

TO: Rhode Island House Committee on Environment and Natural Resources

RE: Letter of Information on HB 7911

DATE: May 27, 2026

Dear House Committee on Environment and Natural Resources,

The Carton Council is composed of four leading carton manufacturers – Elopak, Novolex, SIG, and Tetra Pak. Our members formed the Carton Council in 2009 to deliver long-term collaborative solutions to divert valuable food and beverage cartons from the landfill. Through a united effort, the Carton Council is committed to building a sustainable infrastructure for carton recycling nationwide and works toward its goals of increasing access to recycling, as well as recycling of, cartons throughout the U.S. Currently, cartons have achieved 63% household access to recycling nationally and 100% access in Rhode Island.

Food and beverage cartons are a packaging option with an excellent environmental profile used to hold a variety of products. Both gable-top and aseptic cartons are made primarily from high-quality paper fiber. In addition to renewable fiber, cartons contain thin polymer layers and, in shelf stable (aseptic) cartons, a small amount of aluminum foil. These multiple layers allow cartons to safely store their contents for long periods of time, helping to reduce food waste and associated environmental impacts. They do not prevent the package from being recycled.

Cartons are recycled in one of two ways:

- At a full carton recycler where the entire carton, including the thin polymer layers and any aluminum, is turned into sustainable building products.
- At a recovered fiber paper mill, where the fiber is extracted and used to create new paper products such as tissue, toweling, and printing and writing paper or other paper-based packaging such as coffee cups.

Fiber recovered from recycled cartons saves precious natural resources in the making of new paper-based products and sustainable building materials. According to US EPA, one ton of paper made from recycled fibers is estimated to conserve:

- 7,000 gallons of water
- 17 to 31 trees
- 4,000 kWh of electricity
- 60 pounds of air pollutants

The Carton Council supports the development and implementation of well-designed extended producer responsibility (EPR) programs for packaging and printed paper and deposit return systems (DRS) for beverage containers. We appreciate the opportunity to comment on HB 7911 which combines both approaches. To improve program outcomes, ensure fair treatment of cartons, and promote more achievable targets, Carton Council suggests the following amendments to the bill.

- **Include ALL food and beverage cartons in the EPR program by revising the definition of “beverage container.”** Currently, HB 7911’s definition of “beverage container” captures all beverage containers regardless of material type. However, the definition of “beverage” excludes common beverage types like 100% fluid milk and meal replacement liquids. Together, this means a significant portion of cartons used to package excluded beverage types will not be captured in the proposed deposit return system. Rather, this subset of cartons would be collected curbside through the proposed EPR system. The Carton Council is concerned that creating two distinct recovery pathways for the same package type that make up approximately 1% of the recovery stream will ultimately confuse consumers about carton recyclability and lower collection volumes available for Material Recovery Facilities (MRFs). While food and beverage cartons are a valuable fiber-based recyclable commodity, insufficient collection volumes can affect a MRF’s ability to sort and sell them to end markets. Therefore, the Carton Council urges the legislature to revise the definition of “beverage container”, to exclude all food and beverage cartons, making EPR the single management system for cartons.
- **Revise Recyclable Covered Material List criteria.** Currently, HB 7911 establishes a set of criteria on which the department will evaluate recyclability for covered materials. The Carton Council is concerned that the current language requires the department to consider the “quantity of packaging materials estimated to be available and recoverable” given that this language could exclude recyclable packaging formats like food and beverage cartons that make up a small portion of the stream. In a similar vein, the Carton Council is concerned that language requiring sorting into “defined streams” may be interpreted to exclude sorting to mixed paper. Finally, the Carton Council is concerned with the consideration of the “presence and amount of processing residuals, contamination, and toxic substances” being that each of these terms are not defined in the bill. The Carton Council urges the legislature to remove each of these criteria to ensure that recyclable packaging formats like food and beverage cartons are not unfairly excluded.
- **Require the PRO to establish the Recyclable Covered Material List and revise it as needed.** In order to ensure that the latest industry-provided data is readily available and reflected in the minimum recyclables list, the PRO should be responsible

for developing and updating the list whenever necessary and according to specific criteria (see above bullet point). Currently, HB 7911 requires the department to develop and revise the list annually. At a minimum, if this responsibility remains with the department, industry should be able to provide data at any time to demonstrate that a material category meets necessary criteria for inclusion, and updates should be made to the list as frequently as needed.

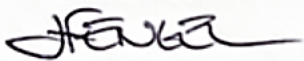
- **Define “covered entities” to include residential facilities.** The Carton Council is encouraged that HB 7911’s definition of covered entities includes single- and multi-family residences, schools, nonprofit corporations and state agencies and public areas. Carton Council recommends that this list be expanded to include residential facilities such as dormitories, long-term care facilities, and prisons which generate significant volumes of covered materials including food and beverage cartons. The Carton Council also recommends that the list be periodically reviewed and expanded to encourage continuous improvement.
- **Insert waiver language for postconsumer recycled content requirements.** HB 7911 requires the department to “establish requirements for a recycling rate, composting rate, reuse rate, return rate, source reduction, and postconsumer recycled content.” The Carton Council urges the legislature to adopt waiver provisions that account for marketplace availability and technical feasibility challenges associated with the inclusion of postconsumer recycled content under different circumstances. We suggest the following language:
  - Postconsumer recycled content requirements in specific products may be waived by the department if demonstration is made and the department approves, in writing:
    - The manufacturer cannot achieve the postconsumer recycled content requirements and remain in compliance with applicable rules and regulations adopted by the United States Food and Drug Administration, or any other State or federal law, rule, or regulation;
    - It is not technologically feasible for the manufacturer to achieve the postconsumer recycled content requirements;
    - The manufacturer cannot comply with the postconsumer recycled content requirements due to inadequate availability of recycled material or a substantial disruption in the supply of recycled material;
    - or
    - The manufacturer cannot comply for another reason as determined by the department pursuant to rule, regulation, or guidance.
- **Remove provisions related to Additives of High Concern.** HB 7911 requires the PRO to develop a list of “additives of high concern” and adjust covered material fees based on their presence. The Carton Council maintains that these provisions

are not appropriate for an EPR-DRS program and should be thoughtfully considered in separate legislation that 1) is based on robust research efforts 2) clearly recognizes federally regulated and naturally occurring substances, and 3) defines de minimis thresholds.

The Carton Council is dedicated to building strong, sustainable recycling infrastructure and end markets. Over the past 15 years, the Carton Council has proactively invested over \$20,000,000 in recovery facility sortation technology, emerging and established domestic recycling end markets, and community education necessary to drive the system forward. Our comments are offered in this context.

We appreciate the opportunity to suggest amendments to HB 7911 and look forward to continuing to engage with the Committee. The Carton Council is available to provide any data needed to help make decisions beneficial to the recycling system in Rhode Island and continue to expand partnerships with public and private entities to further carton recycling. We look forward to the opportunity to discuss appropriate amendments with you.

Please don't hesitate to contact us for any reason.  
Sincerely,



Jordan Fengel  
Executive Director  
Carton Council