

RESOLUTION OF THE CITY COUNCIL

No. 235

Approved May 6, 2025

WHEREAS, Low recycling rates in Providence pose a serious threat to public health and local ecosystems; and

WHEREAS, When recycling is contaminated or neglected, waste, especially plastics, ends up polluting our waterways, greenspaces, and streets, harming wildlife and reducing residents' quality of life; and

WHEREAS, This issue is particularly urgent given that Providence currently has the lowest recycling rate in the state at just 2.9%, compared to the state average of 18.5%; and

WHEREAS, Providence also experiences high levels of recycling contamination. In FY24 alone, 18,000 tons of contaminated recycling were diverted to the Johnston landfill, costing the City nearly \$2 million; and

WHEREAS, The City's Special Commission for the Study of Providence's Waste Management Services confirmed these findings and issued recommendations to improve recycling outcomes and reduce waste; and

WHEREAS, One such recommendation was to support statewide bottle deposit legislation, as proposed in House Bill 6206; and

WHEREAS, Implementing a bottle return program would significantly increase beverage container recovery by creating an incentive-based recycling system that complements, rather than relies on, curbside collection; and

WHEREAS, States with bottle deposit laws consistently report higher recycling rates, reduced litter, more accessible redemption options at retail locations, and higher-quality recyclable materials; and



WHEREAS, The Providence City Council recognizes the commitment of the Rhode Island General Assembly to addressing recycling contamination and plastics pollution in both dedicated legislation and more expansive efforts to address plastics, including extended producer responsibility, in legislation such as House Bill 6207.

NOW, THEREFORE, BE IT RESOLVED, In an effort to replicate these results in Providence, the City Council expresses its support for House Bill 6206 and its Senate companion bill as well as for House Bill 6207 and its Senate companion; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to lead sponsors Representatives Spears and McEntee, Speaker of the Rhode Island House of Representatives K. Joseph Shekarchi, President of the Rhode Island Senate Pro Tempore Hanna Gallo, and the members of the Providence Delegation.

IN CITY COUNCIL

MAY 01 2025
READ AND PASSED


RACHEL M. MILLER, PRESIDENT

CLERK

I HEREBY APPROVE.


Mayor

Date: 5/6/25

2025 -- H 6206

LC002621

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO HEALTH AND SAFETY -- BEVERAGE CONTAINERS RECYCLING ACT

Introduced By: Representatives Spears, McEntee, Bennett, Carson, Boylan, McGaw,
Cortvriend, Donovan, Handy, and Kazarian

Date Introduced: April 09, 2025

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 19.19

4 BEVERAGE CONTAINER RECYCLING ACT

5 **23-19.19-1. Definitions.**

6 As used in this chapter, the following words and terms shall have the following meanings
7 unless a different meaning is clearly indicated by the context:

8 (1) "Applicable refund value" means the value established pursuant to the provisions of §
9 23-19.19-13.

10 (2) "Beverage" means a drinkable liquid intended for human oral consumption. Beverage
11 does not include:

12 (i) A drug regulated under the federal Food, Drug, and Cosmetic Act, 21 U.S.C. Ch. 9, §
13 301 et seq.;

14 (ii) One hundred percent (100%) fluid milk;

15 (iii) Infant formula; or

16 (iv) A meal replacement liquid.

17 (3) "Beverage container" means any prepackaged container designed to hold beverages,
18 including the label, cap, and any other material attached to the container at the time of distribution.

19 (4) "Beverage container collection mechanism" means any manual or technological means

1 by which empty covered beverage containers are properly identified as part of processing a
2 consumer's refund.

3 (5) "Brand" means a name, symbol, word, or mark that identifies a product and attributes
4 the product and its components, including packaging, to the brand owner.

5 (6) "Brand owner" means a person that owns or holds an exclusive license to a brand or
6 that otherwise has rights to market a product under the brand, whether or not the brand's trademark
7 is registered.

8 (7) "Canner" means individuals who collect and redeem covered beverage containers for
9 critical income.

10 (8) "Centralized processing facilities" means a facility that sorts and then bales or
11 aggregates covered beverage containers and associated materials for the purpose of recycling.

12 (9) "Consumer" means an individual who purchases a beverage in the State of Rhode Island
13 in a beverage container for consumption.

14 (10) "Covered beverage container" means any beverage container subject to a recycling
15 refund as defined in the recycling refund program plan.

16 (11) "De minimis" means a person that in the most recent fiscal year earned global gross
17 revenues, not including on-premises alcohol sales, for the prior fiscal year of:

18 (i) Until January 1, 2030, less than two million dollars (\$2,000,000); or

19 (ii) Beginning January 1, 2030, less than two million dollars (\$2,000,000), as adjusted for
20 inflation by the department.

21 (12) "Department" means the department of environmental management.

22 (13) "Drop-off facilities" means a specific area where individuals may bring household
23 recyclable materials to be sorted into material-specific receptacles and is located in the State of
24 Rhode Island.

25 (14) "Environmental impact" means the impact of a covered material on human health and
26 the environment from extraction and processing of the raw materials composing the covered
27 material through manufacturing, distribution, use, recovery for reuse or recycling, and final
28 disposal.

29 (15) "Environmental justice area" means a census block group with a low-income and/or
30 minority population greater than twice the statewide average.

31 (16) "Executive director" means the executive director of the recycling refund producer
32 responsibility organization.

33 (17) "Express redemption site" means a designated return point that allows consumers to
34 return covered beverage containers. These locations shall not require cash handling on-site; rather,

1 upon return, if needed, beverage containers shall be transported to centralized processing facilities,
2 and refunds shall be credited to the consumer's virtual account. This may include bag-drop systems,
3 reverse vending machines, or other beverage container collection mechanisms to enhance
4 convenience and accessibility for consumers.

5 (18) "Fraudulent activity" means any of the following:

6 (i) Redeeming a beverage container purchased outside the State of Rhode Island;

7 (ii) Altering a beverage container not eligible for a refund in the State of Rhode Island
8 recycling refund system to make it appear eligible for a refund;

9 (iii) Altering a receipt to increase the payout beyond the amount from appropriately
10 redeeming covered beverage containers; and

11 (iv) Tampering with beverage container collection mechanisms to enable redemption of a
12 beverage container or knowingly attempting to redeem a beverage container that:

13 (A) Was not purchased in Rhode Island;

14 (B) Is not in the Rhode Island recycling refund system;

15 (C) Had no deposit paid on it in the State of Rhode Island; or

16 (D) Has already been redeemed for a refund.

17 (19) "Full-service redemption site" means a return point where individuals may return
18 covered beverage containers to receive immediate refunds for their returns.

19 (20) "Government entity" means any:

20 (i) City, town, or other local government, including any municipal corporation, quasi-
21 municipal corporation, or special purpose district, or any office, department, division, bureau,
22 board, commission, or agency thereof, or other local public agency;

23 (ii) State office, department, division, bureau, board, commission, or other state agency;

24 (iii) Federally recognized Indian tribe whose traditional lands and territories include parts
25 of Rhode Island; or

26 (iv) Federal office, department, division, bureau, board, commission, or other federal
27 agency.

