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HOUSE DEMOCRATIC POLICY COMMITTEE

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House of Representatives COMMONWEALTH OF PENNSYLVANIA

HOUSE DEMOCRATIC POLICY COMMITTEE HEARING Topic: Single Use Plastics and House Bill 1322 Heritage Conservancy's Historic Aldie Mansion – Doylestown, PA September 30, 2019

AGENDA

- 2:00 p.m. Welcome and Opening Remarks
- 2:10 p.m. Councilperson Wendy Margolis
Chair of Council's Environment and Recreation Committee, Borough of Doylestown
- 2:20 p.m. *Questions & Answers*
- 2:30 p.m. Panel One:
- Natasha Fackler, Policy Director, Pennsylvania Department of Transportation
 - Nicolas Esposito, Zero Waste and Litter Director, City of Philadelphia
- 2:50 p.m. *Questions & Answers*
- 3:10 p.m. Panel Two:
- Ronald MacGillivray, Senior Environmental Toxicologist, Delaware River Basin Commission
 - David Masur, Executive Director, PennEnvironment
- 3:30 p.m. *Questions & Answers*
- 3:50 p.m. Closing Remarks

Testimony of Wendy Margolis
Member of Borough Council, Chair of the Environment and Recreation Committee

1. According to the Center for Biological Diversity, Americans use 100 billion plastic bags a year, which require 12 million barrels of oil to manufacture.
2. The average American family takes home almost 1,500 plastic shopping bags a year.
3. According to Waste Management, only 1 percent of plastic bags are returned for recycling.
4. Plastic bags are used for an average of 12 minutes.
5. It takes 500 (or more) years for a plastic bag to degrade in a landfill. They don't break down completely but instead photo-degrade, becoming microplastics that absorb toxins and continue to pollute the environment

Clearly the 3 Rs that have long been the mantra for those of use who are concerned about waste—Reduce, Reuse, Recycle—have not been sufficient to stem the tide of plastic in the waste stream.

Many Doylestown Borough residents are extremely concerned about the impact of single-use plastics on the environment. Many are as conscientious as they can be, but with many bars and restaurants automatically, putting plastic straws and stirrers—sometimes more than one—in beverages, and with businesses automatically handing out bags, sometimes doubling them, it's just not easy being green.

In addition, the Borough's numerous trash haulers do very little to educate their customers about proper recycling practices, resulting in the type of contamination that has shut down markets for recycled materials. Plastic bags are especially problematic, causing problems in sorting machinery at recycling plants and often flying all over town as litter and eventually ending up in the waterways.

In late 2016, the Environment and Recreation Committee of Doylestown Borough Council and the Doylestown Borough Environmental Advisory Council began discussing and researching the impacts of single-use, nonrecyclable plastics including straws, bags, and food containers. This was inspired, in part, by the successful efforts of then-high school senior, Shaylan Kolodney, to convert Central Bucks West's cafeteria from polystyrene trays to reusable trays. During the two years that followed, the EAC met with business owners, hosted a presentation on sustainable restaurant practices, researched life-cycle analyses, encouraged participation in "No-Straw November," and considered the viability of alternatives to single-use plastics.

Earlier this year, under my leadership, Borough Council's Environment and Recreation Committee tasked the EAC with assembling their findings into a recommendation to bring to Council. The EAC was empowered knowing that Council was prepared to take action in the form of an ordinance, and recommended that Council gather public feedback for an ordinance that would ban single-use plastic straws, with certain exemptions, and require that business owners charge \$0.10 per single-use plastic bag, again with certain exemptions. The bag fees would kept by the businesses. The EAC's recommendation did not include a component for food containers

due to concerns about the costs of alternatives. Along with the recommended ordinance, the EAC proposed measures to educate the public and to support the business community.

I travelled to Narberth with Council member Joe Frederick, John Davis, our Borough Manager, and Karyn Highland, Director of Building and Zoning, to learn how Narberth rolled out their initiative, particularly with their businesses. I highly recommend a visit—their effort is truly inspiring.

