

**Testimony of Bree Dietly to the  
House Committee on Environment & Natural Resources on H.7910**

May 27, 2026

The Honorable David Bennett, Chair  
House Committee on Environment & Natural Resources  
The State House  
Providence, RI 02903

RE: H.7910 – An Act Relating to Health and Safety – Extended Producer Responsibility for Packaging and Paper Act

Dear Chair Bennett and Committee Members:

I am pleased to offer testimony in conditional support of House Bill 7910, 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 am the Principal of Breezeway Consulting in Somerville, Massachusetts and am a consultant to the American Beverage Association and the Rhode Island Beverage Association, which represent manufacturers, distributors, and suppliers to the refreshment beverage industry.

In the waning hours of the 2025 session, the Legislature enacted H.6207A requiring the Department of Environmental Management to fund and manage a third-party study of the “infrastructure, policy, and programmatic requirements necessary to support a statewide redemption and recycling plan including packaging materials, paper products, standard and miniature size beverage containers...and other priority materials designated by the department.” This study, which is in its very early stages, intends to evaluate a standalone EPR system, such as the one proposed in this bill, a standalone deposit return system (DRS) for beverage containers (*i.e.*, a bottle bill), and a combination of the two (one version of which has been introduced as H.7911, which we oppose).

***Given this decision by the Legislature and the charge to examine costs and benefits of various approaches and to develop baseline data, it would be inexpedient of the Legislature to act on any of these bills this session until the study is conducted, the findings reviewed, and appropriate amendments made to the various legislative proposals affected.***

***In short, while we fully support the adoption of a comprehensive EPR program for paper and packaging and the deferral of any action on a bottle bill for the foreseeable future, the short-term course of action must focus on the successful conduct of the legislatively mandated study and evaluation of its results.***

## **Background**

The beverage industry has been a leading voice in advocacy 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, Minnesota, 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. While we are staunch allies in support of these well-designed programs, we are also strong opponents of poorly designed bills veiled as EPR, that would be damaging to the consumer economies of states.

## **Our Employees and Engagement**

American Beverage Association members produce and distribute a wide array of refreshment beverages through a network of local bottlers who live and work in the State. Our industry provides jobs for more than 500 Rhode Island residents; these jobs are some of the best paid, highest benefit jobs available in communities to employees with and without college degrees, many of which are union jobs. We are proud of our employees and how they and the companies they work for are involved in and give back to their communities.

The beverage industry plays an important role in advancing the circular economy. Our packaging is specifically designed and optimized for recycling. We design PET bottles and aluminum cans that are 100% recyclable, have a high commodity value and, when collected and recycled, can become new bottles and cans over and over again. The industry also has invested in local and regional recycling infrastructure for more than 40 years. The companies have also 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 across the country can be found at <https://everybottleback.org>.

## **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?<sup>1</sup>*

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.

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<sup>1</sup> 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.

## **EPR Offers a Comprehensive Approach**

Our recycling programs need help. Our entire materials management system needs help. We throw out massive amounts of valuable material – resources that have to be replaced with newly manufactured or produced goods. What we throw away often has energy and water resources that we can save by reusing that “old” material. But our systems do not incentivize recycling and reuse because throwing things away is so easy and comparatively cheap.

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 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, makes education and promotion more practical, and generally simplifies a process people often find confusing and frustrating. EPR also opens the window of transparency into what happens to the material that is collected, how well we are doing, and what we can do better.

Taking our historical, piecemeal approach to recycling just hasn’t worked. Recycling efforts are uneven and inconsistent across towns, messaging is confused, and the result is we bury a lot more than we should and we waste taxpayer money on inefficient programs.

## **Why We Support H.7910**

Our industry has decades of experience with EPR programs around the world; in short, we know what works and what doesn’t. I have testified before this committee multiple times in the past in opposition to EPR bills that did not align with those principles of well-designed, well-functioning EPR. This time is different. This bill pulls significant language from the Minnesota law, which was notable for the consensus it achieved across a wide range of stakeholders including environmental groups, recyclers, producers, local government, and the state regulators. Their bill was compiled by a municipal leader in the Twin Cities who put the interests of local governments and taxpayers foremost and hammered out a compromise that has drawn attention from other states.

For example, after years of work and countless iterations of EPR bills in Washington State, the sponsor of the successful legislation this year (pending before the Governor) incorporated key sections of the Minnesota law into her bill and brought several stakeholders together in the process, leading to its passage. Similarly, after two years of study and disagreement over contentious bill language, the Maryland Advisory Council recommended that this session’s bill be amended to reflect principles in the Minnesota law. When that happened, several key stakeholders lowered their guard, and the bill was able to pass through the General Assembly.

## **Key Elements of H.7910**

- Scope:
  - The bill’s covered materials include all packaging and paper products that are managed in households statewide; commercial, industrial, and institutional materials are excluded as is packaging regulated by the federal government and

packaging used solely in transportation but that does not end up with the final consumer

- Every household is a covered entity under the bill and is entitled to recycling service that meets the standards approved by the state.
  - Small producers (<\$5 million in annual sales, indexed to inflation, or with less than one ton of covered materials sold in the state) are exempt
  - Services eligible for reimbursement are recycling and composting collection, transportation, processing, and disposal of residuals for covered materials plus reuse and refill systems.
- **Targets**
    - The needs assessment will benchmark current recycling and composting levels, use of recycled content, and other key factors that are necessary to establish meaningful performance targets for the program.
    - The PRO will propose targets in its plan for review by the Advisory Board and DEM including targets for collection rates, recycling rates, and recycled content rates by covered material type and in aggregate.
  - **Governance**
    - DEM will approve a single, non-profit PRO to manage the development of the initial five-year plan, after which competing PROs may be approved to operate subsequent plans if their approval would further the law's goals.
    - Producers are obligated to join the PRO to be able to continue to sell covered materials in the state. Producers may also submit individual plans.
    - The PRO must submit an annual report at the conclusion of each program year including an independent audit of its finances.
  - **Fees and Reimbursement**
    - Producer fees must cover state administrative and enforcement costs, the needs assessment, PRO administration, education and outreach programs, and the reimbursement to service providers. Fees must be material-specific based on the costs of managing each material type, net of any value earned from its sale.
    - Reimbursement of service providers begins at 50% of net costs in the first year of plan operation increasing to at least 90% by year three and beyond

## **Other Issues**

The bill also contains language striking the 8¢ per case tax on beverages originally intended to fund recycling and litter collection programs in Rhode Island (*i.e.*, the OSCAR program). These funds have long since been directed largely to the General Fund. As local companies paying this tax would now be legally obligated to underwrite recycling program costs, it is appropriate to sunset this tax, which has long since been diverted from its original purpose.

Finally, as I have noted, H.7911 contains provisions referring to both a bottle bill or container deposit program and EPR for packaging, but the version of EPR in H.7911 is not one we support. I have submitted separate testimony on that bill and reasons for our opposition.

## Conclusion

We are proud of our record advancing these important EPR laws across the US over the last several years. And we are glad to have a bill we can strongly support in Rhode Island. This bill would plant an important stake in the ground for well-designed EPR in the northeast. The benefits of EPR for the state's cities and towns, the environment, and for jobs and economic activity are all substantial.

In light of the ongoing study, however, we urge no further action on any of these measures until the work is complete. Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bree Dietly". The signature is fluid and cursive, with a large loop at the end.

Bree Dietly, Principal  
Breezeway Consulting LLC