28 (21) "Independent auditor" means an independent and actively licensed certified public
29 accountant who is:

30 (i) Retained by a producer responsibility organization;

31 (ii) Not otherwise employed by or affiliated with a producer responsibility organization;
32 and

33 (iii) Qualified to conduct an audit under State of Rhode Island law.

34 (22) "Labor organization" means any organization that exists and is constituted for the

1 purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning
2 grievances, terms or conditions of employment, or of other mutual aid or protection.

3 (23) "Lobbying" means the practice of promoting, opposing, or in any manner influencing
4 or attempting to influence the introduction, defeat, or enactment of legislation before any legislative
5 body; opposing or in any manner influencing the executive approval, veto, or amendment of
6 legislation; or the practice of promoting, opposing, or in any manner influencing or attempting to
7 influence the enactment, promulgation, modification, or deletion of regulations before any
8 regulatory body. The term does not include providing public testimony before a legislative body or
9 regulatory body or any committee thereof.

10 (24) "Material recovery facility" means a facility in the State of Rhode Island that collects,
11 compacts, repackages, sorts, or processes for transport source separated material for the purpose of
12 recycling.

13 (25) "Municipality" means the individual cities and towns of the State of Rhode Island.

14 (26) "Packaging manufacturer" means any person, firm, association, partnership, or
15 corporation that produces packaging or a packaging component of covered beverage containers.

16 (27) "Postconsumer recycled content" means the amount of postconsumer material used
17 by a producer in the production of a covered materials type, divided by the total amount of that
18 covered materials type used for products sold or distributed by the producer in that same calendar
19 year.

20 (28) "Producer" means the brand owner responsible for the brand visible on a covered
21 beverage container and who is responsible for compliance with the requirements under this chapter
22 for a covered beverage container that is sold or offered for sale, either physically or via e-commerce,
23 in the State of Rhode Island. "Producer" does not include:

24 (i) Government entities; or

25 (ii) Registered 26 U.S.C. § 501(c)(3) charitable organizations and 26 U.S.C. § 501(c)(4)
26 social welfare organizations.

27 (29) "Recycling" means the series of activities by which material is collected, transported,
28 sorted, and processed for use in industrial feedstocks in place of virgin materials to manufacture
29 new products with minimal loss of material quality and quantity. "Recycling" does not include:

30 (i) Landfill disposal;

31 (ii) Use as alternative daily cover or any other beneficial use at a landfill; or

32 (iii) Energy recovery, energy generation, or fuel production by any means including, but
33 not limited to, combustion, incineration, pyrolysis, gasification, solvolysis, or waste-to-fuel.

34 (30) "Recycling refund" means a covered beverage container redemption program that pays

1 a per-unit refund value to persons for covered beverage containers and collects and processes
2 covered beverage containers as described in this chapter.

3 (31) "Recycling refund advisory council" means the council established under the
4 provisions of § 23-19.19-4.

5 (32) "Recycling refund processing facility" means a location that is designated by the
6 recycling refund producer responsibility organization to receive, sort, and prepare redeemed
7 beverage containers for recycling or reuse.

8 (33) "Recycling refund producer responsibility organization" means a nonprofit
9 corporation that is tax exempt under 26 U.S.C. § 501(c)(3) of the federal Internal Revenue Code
10 created by a group of recycling refund covered beverage containers producers to implement
11 activities under the provisions of this chapter.

12 (34) "Recycling refund program plan" means a program plan developed by the recycling
13 refund producer responsibility organization that is prepared and submitted to the department for
14 review and approval.

15 (35) "Redemption rate" means the number of covered beverage containers redeemed for
16 the recycling refund divided by the number of covered beverage containers sold in the State of
17 Rhode Island in a calendar year. Covered beverage containers transferred by material recovery
18 facilities to additional materials processing or end markets are not included in the redemption rate.

19 (36) "Redemption site" means a public or private place that provides via any beverage
20 container collection mechanism the ability to redeem a covered beverage container for which a
21 deposit was paid.

22 (37) "Responsible market" means a materials market that:

23 (i) First produces and sells, transfers, or uses recycled organic product or recycled content
24 feedstock that meets the quality standards necessary to be used in the creation of new or
25 reconstituted products in a manner that protects the environment and minimizes risks to public
26 health and worker health and safety;

27 (ii) Complies with all applicable statutes, rules, ordinances, and other laws governing
28 environmental, health, safety, and financial responsibility from any government entity;

29 (iii) Possesses all requisite licenses and permits required by a federal or state agency or
30 political subdivision;

31 (iv) If the market operates in the State of Rhode Island, manages waste according to the
32 waste management goal and priority order of waste management practices stated in statute; and

33 (v) Minimizes adverse impacts to environmental justice areas.

34 (38) "Retail establishment" means any person, corporation, partnership, business, facility,

1 vendor, organization, or individual that sells or provides merchandise, goods, or materials directly
2 to a consumer that engages in the sale of beverages that are covered beverage containers intended
3 for consumption off-site.

4 (39) "Reusable" means capable of reuse.

5 (40) "Reuse" means the redemption and return of a covered beverage container to the
6 marketplace and the continued use of the covered material by a producer or service provider when
7 the covered material is:

8 (i) Intentionally designed and marketed to be used multiple times for its original intended
9 purpose without a change in form;

10 (ii) Designed for durability and maintenance to extend its useful life and reduce demand
11 for new production of the covered material;

12 (iii) Supported by adequate logistics and infrastructure at a retail location, by a service
13 provider, or on behalf of or by a producer, that provides convenient access for consumers; and

14 (iv) Compliant with all applicable statutes, rules, ordinances, and other laws governing
15 health and safety from any government entity.

16 (41) "Reuse rate" means the share of units of a reusable covered beverage container
17 introduced into the State of Rhode Island in a calendar year that are demonstrated and deemed
18 reusable in accordance with an approved plan.

19 (42) "Service provider" means an entity that provides covered services for covered
20 materials. A political subdivision that provides or that contracts or otherwise arranges with another
21 party to provide covered services for covered materials within its jurisdiction may be a service
22 provider regardless of whether it provided, contracted for, or otherwise arranged for similar services
23 before the approval of the applicable producer responsibility plan.

24 (43) "Third-party certification" means certification by an accredited independent
25 organization that a standard or process required by this chapter or a recycling refund program plan
26 approved under this chapter has been achieved.

27 (44) "Unredeemed deposit" means a deposit paid by a consumer to a retailer upon purchase
28 of a covered beverage container for which no person claimed the deposit by returning the beverage
29 container to a redemption site.

