycling incentives and requirements.

H-6027 excludes high-heat plastic disposal technologies like incineration, pyrolysis, gasification, and so-called "advanced recycling" from the definition of recycling. All these technologies burn, rather than recycle, plastic, and they only worsen our plastics pollution crisis.

House Bill No. 6207 Makes Sense for Rhode Island

H-6207 would be a win for every Rhode Islander. Existing unsustainable waste management practices clog our waterways and cost our municipalities a fortune. Because there can be no doubt that our collective wellbeing depends on how we manage the environment today, CLF respectfully urges the passage of H-6207. We simply cannot afford any alternatives.

Thank you for your time and consideration of this testimony.

Respectfully submitted,

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[34] Olivia Synoracki, CLF, *Holding Producers Accountable for the Waste They Create* (Jan. 12, 2022), https://www.clf.org/blog/holding-producers-accountable-for-waste-they-create/.

[35] *See* Olivia Synoracki, *CLF Update: Want to Turn the Tide on Plastics Pollution? Make Producers Pay to Pollute* (July 13, 2021), https://www.clf.org/blog/turn-the-tide-plastics-pollutions-make-producers-pay-pollute/; Adam Redling, Recycling Today, Oregon Becomes Second State to Pass Packaging EPR Law (Aug. 6, 2021), https://www.recyclingtoday.com/article/oregon-signs-extended-producer-responsibility-law-packaging/.

[36] Sustainable Packaging Coalition, *Recent EPR Proposals*, https://epr.sustainablepackaging.org/policies.

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