In the last year or so, Doylestown Borough Council members have heard from many of our constituents about their desire for Council to take action on plastics. One particularly impactful request came from Francesca Navarro, an 18-year old who was about to graduate from Central Bucks West and is now studying Environmental Science at Temple. She collected and submitted 142 signatures on a petition stating that “Doylestown must start a movement of local townships to ban plastic bags as a minor start to tackling our negative environmental impact due to plastic.” Francesca, along with many others we have heard from, was very concerned about the impact on wildlife after the tragic viral photos of whales that died due to plastic ingestion. We had another group of students from the School of Rock ask us how they can help. How can we possibly ignore these young people who are begging us to protect their future?

We designed a plan to conduct a survey to assess the level of interest among Borough businesses, residents, and visitors; then hold public meetings to present our proposal and get feedback, and prepare an action item for a Borough Council vote in November of this year, with the goal of phased implementation beginning in 2020.

Over 2,200 people responded to the survey. Of the more than 1,000 Borough residents who responded, 70% supported a plastic bag ban—the same percentage as for all survey respondents; 72% supported a plastic straw ban—as did 70% of all respondents; and 80% of residents and all respondents supported a ban on Styrofoam and polystyrene take-out containers. Of the 151 Borough businesses that responded, 70% would support a plastic bag ban; 66% would support a ban on straws; and 78% would support a ban on Styrofoam or polystyrene take out containers. We had quantified a very high level of support for our plan and were ready to move forward.

Then we were stopped in our tracks by the state moratorium on municipal plastic bans.

We plan to continue the educational component of our plan and to work with Borough businesses on voluntary measures, in addition to a resolution to declare our intention to act as soon as we are sure we can without the threat of legal action that could result from violating the moratorium. We encourage you, our representatives, to ensure that there is a timely end to this moratorium and to answer it with legislation to ban single-use plastics statewide. Municipal bans are no replacement for action at the state level.

Testimony of

Natasha Fackler, Policy Director

Pennsylvania Department of Transportation

Public Hearing on Single Use Plastics and House Bill 1322 (Beverage Bottle and Can Deposit Program)

House Democratic Policy Committee

September 29, 2019

Good afternoon. My name is Natasha Fackler, PennDOT's Policy Director. On behalf of the Secretary of Transportation Leslie Richards, I appreciate the opportunity to comment on how litter and single use plastics impact roadways in our state.

Litter in the Commonwealth has been and continues to be a major problem. As the number of vehicles on the road increases, so does the amount of litter. Annually PennDOT spends upwards of \$13.9 million for Department personnel to clean up litter from the 40,000 miles of state-maintained highways. PennDOT also supports over 5,100 volunteer groups through the Adopt-A-Highway program. These volunteers have adopted over 10,500 miles of state highways and perform litter removal 2 times a year on their respective sections. Here in your area, in 2019 there are 595 Adopt-A-Highway Programs with over 2,600 active participants. PennDOT is also a lead partner, along with Department of Environmental Protection, PA Waste Industry Association, and Keep Pennsylvania Beautiful on the Great American Cleanup of PA each spring which supports cleanup volunteers outside of Adopt-A-Highway network. PennDOT supports a distribution network for supplies and disposing of the trash collected. These volunteers and the savings they generate for the Commonwealth allow PennDOT to shift scarce resources to deliver a better transportation network and making Pennsylvania a better state in which to live. Even with our best efforts to educate the public and remove the litter, the problem continues to escalate.

With the passage of Act 62, which grants that Department authority to designate portions of any state highway as a litter enforcement corridor, PennDOT began the process of establishing policies and developing sign standards. As a result, in June of this year we released an updated Publication 808, The Roadside Beautification Manual, that highlights the department's roadside beautification programs and established criteria for designating Litter Enforcement Corridors. PennDOT will install over 64 signs on 26 highways to meet the minimum requirements of Act 62. Installation of these signs began this spring along the legislatively designated corridors. PennDOT actively repairs and installs signs on state highways with dedicated county maintenance sign crews. Here in your region, US Route 202 Parkway has been designated a litter enforcement corridor.