30 **23-19.19-2. Registration of producer responsibility organization.**

31 (a) Appointment of recycling refund producer responsibility organization. By January 1,
32 2026, the department shall accept applications from recycling refund producer responsibility
33 organizations to represent producers in fulfilling the requirements of the provisions of this chapter.
34 By April 1, 2026, the department may approve, for a period not to exceed ten (10) years, a single

1 recycling refund producer responsibility organization if the recycling refund producer
2 responsibility organization demonstrates that it:

3 (1) Is an independent nonprofit organization that qualifies for tax exemption under 26
4 U.S.C. § 501(c)(3) of the federal Internal Revenue Code;

5 (2) Has the ability to administer the requirements of a recycling refund program plan under
6 the provisions of this chapter;

7 (3) Has a governing board consisting of producers that represent the diversity of beverage
8 containers in the market;

9 (4) Has adequate financial responsibility and financial controls to ensure proper
10 management of funds and payment of the registration fee required under the provisions of this
11 chapter; and

12 (5) Meets any other reasonable requirements set by the department.

13 (b) Registration fee.

14 (1) By November 1, 2026, the recycling refund producer responsibility organization shall
15 submit a one-time payment to the department, in lieu of a registration fee, in an amount determined
16 by the department, to cover the previously incurred costs and future estimated costs of the
17 department under this chapter from the effective date of this chapter through paying the annual
18 registration fee required in subsection (b)(2) of this section. By August 1, 2026, the department
19 shall provide written notice to appointed packaging producer responsibility organization in writing
20 of the amount of the registration fee.

21 (2) On July 1, 2027, and on each July 1 thereafter, the recycling refund producer
22 responsibility organization shall submit to the department a registration fee, as determined by the
23 department. By May 1, 2027, and on each May 1 thereafter, the department shall provide written
24 notice to the registered recycling refund producer responsibility organization in writing of the
25 amount of the registration fee. The registration fee shall not exceed the department's estimate of the
26 costs required to:

27 (i) Administer, implement, and enforce the provisions of this chapter, including staff costs;

28 (ii) Rulemaking to implement the provisions of this chapter, if applicable; and

29 (iii) Provide reimbursement for staffing for the advisory council.

30 (c) The department shall annually reconcile the fees paid by a recycling refund producer
31 responsibility organization under subsection (b) of this section with the actual costs incurred by the
32 department by means of credits or refunds to or additional payments required of a producer
33 responsibility organization, as applicable.

34 (d) Disposition of fees. All fees received under this section shall be deposited with the

1 general treasurer and credited to the recycling refund program account under the provisions of §
2 23-19.19-22.

3 (e) Approval revocation. The department may revoke the approval of the recycling refund
4 producer responsibility organization if the department determines that the recycling refund
5 producer responsibility organization:

6 (1) Failed to meet the redemption rate targets four (4) years in a row; and

7 (2) Has not made reasonable progress over this four (4) year period toward compliance.

8 (f) If the department exercises its authority under subsections (e) of this section, then the
9 department shall set dates to restart the appointment process and the previously approved recycling
10 refund producer responsibility organization shall continue operating until the department appoints
11 a new recycling refund producer responsibility organization.

12 **23-19.19-3. Recycling refund producer responsibility organization duties.**

13 Recycling refund producer responsibility organization shall:

14 (1) Register with the department and pay the department fees, as required under the
15 provisions of § 23-19.19-2;

16 (2) Submit a recycling refund producer plan to the department, as required under the
17 provisions of this chapter;

18 (3) Implement recycling refund producer plans approved by the department under the
19 provisions of this chapter;

20 (4) Establish by September 1, 2026, an initial producer fee structure to fund the initial
21 implementation of the program, to be used until the recycling refund producer responsibility
22 organization has an approved program plan as required under the provisions of this chapter;

23 (5) Collect fees annually from registered producers;

24 (6) Submit the reports required under the provisions of this chapter;

25 (7) Ensure that producers operating under a recycling refund program plan administered
26 by the recycling refund producer responsibility organization comply with the requirements of the
27 recycling refund program plan and with the provisions of this chapter;

28 (8) Expel a producer from the recycling refund producer responsibility organization if
29 efforts to return the producer to compliance with the plan or with the requirements of this chapter
30 are unsuccessful;

31 (9) Notify the department when a producer has been expelled;

32 (10) Consider and respond in writing within ninety (90) days to comments received from
33 the advisory council, including justifications for not incorporating board recommendations;

34 (11) Maintain a website with the information required under the provisions of § 23-19.19-

1 12:

2 (12) Notify the department within thirty (30) days of a change made to the contact
3 information for a person responsible for implementing the recycling refund producer responsibility
4 plan, to board membership, or to the executive director:

5 (13) Contract directly with service providers and provide payments in a timely manner:
6 and

7 (14) Comply with all other applicable requirements of the provisions of this chapter.

8 **23-19.19-4. Advisory council.**

9 (a) Establishment. The recycling refund advisory council is established to review all
10 activities conducted by recycling refund producer responsibility organizations under this chapter
11 and to advise the department and recycling refund producer responsibility organizations regarding
12 the implementation of the provisions of this chapter.

13 (b) Duties. The recycling refund advisory council shall:

14 (1) Convene its initial meeting by June 1, 2026;

15 (2) Establish a date and a process by which it will accept public comments;

16 (3) Review the recycling refund program plan and provide comments to the recycling
17 refund producer responsibility organization, prior to the draft being issued as an official draft for
18 public comment, to ensure the recycling refund program plan:

19 (i) Aligns with best practices;

20 (ii) Reflects the reality in the State of Rhode Island; and

21 (iii) Considers the needs of the State of Rhode Island;

22 (4) Review program reports and audits and raise issues for recycling refund producer
23 responsibility organization follow-up or department enforcement action;

24 (5) Review annual reports and provide comments to the department; and

25 (6) Ensure that the recycling refund producer responsibility organization and department
26 are considering a broad range of perspectives in developing recycling refund program plans and in
27 implementing programs.

28 (c) Membership. By March 1, 2026, the department shall establish and appoint the initial
29 membership of the recycling refund advisory council. The membership of the recycling refund
30 advisory council shall consist of representatives of the following:

31 (1) Two (2) members representing a non-federal or non-state government entity;

32 (2) One member representing a retailer, with a preference for a retailer that hosts beverage
33 container collection mechanisms;

34 (3) One member representing a packaging manufacturer that is not a producer;

1 (4) One member representing the Rhode Island resource recovery corporation or a
2 recycling processor;

3 (5) One member representing an environmental nonprofit organization;

4 (6) One member representing an environmental justice organization;

5 (7) One member who is a canner or represents a canner organization;

6 (8) One member representing a labor organization; and

7 (9) Two (2) members representing other interested parties or additional members of
8 interests as determined by the department.

9 (d) In making these appointments, the department:

10 (1) Shall not appoint members who are State of Rhode Island legislators;

11 (2) Shall not appoint members who are employees of a producer required to be members
12 of a producer responsibility organization in the State of Rhode Island under the provisions of this
13 chapter; and

14 (3) Shall endeavor to appoint members from all regions of the State of Rhode Island.

