Conservation
Law Foundation

For a thriving New England

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Via Electronic Mail

March 29, 2024

The Honorable Carol McEntee and Mark McKenney
Co-Chairs, Special Joint Legislative Commission to Study and Provide Recommendations to Protect Our Environment and Natural Resources from Plastic Bottle Waste
Room 313, Rhode Island State House
Providence, RI 02903

RE: CLF's Testimony on the Bottle Bill Study Commission

Dear Chairs McEntee and McKenney:

The Conservation Law Foundation ("CLF") appreciates the opportunity to comment on this Special Joint Legislative Commission. We thank you for taking the time over the past few months to examine the possibility of a bottle bill in Rhode Island. We are hopeful that 2024 will be the year that Rhode Island joins four other New England states (Massachusetts, Connecticut, Maine, and Vermont) in enacting a bottle and can deposit return system (aka "the bottle bill").

Founded in 1966, 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 solid waste management through source reduction, recycling, and composting, and to protect our communities from the dangers posed by unsustainable waste management practices.

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 be collected and recycled instead.[2] One powerful solution to this problem is the bottle bill.

The Solution: A Bottle & Can Deposit Return System (aka bottle bill)

Quite simply, bottle bills incentivize good, clean, effective recycling strategies. People who purchase beverage containers covered by a bottle bill have a financial incentive to return empty

[1] Northeast Reimaging the Bottle Bill, RELOOP, available at Reimagining-the-Bottle-Bill-FINAL-JUNE-2022.pdf (bottlebillreimagined.org) (last visited Mar. 15, 2023).
[2] *Id.*

containers to redemption centers or retailers 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.[3] Conversely, states without container redemption programs recycled these materials at much lower rates: 36% for aluminum, 17% for PET, and 22% for glass.[4]

Again and again throughout the United States and around the world, we have seen that bottle and can deposit return systems work effectively to reduce litter and divert recyclable materials from the waste stream, saving municipalities money and protecting our environment and public health from the harms that come from relying on landfills and incineration to manage our waste. A high-performing deposit return system, defined by Reloop as accessible & accountable, industry financed, and well managed & regulated, can achieve return rates above 90%.[5] Rhode Island has the opportunity to become a leader by creating and enacting into law a high-performing bottle bill.

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.[6] 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."[7] Because mixing beverage containers in with curbside recycling leads to their contamination, the best case scenario is that those materials will be "downcyled" into other products rather than recycled into beverage containers;[8] at worst, they end up in landfills and incinerators or gobbled up by the petrochemical industry and used as feedstock for toxic fuels.[9] 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.[10] The bottle bill soundly

[3] 2019 U.S. Nominal Recycling Rates by Deposit Status, CONTAINER RECYCLING INSTITUTE (2022), available at U.S. Nominal Recycling Rates by Deposit Status, 2019 (container-recycling.org).
[4] *Id.*
[5] Northeast Reimaging the Bottle Bill, RELOOP, available at Reimagining-the-Bottle-Bill-FINAL-JUNE-2022.pdf (bottlebillreimagined.org) (last visited April 12, 2023).
[6] Contracting Best Practices: Source Separation Requirement or Preference, ENVIRONMENTAL PROTECTION AGENCY (Feb. 12, 2021), available at Contracting Best Practices: Source Separation Requirement or Preference | US EPA (describing the advantages of source separation: best use of materials, increased diversion from composting, higher recycling revenues, and community education).
[7] *Id.*
[8] 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.
[9] Sharon Lerner, This "Climate-Friendly" Fuel Comes With an Astronomical Cancer Risk, PROPUBLICA (Feb. 23, 2023), available at Pollution From a Plastics-Based Fuel Has a 1-in-4 Lifetime Cancer Risk — ProPublica (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").
[10] Maggie Koerth, The Era of Easy Recycling May be Coming to an End, FIVETHIRTYEIGHT (Jan. 10, 2019), available at The Era Of Easy Recycling May Be Coming To An End | FiveThirtyEight.

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 container litter rates that are more than 70% lower than states without redemption programs.[11] 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."[12] A bottle bill is the best policy option for reducing litter across Rhode Island.