Specifically, the area of PennDOT District 6 here in southeast Pennsylvania, litter is an ever-increasing problem. Litter is not only unsightly, but also causes problems associated with normal highway operations. Litter may block storm drains which can lead to flooding and debris can accumulate on the shoulder or even impede lanes of the highway causing hazards to motorists. The cost and time our crews spend picking up litter on our roadways would be better invested in core highway and bridge maintenance and preservation activities. PennDOT spent over \$5.2 million of the total \$13.9 million in 2018 picking up litter in District 6. Over the past five years, money spent on the removal of litter in District 6 equals the amount of money that we could have spent resurfacing 24 miles of roadway.

PennDOT is also participating in a joint effort with the Department of Environmental Protection and Keep Pennsylvania Beautiful to study the root cause of littering and focus on educational campaigns to prevent littering. Clean-up is not a sustainable strategy and the enormous amount of resources committed to cleanup means less funding for other transportation uses. We want to shift the focus from litter removal to changing behaviors to prevent it in the first place. Earlier this year, Keep Pennsylvania Beautiful conducted a visible litter study which classified the composition, quantity, and predicted source of litter observed on roadways statewide. Plastics account for 30 percent of the litter on our roadways across the state. In November, Keep Pennsylvania Beautiful will be hosting a Litter Summit in Harrisburg to publicly reveal the results of their study and foster a discussion on national trends as well as state and municipal best practices for prevention as we continue to work together to change behaviors.

PennDOT is passionate about reducing the litter on our roadways and has several initiatives to enhance the quality of life for all Pennsylvania residents and visitors.

The Department hosts an annual Innovations Challenge where students in grades 9-12 are encouraged to use their problem-solving, creative and strategic-thinking abilities to solve real-world transportation challenges in a competition among their peers. This year, students are asked to look at cost-effective technologies and innovative solutions - aside from laws, programs and educational campaigns - that can be developed in the next five to 10 years to help PennDOT more efficiently, effectively and safely control litter along roadways.

PennDOT, in partnership with the Department of Environmental Protection and Keep Pennsylvania Beautiful, have released a "Pennsylvania Litter Behavior and Attitudes Survey" to gain insight on Pennsylvania residents' attitudes toward litter and will use this information to develop a statewide strategy to reduce litter behavior. The link has been shared on all our social media channels and will be open until October 18.

This concludes our testimony pertaining to House Bill 1322 and how litter impacts our roadways in Pennsylvania. I would like to thank you for your interest in our updates today. At this time, I welcome any questions you may have. Thank you.

Testimony on behalf of the City of Philadelphia Managing Director's Office
Nic Esposito, Zero Waste and Litter Director
Pennsylvania House Finance Committee
Bill No. 1322
Sept. 30th, 2019

Good morning Chairperson Peifer, and members of the Committee. My name is Nic Esposito and I am the Director of the Zero Waste and Litter Cabinet for the City of Philadelphia in the Managing Director's Office. I am here to offer testimony for Bill Number 1322 regarding the return of beverage containers and for the powers and duties of the Department of Environmental Protection to impose a returnable beverage container assessment on distributors, provide for duties of returnable beverage distributors, establish the Returnable Beverage Container Fund and provide for a returnable deposit value on returnable beverage containers.

The Zero Waste and Litter Cabinet was created through Executive Order by the Kenney Administration to convene stakeholders across City government as well as public and private organizations to develop comprehensive strategies to put Philadelphia on a path to a litter-free and Zero Waste future by 2035. The Cabinet released an Action Plan in 2017 and progress reports each year thereafter which can all be found on our website www.cleanphl.org.

To begin my testimony, I'd like to first focus on the litter aspect of this bill. Although Philadelphians take pride in being a World Heritage City with incredibly vibrant neighborhoods, we also recognize that we have a stark litter problem. Our 2018 City-wide Litter Index that takes litter scores on City streets, vacant lots, parks and waterways found that the top five most littered objects were plastic bottles, take out containers and plastic bags. In 2018 the Philadelphia Water Department removed over 7 tons of single use plastic from our waterways, which clog our inlets and green storm water infrastructure which greatly impacts our ability to manage our storm water overflows into our rivers.