15 (e) Chairperson. A chair is elected by majority vote of present members at the first meeting
16 of each year at which quorum is reached.

17 (f) Terms - Removal. Members serve for a term of four (4) years, except that the initial
18 term for a majority of the initial appointees shall be two (2) years so that membership terms are
19 staggered. Members may be reappointed but shall not serve more than eight (8) consecutive years.
20 A member may be removed by the department for good cause.

21 (g) Quorum. A quorum is reached when a majority of advisory council member seats are
22 filled; and a majority of the non-vacant advisory council member seats is present.

23 (h) Voting. Action by the advisory council requires a quorum and a majority of those
24 present and voting. All members of the advisory council are voting members of the board.

25 (i) Meetings. Each advisory council shall meet at least two (2) times per year and may meet
26 more frequently upon ten (10) days' written notice at the request of the chair or a majority of its
27 members.

28 (j) Department role. The department shall provide administrative and operating support to
29 each advisory council, and the department may contract with a third-party facilitator to assist in
30 administering the activities of each advisory council, including establishing a website or landing
31 page on the department website. The department shall assist the advisory council in developing
32 policies and procedures governing the disclosure of perceived conflict of interest.

33 **23-19.19-5. Producer responsibilities.**

34 (a) Duties. After July 1, 2026, a producer shall be a member of a recycling refund producer

1 responsibility organization registered in the State of Rhode Island.

2 (b) A producer shall:

3 (1) Register with the recycling refund producer responsibility organization;

4 (2) Implement the requirements of the recycling refund producer responsibility plan under
5 which the producer operates;

6 (3) Pay producer fees under the provisions of § 23-19.19-11;

7 (4) Provide necessary information for covered beverage containers to the recycling refund
8 producer responsibility organization at a frequency to be determined by the recycling refund
9 producer responsibility organization;

10 (5) Register with the recycling refund producer responsibility organization the barcode and
11 universal product code ("UPC") of all covered beverage containers introduced into the State of
12 Rhode Island; and

13 (6) Comply with all other applicable requirements of this chapter.

14 **23-19.19-6. Sales restrictions.**

15 Beverage container sales and distribution restrictions. After July 1, 2029, a person shall not
16 sell or distribute in or into the State of Rhode Island a covered beverage container of a producer
17 that is not participating in the recycling refund producer responsibility organization or that is not in
18 compliance with the requirements of this chapter or rules adopted under this chapter.

19 **23-19.19-7. Service providers.**

20 (a) Contracting requirements. A recycling refund producer responsibility organization shall
21 require in any contract with a service provider that the service provider:

22 (1) Meets performance standards established in an approved producer responsibility plan
23 under the provisions of this chapter;

24 (2) Ensures that covered materials are sent to responsible markets; and

25 (3) Provides documentation to the recycling refund producer responsibility organization on
26 the amounts, covered materials types, and volumes of covered materials by covered service method.

27 (b) Bidding processes and ownership ability:

28 (1) For infrastructure investments included in an approved producer responsibility plan, a
29 recycling refund producer responsibility organization shall use the competitive bidding processes
30 and publicly post bid opportunities, except that preference shall be given to existing facilities,
31 providers of services, and holders of service accounts in the State of Rhode Island for collection
32 and recycling of covered beverage containers;

33 (2) No recycling refund producer responsibility organization shall own or partially own
34 infrastructure that is used to fulfill obligations under the provisions of this chapter, except in the

1 following circumstances:

2 (i) A producer may hold an ownership stake in infrastructure used to fulfill obligations
3 under this chapter so long as the stake was held before enactment of this chapter and the ownership
4 stake is fully disclosed by the producer to the producer responsibility organization; or

5 (ii) After a bidding process described in this section under which no service provider bids
6 on the contract, the recycling refund producer responsibility organization may make infrastructure
7 investments identified under an approved recycling refund program plan to implement the
8 requirements in this chapter.

9 (c) Dispute resolution. A recycling refund producer responsibility organization shall
10 establish a dispute resolution process utilizing third-party mediators for disputes related to
11 payments.

12 **23-19.19-8. Department responsibilities.**

13 (a) Department responsibilities. The department shall:

14 (1) Appoint the initial membership of the advisory council, as required under the provisions
15 of § 23-19.19-4;

16 (2) Provide administrative and operating support to the advisory council;

17 (3) Review and determine whether to approve recycling refund program plans and
18 amendments to recycling refund program plans according to the provisions of this chapter;

19 (4) Post on the department's website:

20 (i) The most recent registration materials submitted by the producer responsibility
21 organizations;

22 (ii) Any packaging plan or amendment submitted by a recycling refund producer
23 responsibility organization that is in draft form during the public comment period;

24 (iii) Comments of the public, advisory council, and recycling refund producer
25 responsibility organization on program plans and needs assessments, and, if any, the responses of
26 the department to those comments; and

27 (iv) Links to adopted rules implementing this chapter;

28 (5) Review the selection of independent auditors to perform an annual financial audit of
29 the recycling refund producer responsibility organization; and

30 (6) Conduct enforcement actions as permitted under the provisions of this chapter.

31 (b) The department may alter the performance targets in § 23-19.19-10 and reporting
32 requirements of the provisions of this chapter to accommodate a recycling refund producer
33 responsibility organization that is operating regionally with the state and one or more neighboring
34 states.

1 **23-19.19-9. Recycling refund program plan.**

2 (a) Recycling refund program plan submission and implementation.

3 (1) By September 1, 2027, and every five (5) years thereafter, a recycling refund producer
4 responsibility organization shall submit a recycling refund program plan to the department that
5 describes the proposed operation by the organization of the program to fulfill the requirements of
6 this chapter. Once approved, a recycling refund program plan remains in effect for five (5) years,
7 as amended, or until a subsequent recycling refund program plan is approved.

8 (2) By July 1, 2028, or within six (6) months of plan approval, whichever is later,
9 implement the plan approved by the department; subsequent recycling refund program plans shall
10 be implemented within six (6) months of approval by the department.

11 (b) Advisory council review of draft plan and amendments. A recycling refund producer
12 responsibility organization shall submit a draft recycling refund producer program plan or draft
13 amendment to the recycling refund advisory council prior to submitting the draft plan or draft
14 amendment to the department and shall, prior to submission of the draft plan or draft amendment
15 to the department, respond to recycling refund advisory council comments and recommendations
16 received within sixty (60) days of providing the draft program plan or draft amendment to the
17 recycling refund advisory council and indicate whether those comments or recommendations were
18 accepted or rejected.

