



May 27, 2026

Chairman Bennett
Rhode Island House of Representative
Committee on Environment and Natural Resources
82 Smith Street
Providence, RI 02903

RE: Comments in Opposition to House Bill 7911, Extended Producer Responsibility for Packaging and Paper Act

Chair Bennett, Vice Chair Phillips and Members of the House Committee on Environment and Natural Resources:

AMERIPEN – the American Institute for Packaging and the Environment – appreciates the opportunity to submit written testimony in opposition to House Bill 7911 that would create an Extended Producer Responsibility (EPR) program for packaging and paper products, as well as a Deposit Redemption System (DRS) for beverage containers. AMERIPEN is the leading voice on packaging-related EPR proposals and laws across the country. While we understand the desire to keep the dialogue around packaging EPR alive via HB 7911 and appreciate attempts to address some of the concerns raised with the original draft of HB 6207, in 2025, we encourage further stakeholder engagement and a review of the ongoing needs assessment, which was ultimately passed within HB 6207, before deciding on the right approach to improving recycling in Rhode Island.

AMERIPEN represents the entire packaging value chain, advocating for responsible packaging policies that drive meaningful progress in packaging sustainability while supporting industry growth and consumer needs. As the leading voice for packaging policy in the United States, AMERIPEN works with legislators, regulators, and stakeholders to develop science-based, data-driven solutions that enhance packaging's role in product protection and circularity. We focus on science and data to support our public policy positions, and our advocacy and policy engagement are based on rigorous research rooted in our commitment to achieve sustainable packaging policies. We have several member companies that manufacture packaging in Rhode Island, and many more that import packaging materials and products into the State. The packaging industry supports more than 5,000 jobs and accounts for more than \$1.3 billion in total economic output in Rhode Island, according to a 2021 report from John Dunham & Associates.



Packaging plays a vital role in Rhode Island, ensuring the quality of consumer goods as they are manufactured, shipped, stored, and consumed, protecting the health and safety of Rhode Island residents, who consume, use, and handle those products. Packaging has value, and it needs to be recycled, composted, and/or reused, and no one knows better how to do that than the AMERIPEN members who design, supply, produce, distribute, collect, and process it. They are driving innovation and designing packaging to improve environmental performance, boost recycling, and evolve the recycling infrastructure.

While HB 7911 includes several structural improvements compared to HB 6207, including clearer distinctions between covered beverage containers and covered materials, AMERIPEN continues to have substantial concerns with the legislation as follows:

1. The Bill Continues to Advance a Combined EPR and Deposit Return Structure Without Adequate Operational Analysis

HB 7911 attempts to structurally separate the packaging EPR system from the beverage container deposit system by excluding “covered beverage containers” from the definition of “covered material.” While this clarification provides some clarity from the original draft of HB 6207, the legislation still fails to adequately address how the two systems will coexist operationally and financially. The bill does not sufficiently address how the proposed DRS would interact with existing municipal recycling systems, material recovery facilities (MRFs), or curbside recycling infrastructure. Deposit systems divert some of the highest-value recyclable materials — particularly aluminum and PET plastic — away from curbside systems that municipalities currently rely upon to offset recycling costs. HB 7911 contains no clear mechanism to evaluate, compensate or mitigate these economic impacts on local recycling systems.

Additionally, the “coordination plan” framework proposed under the legislation lacks specificity regarding how the two separate systems would allocate infrastructure costs, define reimbursement responsibilities, manage contamination, and establish data-sharing obligations between the packaging producer responsibility organization and the recycling refund producer responsibility organization. These unresolved questions create substantial implementation uncertainty for producers, municipalities, recyclers, and consumers alike.

2. Expanded Producer Definitions and Reporting Obligations Create Significant Compliance Complexity

HB 7911 restructures and expands the definition of “producer” and creates a separate “beverage producer” framework that applies differently depending on product type, distribution channel, importer status, franchise arrangements, and private-label relationships. While AMERIPEN appreciates the effort to provide additional clarity regarding producer assignment in other states, the revised “beverage producer” structure creates substantial compliance complexity for companies operating across multiple product categories and sales channels. Producers may be required to evaluate different compliance pathways for packaging, paper products, and beverage containers simultaneously across these states.

Further, the legislation expands fraudulent activity provisions to include the sale or offering for sale of covered beverage containers that have not been reported to the recycling refund producer responsibility organization. This effectively transforms reporting and administrative compliance issues into potential fraud-related enforcement matters. Such provisions create significant legal and operational exposure for companies in the absence of clear implementation guidance, reasonable cure periods, and transparent reporting standards.

3. Future Expansion Authority Remains Uncertain

AMERIPEN remains concerned about the breadth of delegated authority under this framework, particularly the lack of corresponding statutory guardrails, economic analysis requirements, or demonstrated infrastructure readiness standards prior to expansion. Producers and packaging manufacturers require long-term regulatory certainty when making decisions about packaging design, manufacturing, and supply chain investments.

4. The Bill Continues to Advance Policy Decisions Prior to Completion of a Needs Assessment

As with the introduced version of HB 6207, HB 7911 continues to advance major policy and operational decisions before a comprehensive statewide needs assessment is completed that evaluates Rhode Island’s recycling infrastructure, material flows, contamination rates, processing capacity, consumer access challenges, and end-market conditions.

AMERIPEN strongly believes that any packaging EPR or DRS framework should be informed by robust, state-specific data from a needs assessment, as is currently being done under HB 6207, and that the structure of EPR should be developed collaboratively with producers, recyclers,



municipalities, retailers, labor representatives, and environmental stakeholders. States such as Minnesota, Maryland, Illinois, and Washington have benefited from extended stakeholder engagement processes and recycling system evaluations that informed more balanced and operationally grounded policy development.

Conclusion

AMERIPEN supports positive recycling policies when they are balanced. We acknowledge that EPR programs might be a useful policy mechanism under the right circumstances and when appropriately developed to help achieve environmental goals and reduce waste by bolstering recycling programs. The packaging industry understands the value of properly designed EPR programs and their potential to improve the recycling system. However, given the passage of HB 6207, "The Statewide Implementation Analysis for a Beverage Container Redemption, Packaging, and Recycling Plan" in 2025, and the ongoing needs assessment under that law, we believe that the results of the needs assessment must be considered before advancing any legislation on EPR, including HB 7911. Furthermore, HB 7911 continues to raise significant operational, financial, and implementation concerns that warrant additional review and stakeholder engagement before enactment.

While the bill provides additional clarity on HB 6207, substantial questions remain regarding infrastructure impacts, program coordination, enforcement structure, municipal system interactions, and producer compliance obligations. We respectfully encourage the Committee to consider additional stakeholder dialogue and support a comprehensive needs assessment process to better evaluate Rhode Island's recycling system and determine the most effective path forward.

We appreciate the opportunity to provide comments on this important issue and look forward to continuing engagement with the Committee and stakeholders as discussions continue. We hope that our comments are constructive to the Committee and that you might consider pausing any action on HB 7911 until the needs assessment under HB 6207 is complete. We look forward to continuing the discussion with the Committee on this important topic. Please feel free to contact Danielle Waterfield, AMERIPEN Policy Director & General Counsel at DanielleW@ameripen.org, or Andrew Hackman, with Serlin Haley LLP at ahackman@serlinhaley.com, with any questions regarding AMERIPEN's position on this important matter.