Although personal behavior accounts for a part of the litter issue, and we have developed outreach strategies to address personal behavior, the Cabinet has also identified that the over abundance of this material in our society is greatly straining our ability to sustainably manage the collection and processing of waste material, most notably single use plastic. According the EPA, US households are putting out three times amount of waste curbside today than they did in the 1960's. Although the introduction of recycling has greatly improved our ability to more sustainably manage this material, and we are very thankful for Pennsylvania state law that mandates recycling, as we saw with China's disruption of the recycling markets we need new solutions to our waste management.

In regards to Philadelphia's Zero Waste Strategy, much like litter we are focusing on personal behavior and responsibility. We are constantly striving to improve our recycling participation and our Recycling Office has launched a City-wide campaign to reduce contamination of our recycled materials. However, and like the litter issue, we need to address the policy and capacity issues that contribute to this problem. That is why Philadelphia City Councilman Mark Squilla introduced a plastic bag legislation in June of 2019 to address the overabundance of plastic bags in Philadelphia, which lead to litter and over 10,000 hours of lost staff time at our recycling facilities due to plastic bags jamming the recycling processing machines.

To address the capacity issues, my office also works with our colleagues in the Philadelphia Commerce Department and other stakeholders to attract and support other markets for recycled material whether that be tires, construction and demolition debris or other types of waste. I'd also like to highlight the Pennsylvania Recycling Markets Center, which has been a great partner for Philadelphia in developing new markets to sustainably manage our waste and that does great work around the State.

It's in this spirit that we are most excited about the proposed bill. Returnable Beverage Containers have shown in other states where they are enacted to improve the quality and collection of single use bottles. As stated above, Philadelphia has struggled with the quality of the recycled material collected in our residential single stream recycling. Often times the plastic or metal jars are still filled with liquid or food residue which contaminates the recycling. And our methods for collecting glass with other materials contaminate those materials and lessens the ability to turn that glass into new glass products. It's my professional opinion that the reason for this is because people are disconnected from the market value of this material. There are many reasons for people to recycle such as the possible economic advantages for the municipality, finding a second life for a single use product or protecting our environment by limiting what goes into the landfill, incinerator or sadly enough our city streets.

However, too many people have difficulty making these connections when they simply throw an item into their recycling bin. These items are still looked at as waste and it's my job and the job of everyone in materials management whether it's on the disposal side or the manufacturing side to reverse the thinking from waste to resources. As global populations rise and middle class populations around the world rise, the resources that we take for granted today may become much more finite. Therefore, we need to be proactive in making this change to get everyone in society, from the people making our products to those consuming them to have the systems and education of those systems to treat every product we use as a resource that must be protected and used as efficiently as possible. A returnable beverage container program is a great step in that direction and I am excited to be here today to offer this testimony.

In closing, the City of Philadelphia's Zero Waste and Litter Cabinet is supportive of this bill as a way to better manage the collection and recycling of beverage containers to ensure that we view these containers as resources and not waste. I thank Representative Ullman for introducing this bill as well as all of the bill's sponsors and thank the Finance Committee for the hearing. I am happy to answer any questions you may have.



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Steven J. Tambini, P.E.

Executive Director

September 30, 2019

PA House of Representatives

House Democratic Policy Committee

Public Hearing- Single Use Plastics

HB 1322 the Bottle Bill

Good afternoon. On behalf of the Delaware River Basin Commission I would like to thank Chairman Sturla, Representative Ullman and other members of the House Democratic Policy Committee for the invitation to join you today on the issue of single-use plastics.

Plastics are perhaps the most prevalent and persistent type of debris found in our oceans, rivers, and lakes. Plastics debris comes in many shapes and sizes. Over time, larger plastics like plastic bottles and plastic bags degrade into smaller sizes and shapes.

Plastics that are less than five millimeters in length (or about the size of a sesame seed) are called "microplastics." These tiny particles easily pass through water filtration systems and end up in receiving waters. Microplastics also include originally manufactured products such as microbeads in cosmetics and personal products, industrial scrubbers used for abrasive blast cleaning, microfibers generated from washing synthetic clothing made of polyester and nylon as well as resin pellets used in the plastic manufacturing process.