19 (c) The recycling refund program plan shall contain the following:

20 (1) A list of the types of covered beverage containers that shall be included in the recycling
21 refund program, which at a minimum shall include all beverage containers that are:

22 (i) Glass bottles, rigid plastic bottles, or metal cans; and

23 (ii) Have a capacity between forty milliliters (40 ml) and one gallon;

24 (2) Proposed reuse rate performance targets with deadlines;

25 (3) How the recycling refund producer responsibility organization shall meet performance
26 targets for redemption rates as described in the provisions of this chapter and the proposed reuse
27 rate performance targets;

28 (4) How the performance targets shall be measured;

29 (5) How the recycling refund producer responsibility organization shall encourage
30 improvements in the design of beverage containers for recyclability;

31 (6) The proposed convenience standard pursuant to the provisions of this chapter;

32 (7) How the proposed network of redemption sites satisfies the convenience standards set
33 pursuant to § 23-19.19-14 and other provisions of this chapter and addresses the evaluation criteria
34 established in this chapter, and provides sufficient opportunity for consumers of limited economic

1 means to get their applicable refund value pursuant to § 23-19.19-13 immediately upon redemption;

2 (8) How deposits collected from consumers shall be remitted to the recycling refund
3 producer responsibility organization;

4 (9) What incentives the recycling refund producer responsibility organization shall provide
5 to retail establishments so that they choose to host covered beverage container collection
6 mechanisms;

7 (10) How the program shall conduct outreach and provide convenient redemption:

8 (i) Throughout the State of Rhode Island;

9 (ii) In rural, urban, and environmental justice areas; and

10 (iii) To those that redeem relatively large amounts of covered beverage containers;

11 (11) How beverage containers shall be marked or consumers otherwise made aware of the
12 beverage containers eligible for the applicable refund value;

13 (12) A description of how the recycling refund producer responsibility organization shall
14 educate the public on the recycling refund program and the availability of redemption sites,
15 including culturally responsive materials and methods to evaluate the efficacy of these efforts;

16 (13) A description of the producer fee structure established pursuant to the provisions of §
17 23-19.19-11 and how those fees shall be used to support the proposed network of redemption sites
18 and other costs of administrating the recycling refund producer responsibility organization and the
19 recycling refund program plan;

20 (14) An explanation of how the recycling refund producer responsibility organization shall
21 coordinate with the Rhode Island resource recovery corporation on implementation; and

22 (15) Any other reasonable information requested by the department.

23 (d) Review and approval procedure:

24 (1) The department shall review and approve, deny, or request additional information for
25 draft recycling refund program plans and draft plan amendments no later than one hundred twenty
26 (120) days after the date the department receives it from a recycling refund producer responsibility
27 organization or recycling refund producer responsibility organization. The department shall post a
28 draft plan or draft amendment on the department's website and allow public comment for no less
29 than forty-five (45) days before approving, denying, or requesting additional information on a draft
30 plan or draft amendment;

31 (2) In reviewing the draft plan, the department shall consider, among other factors, the
32 following:

33 (i) Feasibility;

34 (ii) Advisory council feedback;

- 1 (iii) Cost;
- 2 (iv) Goals and plans in the Rhode Island solid waste management plan;
- 3 (v) Increasing reuse;
- 4 (vi) Adequacy of consumer-facing communications, including so consumers know which
- 5 beverage containers are in the recycling refund system and their refund value; and
- 6 (vi) Reducing unnecessary use of materials;

7 (3) If the department denies or requests additional information for a draft plan or draft
8 amendment, the department shall provide the recycling refund producer organization with the
9 reasons, in writing, that the plan or plan amendment does not meet the plan requirements in the
10 provisions of this chapter. The recycling refund producer organization has sixty (60) days from the
11 date that the rejection or request for additional information is received to submit to the department
12 any revisions or additional information necessary for the approval of the draft plan or draft
13 amendment. The department shall review and approve or disapprove the draft plan or draft
14 amendment no later than sixty (60) days after the date the department receives the revisions or
15 additional information;

16 (4) A recycling refund producer organization may resubmit a draft plan or draft amendment
17 to the department on not more than two (2) occasions. If after the second resubmission, the
18 department determines that the draft plan or draft amendment does not meet the plan requirements
19 of this chapter, the department shall modify the draft plan or draft amendment as necessary for it
20 to meet the requirements of this chapter and approve it.

21 **23-19.19-10. Performance targets.**

22 (a) Redemption rate performance targets. The recycling refund producer responsibility
23 organization shall achieve the following performance targets:

24 (1) Starting with calendar year 2031, and each year thereafter, the annual redemption rate
25 aggregated for all covered beverage containers shall be greater than sixty-five percent (65%).

26 (2) Starting with calendar year 2034, and each year thereafter, the annual redemption rate
27 aggregated for all covered beverage containers shall be greater than eighty-five percent (85%).

28 (b) Reuse rate performance targets.

29 (1) The recycling refund producer responsibility organization shall achieve the reuse rate
30 performance target in the approved recycling refund program plan.

31 (2) The reuse rate performance targets in the program plan shall increase with each
32 subsequent program plan.

33 **23-19.19-11. Producer fees.**

34 (a) Recycling refund producer responsibility organization annual fee. Costs to pay the

1 registration fee required by this chapter and to meet the performance targets in § 23-19.19-13 and
2 other provisions of this chapter and the convenience standards in § 23-19.19-14 and other
3 provisions of this chapter that exceed the amount retained through scrap value and unclaimed
4 deposits are to be paid by producers as a material-specific fee that is:

5 (1) Based on the cost to manage the material minus its scrap value, among other factors;

6 (2) Modulated based on factors to reduce environmental impact, which may include:

7 (i) Use of domestically sourced, verified postconsumer recycled content;

8 (ii) Compliance with industry-accepted design for recyclability standards;

9 (iii) Use of labeling to encourage appropriate recycling behaviors; and

10 (iv) Use of design factors that inhibit recyclability.

11 (b) The recycling refund producer responsibility organization shall offer a flat fee structure
12 for de minimis beverage producers.

13 (c) Overcollections. Revenue collected under this section that exceeds the amount needed
14 to pay the costs described in subsection (a) of this section, shall be used to improve or enhance
15 program outcomes.

16 (d) Prohibited conduct. Fees collected under this section shall not be used for lobbying.

17 **23-19.19-12. Website requirements.**

18 (a) A recycling refund producer responsibility organization shall maintain a website that
19 uses best practices for accessibility.

20 (b) The recycling refund producer responsibility organization website shall contain, at a
21 minimum:

22 (1) Information regarding a process that members of the public may use to contact the
23 recycling refund producer responsibility organization with questions;

24 (2) The draft and approved producer responsibility plans and any draft and approved
25 amendments;

26 (3) Annual reports submitted to the department;

27 (4) A link to related administrative rules implementing this chapter;

28 (5) The names of producers that are not in compliance with this chapter;

29 (6) A list, updated at least monthly, of all member producers operating under the recycling
30 refund producer responsibility plan;

31 (7) The list of covered beverage containers that are redeemable for the applicable refund
32 value under the provisions of § 23-19.19-13 and other provisions of this chapter;

33 (8) Education materials on how to redeem covered beverage containers and the importance
34 of recycling covered beverage containers; and

1 (9) A list and map of all redemption sites currently accepting covered beverage containers
2 for a refund, including the hours each redemption site accepts covered beverage containers.