I regularly walk and take the bus between my apartment, CLF's office on Promenade Street, and the statehouse. Almost every single day I see dozens of empty nips strewn across our roads, where they are likely to slip past storm drains and make their way into Narragansett Bay. 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, however, Rhode Island could see the recycling rate of nips jump from 0% to 89%.[13]

Savings for Municipalities

Some opponents of deposit return systems argue that "Bottle Bills" harm municipalities by diverting valuable recyclables from the municipal recycling programs, thereby undermining the cost-effectiveness of such programs.[14] In Rhode Island, the Resource Recovery Corporation (RIRRC) may raise similar concerns as a bottle bill would certainly divert valuable recyclable materials from its single-stream recycling program. However, a careful review of relevant factors and research reveals the truth – that bottle and can deposit return systems save municipalities money and can also prove profitable to resource recovery facilities.

A review of the research on the monetary impact of deposit return systems on municipalities makes clear that "nearly every study reported significant net cost savings to municipalities."[15] For example, a study of New York's 2019 bottle bill modernization act demonstrated that municipalities would save $4.3 million in avoided disposal costs, an additional $7.2 million through material captured from disposal, and a net of $5.4 million.[16] Significantly, those figures

[11] Northeast Reimaging the Bottle Bill, Reloop, *supra*.
[12] *Id.*
[13] Northeast Reimaging the Bottle Bill, Reloop, *supra*.
[14] *See* Fact Sheet: Deposit Return Systems Generate Cost Savings for Municipalities, Reloop (Feb. 2021), available at Fact-Sheet-Economic-Savings-for-Munis-8FEB2021.pdf (reloopplatform.org). *See also* Bottle Bill Expansion: The Numbers Behind Governor Cuomo's Bottle Bill Proposal, Eunomia (Mar. 2019), available at 2019_03 NYS-Bottle-Bill-Update-Response-Upload-revised.pdf.
[15] Fact Sheet: Deposit Return Systems Generate Cost Savings for Municipalities, Reloop, *supra*.
[16] *Id.*

do not include the potential benefits that material recovery facilities could anticipate through operating and processing savings.[17] Similarly, with the advent of a bottle and can deposit return system, not only will Rhode Island's cities and towns save money on disposal costs, but RIRRC can save money through more efficient operations and, by reinvesting these savings in modern sorting equipment, RIRRC can actually develop a new source of revenue both by capturing beverage containers in mixed recycling that were not source-separated by consumers and by taking in handling fees for accepting and processing beverage containers that have been source-separated.

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.[18] 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.[19] By keeping beverage containers out of Rhode Island's landfills, then, a bottle bill will help the State reduce GHG emissions and meet its climate goals.

This year, Rhode Island must join other New England states in tackling the mounting litter and waste crises by creating and enacting a bottle bill into law. Retailers and beverage companies need to have some shared responsibility in being part of the solution to litter and waste. This is an opportunity to create a bottle bill that both incorporates best practices and works for our unique state.

This study commission has shown that a bottle return system should be convenient for consumers while minimizing impacts on retailers. A strong bottle bill will include a 10-cent deposit, high enough to incentive beverage container returns.[20] It will also invest any unclaimed deposits would be reinvested back into the container redemption and recycling system, cover a wide variety of beverage containers, and offer clear standards and performance targets in the bill would make enforcement doable.

A strong bottle bill would be a win for every Rhode Islander. Anyone who claims otherwise is benefitting financially from the existing unsustainable waste management practices that are clogging our waterways and costing our municipalities a fortune. Because there can be no doubt that our collective wellbeing depends on how we manage the environment today, we must turn the efforts of this study commission into the best possible bottle bill for Rhode Island. We simply cannot afford any alternatives.

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[17] *Id.*

[18] 2021 Act on Climate, Rhode Island (2023), available at Act on Climate | Climate Change (ri.gov).

[19] Northeast Reimaging the Bottle Bill, Reloop, *supra*.

[20] Connecticut passed a law recently increasing its beverage container deposit to 10-cents, which became effective January 1, 2024, in recognition of the fact that 5-cents is no longer worth what it was when the Bottle Bill was initially passed in that state. *See* Connecticut Bottle Bill, CT DEPT OF ENERGY & ENVIRONMENTAL PROTECTION (Dec. 2022), available at Connecticut Bottle Bill.

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Thank you for your time and consideration of this testimony.

Respectfully submitted,

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Program Assistant, Rhode Island
Conservation Law Foundation

cc: Members of the Special Joint Legislative Commission to Study and Provide Recommendations to Protect Our Environment and Natural Resources from Plastic Bottle Waste
Darrèll Brown, Vice President, Rhode Island, Conservation Law Foundation