Not much is known to date about microplastics and their impacts on human health and aquatic life. Few microplastics studies have been conducted in the Delaware River Basin to date. One project was conducted in the Delaware Bay by University of Delaware researchers. Another study is underway in the non-tidal Delaware River (north of Morrisville, PA) by the United States Geological Survey and the National Park Service.

While those research efforts are important and necessary, it left a portion of the basin – the upper Delaware Estuary from Morrisville, PA to the C&D Canal understudied. This reach of river is largely urbanized and is likely a major contributor to plastics found in the river and bay.

Understanding the inputs of microplastics in this section of the Delaware River is a vital first step towards understanding the prevalence and potential problems posed by plastics. In 2018, the DRBC received a grant from the Delaware Watershed Conservation Fund to monitor microplastics and model movement of microplastics in the upper Delaware Estuary.

This project will provide greater detail into how microplastics are distributed in this section of the basin and which tributaries are introducing the most microplastics. DRBC staff started collection of samples from four sites in the main stem of the river and ten tributary sites in 2019. As the non-tidal Delaware River is the largest loading into the estuary, the head of tide at Morrisville, PA is another sample site. Samples are analyzed at Temple University's Water and Environmental Technology Center for microplastic concentrations and chemical composition. Data collected during microplastic monitoring efforts will be

used to model microplastic dynamics in the estuary. This application of modeling will allow us to better understand residence time and behavior of microplastics in the estuary.

Cleanup efforts are a part of the study. Removing large plastic debris prevents fish and wildlife from becoming entangled in objects like cords, nets, and beverage containers. Removing plastic debris before they have a chance to break down will reduce the presence of microplastics. These cleanup efforts will also provide outreach opportunities to educate the public about the complex problems associated with plastics.

This project will provide a better understanding of the concentration and distribution of microplastics in the upper Delaware Estuary and will lay the groundwork for future microplastics monitoring and cleanup efforts in the basin and beyond.

This concludes my testimony. Please let me know if you have any questions. On behalf of the Delaware River Basin Commission, thank you for this opportunity to engage with members of the Pennsylvania Legislature on the issue of plastics.

Respectfully,

Ronald MacGillivray, Ph.d
Senior Environmental Toxicologist
Delaware River Basin Commission

HOUSE DEMOCRATIC POLICY COMMITTEE MEETING ON SINGLE USE PLASTICS AND BOTTLE BILL LEGISLATION

TESTIMONY OF DAVID MASUR, PENNENVIRONMENT EXECUTIVE DIRECTOR

SEPTEMBER 30, 2019

Good afternoon. My name is David Masur and I'm the Executive Director for PennEnvironment. PennEnvironment is a statewide citizen-based environmental advocacy group with more than 175,000 citizen members, online activists, and volunteers from across the Commonwealth. We work to promote clean air, clean water, protecting Pennsylvania's incredible natural heritage and outdoor places, and tackling climate change.

I'd like to start by thanking state Representative Wendy Ullman and her staff for inviting me to testify, as well as the members and staff of the House Democratic Policy Committee for joining us today for this important issue.

PennEnvironment fully supports Representative Ullman's House Bill 1322, the Beverage and Can Deposit Program. ***Bottle bill legislation has been proven to be the most successful and cost-effective system to incentivize consumers, retailers, and distributors to recycle.***

Some quick background: currently, ten states have bottle deposit laws on the books (CA, CT, HI, IA, ME, MA, MI, NY, OR, VT) with the first law being enacted nearly 50 years ago. That means that nearly 30% of the nation's population is living in a state with a container deposit law on the books.

Since Bottle Bill laws have been on the books in states across the nation for decades, there is ample data about the likely benefits that Pennsylvania could see by implementing a similar program.

And the research shows that these laws have a variety of benefits—they're good for our environment and quality of life; they increase recycling rates; they can create new revenue sources for states, without raising taxes; and they are job creators.