3 **23-19.19-13. Applicable refund value.**

4 (a) Applicable refund value. Every covered beverage container sold or offered for sale in
5 the State of Rhode Island shall have a refund value of ten cents (\$.10) beginning July 1, 2029.

6 (b) If a redemption rate performance target was not met in each of the two (2) previous
7 calendar years, the department may adopt rules providing a higher refund value than the refund
8 value provided under subsection (a) of this section, so long as the modified refund value is not
9 based on the type of beverage container, but no more than:

10 (1) Once during any ten (10)-year period in consultation with the recycling refund producer
11 responsibility organization; and

12 (2) Once during any five (5)-year period if there is a request from the recycling refund
13 producer responsibility organization for a change in the refund amount.

14 (c) For covered beverage containers sold at retail, the retail establishment shall collect the
15 refund value and remit it to the recycling refund producer responsibility organization.

16 (d) The charge for the refund value of covered beverage containers shall be separately
17 stated on a receipt, invoice, or similar billing document provided to the consumer.

18 (e) Nonredeemable materials.

19 (1) Excluding the material recovery facility and drop-off facility payments in this section,
20 the recycling refund producer responsibility organization shall not be required to pay refunds on:

21 (i) A beverage container visibly containing or contaminated by a substance other than
22 water, residue of the original contents, or ordinary dust;

23 (ii) A beverage container that is broken or damaged to the extent that the brand appearing
24 on the container cannot be identified;

25 (iii) A beverage container that the recycling refund producer responsibility organization
26 has reasonable grounds to believe was bought in another state; or

27 (iv) A beverage container for which the recycling refund producer responsibility
28 organization has reasonable grounds to believe a refund has already been provided.

29 **23-19.19-14. Convenience standard for redemption of beverage containers.**

30 (a) Criteria for establishing a convenience standard. The recycling refund producer
31 responsibility organization shall propose a quantitative convenience standard for redemption of
32 containers in the recycling refund program plan that is based on the following:

33 (1) Ensure all consumers who pay a deposit have reasonably convenient opportunities to
34 redeem;

1 (2) Ensure consumers who require refunds immediately have sufficient opportunity to
2 receive refunds immediately;

3 (3) Provide appropriately convenient and equitable access in urban, suburban, and rural
4 areas; and

5 (4) Accounts for total population, population density, sales of covered beverage containers
6 in regions of the State of Rhode Island, and proximity to centers of beverage sales business activity.

7 (b) Department evaluation of convenience standard and redemption system. The
8 department shall evaluate the proposed convenience standard based on the following criteria:

9 (1) Proximity to businesses that sell a high volume of covered beverages containers;

10 (2) Additional vehicle miles traveled;

11 (3) Car and public transportation access;

12 (4) Population density;

13 (5) Environmental justice areas;

14 (6) Average family income; and

15 (7) Needs of people collecting large amounts of covered beverage containers for primary
16 or important supplemental income.

17 (c) At least once per year, the department may audit the redemption system to determine
18 whether the recycling refund producer responsibility organization is meeting the convenience
19 standard in an approved recycling refund program plan and the redemption system requirements in
20 the provisions of this chapter, and the department shall conduct such an audit at least every five (5)
21 years.

22 (d) Failure to meet convenience standards. In the event that the recycling refund producer
23 responsibility organization does not meet the convenience standards in an approved program plan
24 for two (2) calendar years in a row, the department may initiate rulemaking to support the recycling
25 refund producer responsibility organization's program plan amendment to achieve the convenience
26 standards in the provisions of this chapter.

27 **23-19.19-15. Redemption system.**

28 (a) Network for collecting qualifying covered beverage containers. The recycling refund
29 producer responsibility organization shall, at its own cost, install, operate, and maintain a network
30 of covered beverage container collection mechanisms for consumers to redeem covered beverage
31 containers for the applicable refund value per the provisions of § 23-19.19-13 that satisfies:

32 (1) The convenience standard in the provisions of § 23-19.19-14; and

33 (2) The redemption rate performance targets in the provisions of § 23-19.19-10.

34 (b) The network of covered beverage container collection mechanisms shall include a mix

1 of ways for consumers to redeem covered beverage containers including express redemption sites
2 and full-service redemption sites at locations convenient to consumers such as nearby or in the
3 parking lots of retailers that sell covered beverage containers, nonprofit organization facilities, and
4 government sites.

5 (c) At a minimum, the network for collecting covered beverage containers shall:

6 (1) In each municipality with a population density less than one thousand (1,000) residents
7 per square mile, have:

8 (i) At least one redemption site in the municipality; or

9 (ii) At least one redemption site within one mile of a retail establishment greater than ten
10 thousand square feet (10,000 ft²) that is within three (3) miles of the municipality's border.

11 (2) In each municipality with a population density more than one thousand (1,000)
12 residents per square mile, have at least two (2) redemption sites;

13 (3) In each municipality with greater than twenty-five thousand (25,000) residents but
14 fewer than seventy-five thousand (75,000) residents, have at least one redemption site; and

15 (4) In each municipality with greater than seventy-five thousand (75,000) residents, at least
16 one redemption site in each zip code tabulation area.

17 (d) The recycling refund producer responsibility organization may establish and dissolve
18 partnerships with any organization or individual to enhance redemption network operations and
19 better serve consumers.

20 (e) Redemption site requirements. All redemption sites in the recycling refund producer
21 responsibility organization's redemption network shall:

22 (1) Be clean, safe, and well-lighted;

23 (2) Be accessible to persons with disabilities, including those related to mobility, hearing,
24 and sight;

25 (3) Be readily identifiable and clearly marked as being part of the recycling refund system;

26 (4) Appear on the recycling refund producer responsibility organization's website as
27 required in § 23-19.19-12 and other provisions of this chapter;

28 (5) Accept for redemption all covered beverage containers;

29 (6) Handle reusable containers in a manner that allows for their reuse;

30 (7) Accept covered beverage containers for redemption for at least eight (8) hours on all
31 weekdays and one weekend day, except on federal holidays;

32 (8) Post the hours of operation at a place that is clearly visible from outside; and

33 (9) Provide year-round access during open hours free of charge.

34 (f) The department may approve a limited number of redemption sites to not comply with

1 all the requirements of this section to reduce costs or expand the number of redemption sites.

2 (g) Compensation and incentives for hosting redemption. The recycling refund producer
3 responsibility organization shall fairly compensate all locations hosting redemption sites for the
4 space occupied by the covered beverage container collection mechanisms.

