



BENNINGTON COLLEGE

May 27, 2026

MEMORANDUM OF OPPOSITION

House Bill 7911 (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. While we support the Deposit Return System (DRS) provisions of this bill, the proposed EPR provisions fail to meet several of our key criteria. Therefore, **Beyond Plastics opposes H.7911 in its current form.**

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 or watered-down 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.

H.7911 does meet several of the key requirements for a strong packaging reduction and recycling program, including 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 prohibiting chemical recycling (or so-called “advanced” recycling methods) from being counted as real recycling.

However, this bill is significantly weaker than previous EPR bills **because it puts the packaging industry in charge** of creating its own reduction goals, milestones, and fee structure. **Effectively, the industry is empowered to regulate itself**, or, at the very least, have

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.

enormous influence in shaping the statewide regulatory program. This is a significant weakness in several of the existing EPR laws—of the seven (California, Colorado, Maine, Maryland, Minnesota, Oregon, and Washington), only Maine’s program allows the regulating state agency to establish reduction and recycling targets. In strong EPR programs, these targets are set in statutory language rather than established by the regulating state agency, or, in the worst-case scenario, by the packaging industry-led producer responsibility organization (PRO).

The EPR provisions of H.7911 contain a number of other serious flaws and loopholes which are outlined below along with suggested amendments for remedying these concerns.

Deposit Return System

The establishment of statewide container deposit programs as proposed in H.7911 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;
- Reduce water use and fossil fuel emissions related to the extraction, production, and transportation of beverage containers made from virgin materials and feedstocks.

While we oppose the bill as written, Beyond Plastics supports the DRS provisions of this bill and recommend introduction of the beverage container deposit language as a standalone bill if the EPR provisions cannot be significantly strengthened as recommended in this memo.

Proposed amendments

While H.7911 goes a long way to address some of Rhode Island’s waste management and plastic pollution problems, it contains significant flaws and loopholes. Beyond Plastics recommends the following amendments to the bill language²:

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

1. Require environmental packaging standards and reduction, reuse, refill, and performance targets and milestones for packaging and beverage containers, along with incentives through eco-modulated producer fees, in statutory language.

In previous years, this bill was much stronger than existing EPR laws because, while it did not establish mandatory packaging reduction targets and milestones, it did set collection rates and recycling rates in the statutory language. H.7911 does not contain any environmental packaging standards. We know that source reduction is the best way to reduce waste, plastic pollution, and all of the associated costs. Collection and recycling performance targets should be written into the statute, along the packaging standards, reduction, reuse, and return requirements and milestone dates. Additionally, the incentive structure through eco-modulated fees should be clearly defined in the legislative language. As currently written, the bill gives the packaging industry near-autonomy in setting these targets, 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. Do not put the packaging industry in charge of creating its own regulatory regime.

As mentioned above, without clearly defined environmental packaging standards, the packaging industry, via the PRO, is allowed to set its own program goals and timelines in the plan it must submit to the Department of Environmental Management. At best, this gives the packaging industry tremendous influence, and at worst, near total control, over the shape of EPR regulations in the state. As the bill is currently written, the legislature is effectively ceding control of the design of the statewide EPR program to the packaging industry (with DEM oversight). Instead, the legislature should establish program goals, targets, and incentives *in the statutory language*, leaving the PRO to create the plan for achieving these requirements.

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

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.

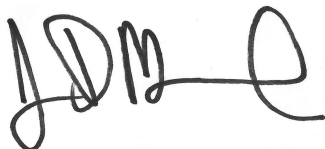
For a long time, advocates and policymakers have addressed plastics and packaging through two major frames: plastic pollution ("litter") and waste management/recycling challenges (and their intersectionality with the climate crisis and environmental justice). But single-use plastics and packaging are 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.

A strong EPR bill provides 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. This bill unfortunately falls short in addressing these intersectional policy problems.

Rhode Island is ever closer to a strong plastic packaging and recycling bill and a modern beverage container deposit program that comprehensively addresses these policy issues and holds the packaging industry accountable for their products, but the existing language in subsequent versions of this bill 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