Improves recycling rates

There are mountains of data that shows that Bottle Bill legislation improves recycling rates. For example, a 2013 study by the Container Recycling Institute (CRI) show that states with bottle bills laws, on average, saw recycling rates of aluminum, plastic, and glass containers at double the rate of states without bottle bills. For aluminum cans, the rate was even higher: 84 percent of aluminum cans were returned compared to just 39% in non-bottle bill states.¹

Bottle bills have also been shown to improve municipal recycling rates in another important way as well: one of the greatest challenges facing municipalities, and large-scale single-stream recycling in general, is the cross-contamination of materials that are all placed into one recycling bin. But since Bottle Bill legislation incentivizes consumers to sort, rinse and recycle their materials separately, contamination is greatly reduced and recycling facilities can more cheaply recycle a larger portion of the materials coming

¹ <https://www.eesi.org/articles/view/bottle-bills-and-curbside-collection-an-overview-of-recycling-policy-approa>

into their facilities. Research by CRI found that 75 percent of glass bottles in non-bottle bills were never recycled, compared to 35% in states with bottle bills.

Reducing litter

If you live in Pennsylvania's big cities, rural communities, or even suburbs like here in Doylestown, tackling the issue of litter is a constant battle. It affects our quality of life, and often costs tax payers millions of dollars in peripheral costs (PennDOT roadside cleanups, municipal-run street cleaning and cleaning crews, sewer cleanouts, etc). For example, PennDOT reports that it spends just short of \$20 million annual cleaning up litter and trash from the Commonwealth's highways. Just with the \$5.2 million spent in the five-county southeast region for litter cleanup by PennDOT, they agency could repave 25 miles of roads.² To that end, studies show that Bottle bill laws help to dramatically reduce container litter. In states that have adopted bottle bills, beverage container litter was reduced by 69-84%, and overall litter by as much as two-thirds, and total litter was reduced 34-47%.³ In states with the highest fees like Michigan, the state's Department of Transportation reports that beverage container litter was reduced by nearly 85%.⁴

Tackling climate change

Besides helping address litter, bottle bills also help tackle the biggest environmental issue facing the planet: climate change.

Since recycling beverage containers save energy and materials, it reduces environmental impacts associated with energy generation and mining. For example, cans made from recycled aluminum require 95% less energy input than those made from new aluminum, while recycling plastic bottle cuts energy use by 90% and glass by 30%. This can have huge effects for efforts to tackle climate change. In Maine, it's estimated that the state's bottle bill prevents climate change pollution equal to taking 19,000 cars off the road each year.⁵ CRI estimates that we could get the nation's recycling rate up to 75% for aluminum, steel, PET and HDPE plastic, and glass beverage containers, could reduce greenhouse gas emissions by 10 million metric tons, equal to taking nearly 2 million cars off the road.⁶

Creating jobs

Beyond being better for our environment and improving recycling rates, bottle bill laws have been shown to be create numerous jobs..

Research in state after state shows that bottle bills create hundreds if not thousands of new jobs in their respective state's recycling markets. For example, the Iowa Recycling Association notes that 900 jobs in the state are supported at redemption centers. In neighboring New York, research by the Nelson A.

² <https://www.pottsmmerc.com/tncms/asset/editorial/dc62fab8-822d-11e9-bf90-7fd166a89d2e/>

³ <https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/maryland-chapter/2015LegisFactSheets/Bottle%20Bill%20fact%20sheet%202-24-16.pdf>

⁴ <http://www.bottlebill.org/index.php/benefits-of-bottle-bills/litter-studies-in-bottle-bill-states>

⁵ <http://www.bottlebill.org/assets/pdfs/nrcm%20product%20stewardship%20case%20study%20bottle%20bill.pdf>

⁶ <http://www.container-recycling.org/assets/pdfs/letters/2011-RecyclingAndClimateChange.pdf>

Rockefeller Institute of Government showed that approximately 5,000 new jobs created in the year after the law went into effect, mostly in the retail sector to handle bottle and can returns.⁷

Making states money

As I've noted, while recycling rates dramatically increase under state bottle deposit laws, there is still a percentage of containers in those states that are never returned. These 'uncaptured' deposits can mean big money for state coffers given the amount of beverage containers the public uses each and every day. For example, in Connecticut the unclaimed deposits meant \$33.5 million in money directed to the state's general fund.⁸ In 2017, unclaimed deposits amount to more than \$110 million in New York state, \$45.5 million in Massachusetts, and nearly \$34 million in Michigan.⁹ If you assumed the same unclaimed recycling rates based on Pennsylvania's population compared to New York's unclaimed deposits, Pennsylvania would have an additional \$72 million in state coffers.