5 (h) Retailer optionality. A retail establishment has no obligation under this chapter to host
6 a covered beverage container collection mechanism. A retail establishment that chooses to host a
7 redemption site is eligible to have a self-serve kiosk, located at the retail establishment at no charge
8 by the recycling refund producer responsibility organization, to facilitate the printing of redemption
9 vouchers, and pay the value of redemption vouchers to consumers that may be used on the premises.
10 The recycling refund producer responsibility organization shall reimburse retailers for the value of
11 valid vouchers redeemed by customers.

12 (i) Standard bags for bag drop. A retail establishment larger than twenty thousand square
13 feet (20,000 ft²) shall sell bags for the redemption program at the price established by the recycling
14 refund producer responsibility organization. If the standard bags for the bag-drop program are made
15 of plastic film, the recycling refund producer organization shall:

16 (1) Ensure that the bags have a minimum of fifty percent (50%) postconsumer recycled
17 content;

18 (2) Demonstrate, upon request of the department, that the waste film from the bags is being
19 recycled at responsible end markets; and

20 (3) Include instructions on the bag how the bag should be utilized and recycled through a
21 drop-off program.

22 (j) The recycling refund producer organization shall credit the cost of any required bag
23 purchase back to the customer when the bag is returned and processed through the deposit return
24 system.

25 **23-19.19-16. Use of unredeemed deposits.**

26 Any unredeemed deposits are to only be spent by the recycling refund producer
27 organization and only on any of the following purposes:

28 (1) Education and outreach activities to encourage redemption activity;

29 (2) Increasing the number of redemption sites; and

30 (3) Other activities that are described in the recycling refund program plan that directly
31 contribute to achieving the performance requirements described in § 23-19.19-10 and other
32 provisions of this chapter.

33 **23-19.19-17. Refund value to drop-off facilities and material recovery facilities.**

34 Information required.

1 (1) Starting after the first full month that covered beverage containers are sold with the
2 applicable refund value and ending once the packaging program begins, the recycling refund
3 producer organization shall make a monthly payment directly to each material recovery facility and
4 drop-off facility based on data submitted by each material recovery facility drop-off facility under
5 the provisions of this chapter.

6 (2) The recycling refund producer responsibility organization shall establish a quality
7 standard for each material.

8 (3) On a monthly basis, the operator of a material recovery facility and drop-off facility
9 shall submit the following information to the recycling refund producer responsibility organization:

10 (i) The number of tons of covered beverage containers the facility received for processing
11 in the previous month by material; and

12 (ii) The number of tons of covered beverage containers the facility transferred to additional
13 materials processing or end markets in the previous month by material;

14 (4) The recycling refund producer organization shall convert the material tons to unit
15 equivalent using a methodology that is published on its website and developed in consultation with
16 material recovery facilities.

17 (5) The recycling refund producer organization shall pay each material recovery facility
18 and drop-off facility at least fifty percent (50%) of the refund value for each covered beverage
19 container that the material recovery facility transferred to additional materials processing or end
20 markets and that meets the quality standard provided for in subsection (2) of this section.

21 (6) Material recovery facilities shall share the payments with their customers consistent
22 with their supply agreements so that communities and generators receive the appropriate amount
23 of the refund values paid to material recovery facilities and drop-off facilities.

24 (7) The operators of material recovery facilities and drop-off facilities shall use an industry-
25 standard scale to measure the weight of all covered beverage container materials that enter the
26 facility.

27 (8) The recycling refund producer responsibility organization may conduct quarterly audits
28 on the quality and quantity of the material recovery facilities' and drop-off facilities' material upon
29 request by the organization and at the organization's expense.

30 (9) The recycling refund producer responsibility organization may choose to partner with
31 a material recovery facility or drop-off facility to provide space and install the necessary equipment
32 to co-locate a recycling refund processing facility in the same vicinity.

33 (10) Monthly payments to the material recovery facilities and drop-off facilities shall end
34 six (6) months after any extended producer responsibility program for paper and packaging shifts

1 the cost in whole or in part of collecting or processing residential recyclables to a producer
2 responsibility organization.

3 **23-19.19-18. Reporting.**

4 (a) Recycling refund producer responsibility organization annual report. On or before June
5 1, 2031, and on or before each June 1 thereafter, the recycling refund producer responsibility
6 organization shall submit a report to the department that contains, at a minimum, the following
7 information for the previous calendar year:

8 (1) Number of covered beverage containers sold in the State of Rhode Island, by material
9 type and whether reusable;

10 (2) Number of covered beverage containers redeemed through the recycling refund
11 redemption system, by material type;

12 (3) Number of times reusable covered beverage containers were sold;

13 (4) Number of times reusable covered beverage containers were returned through the
14 recycling refund program;

15 (5) An analysis of whether the recycling refund producer responsibility organization is on
16 track to reach the redemption rate performance targets specified in the provisions of this chapter
17 and the reuse rate performance targets specified in the recycling refund program plan, and what the
18 recycling refund producer responsibility organization is doing to achieve the performance targets
19 by the relevant deadlines;

20 (6) A list of redemption sites and processing facilities and their locations;

21 (7) Verification of materials handled at responsible end markets;

22 (8) Audited financial reports, including sources and uses of funds.

23 (9) An evaluation of convenience of the program with the same criteria the department
24 shall use under the provisions of this chapter; and

25 (10) A description of public awareness, education, and outreach activities undertaken by
26 the recycling refund producer responsibility organization, including analyses of their efficacy.

27 (b) The recycling refund producer responsibility organization that submits information or
28 records to the department under subsection (a) of this section may request that a portion of the
29 information or records be made available only for the confidential use of the department, the
30 director, or the appropriate division of the department. The director of the department shall give
31 consideration to the request, and if the director determines that this action is not detrimental to the
32 public interest, the director shall grant the request for the information to remain confidential.

33 (c) Audits. All data reported by a recycling refund producer responsibility organization
34 under this section shall, at the request of the department no more than once annually, be audited by

1 an independent third party. A recycling refund producer responsibility organization shall be
2 responsible for all costs associated with the data audit. Auditable data shall only include data held
3 by a recycling refund producer responsibility organization. Auditing of any data inputs to the
4 recycling refund producer responsibility organization shall be the responsibility of the recycling
5 refund producer responsibility organization.

6 (d) Action following unmet redemption rate performance target or convenience standard.
7 A recycling refund producer responsibility organization that fails to meet a redemption rate
8 performance target or convenience standard required under or approved in a producer responsibility
9 plan shall, within ninety (90) days of filing an annual report under this section, file with the
10 department an explanation of the factors contributing to the failure and propose an amendment to
11 the producer responsibility plan specifying changes including in its operations that the recycling
12 refund producer responsibility organization shall make that are designed to achieve the redemption
13 rate performance targets and convenience standard.