In these states, the money goes to environmental and conservation programs, and in Pennsylvania the funds could bolster programs like Growing Greener, the Hazardous Sites Cleanup Fund, or the Keystone Fund.

In summary, bottle deposit legislation improves recycling rates, reduces litter, helps to tackle climate change, creates jobs, and provides an additional revenue stream for states who implement it. Therefore, given all these reasons, it may not be surprising that bottle deposit legislation garners bipartisan support and brings together non-traditional constituencies. For example, past versions of Bottle Bill legislation have been sponsored by Republican legislators like State Rep. Art Hershey of Chester County and State Senator John Rafferty. In many states, this legislation is supported by the Farm Bureau and other agricultural groups that are trying to rein in rural pollution.

We need to tap into that broad political support and reap the benefits offered by implementing bottle deposit legislation here in Pennsylvania.

Again, thank you to Rep. Ullman for introducing this important legislation, and to Chairman Sturla and members of the House Democratic Policy Committee for allowing me to testify today. I would love to take any questions that you may have.

⁷ <https://www.nypirg.org/pubs/enviro/2013.01.04MoreBottlesMoreJobs.pdf>

⁸ <https://www.wnpr.org/post/has-connecticuts-bottle-bill-changed-environmental-law-cash-cow>

⁹ <http://www.bottlebill.org/index.php/about-bottle-bills/the-fate-of-unclaimed-or-abandoned-deposits>

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House Co-Sponsorship Memoranda

House of Representatives Session of 2019 - 2020 Regular Session

MEMORANDUM

Posted: April 5, 2019 04:00 PM
From: [Representative Wendy Ullman](#)
To: All House members
Subject: Implementing a Beverage Bottle and Can Deposit Program in Pennsylvania

Far too often, discarded recyclable beverage containers end up in landfills or become litter along our roads, in our fields, or floating in our waters. In fact, beverage containers make up roughly six percent of the waste stream and 40-60 percent of all litter. Curbside recycling helps address this issue, but we should do more to encourage recycling when beverage consumption occurs away from consumers' homes.

In an effort to address the issue, I will be introducing legislation that would create a five cent beverage bottle and can deposit program in Pennsylvania. Like legislation that has been enacted in other states, this proposal would include a redemption rate of five cents on returnable containers and a handling fee of two cents per container for retailers and redemption centers to help cover their costs associated with the handling and storage of returnable containers. Additionally, any unclaimed or abandoned deposits forfeited by consumers would be recaptured by the Commonwealth and deposited into the Hazardous Sites Cleanup Fund.

Beverage container deposits dramatically increase recycling rates for aluminum, glass, and plastic bottles and cans. According to the Container Recycling Institute, in the 10 states that have beverage container deposit ("bottle bill") laws, recycling rates for aluminum and glass are as high as 80 percent and 70 percent, respectively. In states that do not have these laws, the recycling rates fall to 46 percent for aluminum and 12 percent for glass. Given these statistics, I believe we should act now to further encourage recycling in Pennsylvania.

Please join me in supporting this legislation to keep Pennsylvania beautiful.



Introduced as [HB1322](#)

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1322 Session of
2019

INTRODUCED BY ULLMAN, BULLOCK, COMITTA, GALLOWAY, HILL-EVANS,
KENYATTA, McCARTER, McCLINTON, MULLERY, MURT, OTTEN,
SHUSTERMAN AND WILLIAMS, APRIL 29, 2019

REFERRED TO COMMITTEE ON FINANCE, APRIL 29, 2019

AN ACT

1 Providing for the return of beverage containers and for the
2 powers and duties of the Department of Environmental
3 Protection; imposing a returnable beverage container
4 assessment on distributors; providing for duties of
5 returnable beverage distributors; establishing the Returnable
6 Beverage Container Fund; and providing for a returnable
7 deposit value on returnable beverage containers, for
8 redemption of empty returnable beverage containers, for
9 redemption centers, for payment of claims from the fund and
10 for annual report to General Assembly.