14 (e) Department report. On or before October 15, 2032, and every two (2) years thereafter,
15 the department shall submit a report to the governor and to the chairs and ranking minority members
16 of the general assembly committees with jurisdiction over solid waste. The report shall contain:

17 (1) A summary of the operations of this chapter during the previous years including the
18 redemption rate performance targets versus actual performance;

19 (2) A link to reports filed under the provisions of this section;

20 (3) Recommendations for policy, statutory, or regulatory changes to the program;

21 (4) An analysis of the impacts of exempting certain materials from the definition of covered
22 materials and of exempting certain persons from the definition of producer;

23 (5) A list of efforts undertaken by the department to enforce and secure compliance with
24 the provisions of this chapter; and

25 (6) Any other information the department deems to be relevant.

26 (f) Materials recovery facilities and drop-off facilities. On or before April 1, 2030, and on
27 or before April 1 thereafter, each material recovery facility and drop-off facility that receives
28 covered materials shall report annually to the recycling refund producer responsibility organization
29 and the department including the following information for the previous calendar year:

30 (1) Amount of recycling refund covered beverage containers accepted and location of
31 origin (municipality, service provider, or other);

32 (2) Amount of material sold to market, by commodity type;

33 (3) Amount of residue or waste that was generated; and

34 (4) Verification that covered beverage containers are sold to responsible markets.

1 **23-19.19-19. Coordination plan.**

2 (a) If an extended producer responsibility program for paper and packaging is enacted in
3 the State of Rhode Island, the paper and packaging producer responsibility organization and the
4 recycling refund producer responsibility organization shall create a coordination plan to ensure that
5 programs are complementary and that all targets are met. As part of the coordination plan, the paper
6 and packaging producer responsibility organization and the recycling refund producer
7 responsibility organization shall identify actions to jointly optimize infrastructure for recycling
8 collection and reuse that benefit both programs.

9 (b) The coordination plan between the producer responsibility organization for paper and
10 packaging and the recycling refund producer responsibility organization shall contain the
11 following:

12 (1) Education and outreach activities to ensure consistent messaging to consumers;

13 (2) A description of a reciprocal compensation mechanism such that the recycling refund
14 producer responsibility organization pays the paper and packaging producer responsibility
15 organization for covered beverage containers in material recovery facilities, and the packaging
16 producer responsibility organization pays a recycling refund producer organization for secondary
17 packaging managed through the recycling refund system;

18 (3) Mechanisms to evaluate packages and formats managed by each program and consider
19 opportunities for adding and removing packages from one program to the other; and

20 (4) An evaluation strategy to assess opportunities to coordinate identification of, and
21 efficient access to, collection infrastructure, processing infrastructure, reuse and infrastructure, and
22 responsible markets.

23 **23-19.19-20. Enforcement authority and penalties.**

24 (a) The department may administratively impose a civil penalty of up to one thousand
25 dollars (\$1,000) per violation per day on any producer who violates this chapter and up to ten
26 thousand dollars (\$10,000) per violation per day for the second and each subsequent violation.

27 (b) The department may administratively impose a civil penalty of up to one thousand
28 dollars (\$1,000) per violation per day on the recycling refund producer responsibility organization
29 for violations of this chapter and up to ten thousand dollars (\$10,000) per violation per day for the
30 second and each subsequent violation in any calendar year.

31 (c) The department may, in addition to assessing the penalties provided in subsections (a)
32 and (b) of this section, take any combination of the following actions:

33 (1) Issue a corrective action order to a producer or a recycling refund producer
34 responsibility organization;

1 (2) Issue an order to a recycling refund producer responsibility organization to provide for
2 the continued implementation of the program in the absence of an approved plan;

3 (3) Revoke the producer responsibility organization's plan approval and require resubmittal
4 of a producer responsibility organization's plan;

5 (4) Require a producer responsibility organization to revise or resubmit a plan within a
6 specified time frame; or

7 (5) Require additional reporting related to the area of noncompliance.

8 (d) The department may assess a penalty on a person that engages in fraudulent activity.
9 The amount of the penalty that the department may assess under this section is twice the amount of
10 money the person received from the fraudulent activity in violation of this chapter or five hundred
11 dollars (\$500), whichever is greater.

12 (e) The department may assess a penalty on a person that continues to sell or distribute
13 covered beverage containers of a producer that has been assessed a penalty under subsection (a) of
14 this section, sixty (60) days after the person receives a written warning from the department. The
15 amount of the penalty that the department may assess hereunder is twice the value of the covered
16 beverage containers sold in violation of this chapter or five hundred dollars (\$500), whichever is
17 greater. The department shall waive the penalty upon verification that the person has discontinued
18 distribution or sales of the covered beverage containers within thirty (30) days of the date the
19 penalty is assessed.

20 (f) For a producer or producer responsibility organization out of compliance with the
21 requirements of this chapter, the department shall provide written notification and offer
22 information. For the purposes of this section, written notification serves as notice of the violation.
23 The department shall issue at least one notice of violation by certified mail prior to assessing a
24 penalty and the department may only impose a penalty on a producer that has not met the
25 requirements of this chapter sixty (60) days following the date the written notification of the
26 violation was received.

27 (g) Pursuant to any person who incurs a penalty or receives an order may appeal the penalty
28 or order pursuant to the provisions of chapter 35 of title 42 ("administrative procedures").

29 (h) Penalties levied under this section shall be deposited in the recycling refund program
30 account created in the provisions of § 23-19.19-22.

31 **23-19.19-21. Anticompetitive conduct.**

32 A recycling refund producer responsibility organization that arranges collection, recycling,
33 or other services under this chapter may engage in anticompetitive conduct to the extent necessary
34 to plan and implement collection, recycling, or other services to meet the obligations under the

1 [provisions of this chapter, and is immune from liability under State of Rhode Island laws relating](#)
2 [to antitrust, restraint of trade, and unfair trade practices.](#)

3 **23-19.19-22. Recycling refund program account.**

4 [\(a\) The recycling refund program account is created in the custody of the general treasurer.](#)
5 [All receipts received by the department under this chapter shall be deposited in the account.](#)

6 [\(b\) Expenditures from the account may be used by the department only for implementing,](#)
7 [administering, and enforcing the requirements of this chapter related to the recycling refund](#)
8 [program. Only the director of the department may authorize expenditures from the account. The](#)
9 [account is subject to the allotment procedures under this chapter, but an appropriation is not](#)
10 [required for expenditures.](#)

11 **23-19.19-23. Rulemaking.**

12 [The department may adopt rules and regulations to implement the provisions of this](#)
13 [chapter.](#)

14 SECTION 2. This act shall take effect upon passage.

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LC002621
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY -- BEVERAGE CONTAINERS RECYCLING ACT

1 This act would establish the Beverage Container Recycling Act. This act would establish
2 a comprehensive program providing for deposits on and recycling of beverage containers. This
3 program would be administered and overseen by the department of environmental management.
4 This act would also provide for the assessment of penalties on producers and recycling refund
5 producer responsibility organizations who fail to meet certain performance targets.

6 This act would take effect upon passage.

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