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15 distributors.

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1 containers.

2 Section 9. Returnable beverage container requirements.

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4 Section 11. Redemption centers.

5 Section 12. Development of procedures.

6 Section 13. Refusal of refund value payment for a returnable

7 beverage container.

8 Section 14. Claims for reimbursement from the fund.

9 Section 15. Redemption center reporting.

10 Section 16. Departmental inspections.

11 Section 17. Annual report to General Assembly.

12 Section 18. Regulations.

13 Section 19. Effective date.

14 The General Assembly of the Commonwealth of Pennsylvania

15 hereby enacts as follows:

16 Section 1. Short title.

17 This act shall be known and may be cited as the Returnable

18 Beverage Container Act.

19 Section 2. Definitions.

20 The following words and phrases when used in this act shall

21 have the meanings given to them in this section unless the

22 context clearly indicates otherwise:

23 "Beverage." Any of the following:

24 (1) Soda water or similar carbonated soft drink.

25 (2) Noncarbonated drink, including, but not limited to,

26 mineral water, flavored and unflavored water, spring water,

27 vitamin water and any other water beverage, tea, sports

28 drink, isotonic drink, beer and other malt beverages.

29 (3) Any other nonalcoholic carbonated and noncarbonated

30 drink in liquid form that is intended for human consumption.

1 The term does not include milk or a beverage that is primarily
2 derived from a dairy product, infant formula and medicine
3 approved by the Food and Drug Administration.

4 "Consumer." A person who buys a beverage in a returnable
5 beverage container for use or consumption and pays the deposit.

6 "Dealer." A person who engages in the sale of beverages in
7 returnable beverage containers to a consumer for off-premises
8 consumption in this Commonwealth.

9 "Department." The Department of Environmental Protection of
10 the Commonwealth.

11 "Fund." The Returnable Beverage Container Fund established
12 under this act.

13 "On-premises consumption." The consumption of returnable
14 beverages by a patron immediately and within the area under
15 control of an establishment, including, but not limited to, a
16 bar, restaurant, passenger ship or airplane.

17 "Patron." A person who buys a beverage in a returnable
18 beverage container for use or consumption and does not pay the
19 deposit.

20 "Person." An individual, partnership, firm, association,
21 public or private corporation, Federal agency, the Commonwealth
22 or any of its political subdivisions, trust or any other legal
23 entity.

24 "Recycling facility." The contiguous land and structures and
25 other appurtenances and improvements on the land used for the
26 collection, separation, recovery and sale or reuse of secondary
27 resources that would otherwise be disposed of as solid waste and
28 are an integral part of a manufacturing process aimed at
29 producing a marketable product made of postconsumer material.

30 "Redeemer." A person, other than a dealer or distributor,

1 that demands the refund value in exchange for an empty
2 returnable beverage container.

3 "Redemption center." An operation that accepts from
4 consumers and provides the refund value for empty returnable
5 beverage containers intended to be recycled and ensures that the
6 empty returnable beverage containers are properly recycled.

7 "Redemption rate." The percentage of returnable beverage
8 containers redeemed over a reporting period, which percentage is
9 calculated by dividing the number of returnable beverage
10 containers redeemed by the number of returnable beverage
11 containers sold and multiplying the quotient by 100.

12 "Refillable beverage container." A returnable beverage
13 container that ordinarily is returned to the manufacturer to be
14 refilled and resold.

15 "Returnable beverage container." A sealable bottle, can, jar
16 or carton primarily composed of glass, metal, plastic, or a
17 combination of those materials, and produced for the purposes of
18 containing a beverage which, at the time of sale, contains 28
19 ounces or less of a beverage. The term does not include a
20 sealable bottle, can, jar or carton composed of paper-based
21 biodegradable material and aseptic multimaterial packaging.

22 "Returnable beverage distributor" or "distributor." A person
23 that:

24 (1) is a manufacturer of beverages in returnable
25 beverage containers in this Commonwealth; or

26 (2) imports and engages in the sale of filled returnable
27 beverage containers to a dealer or consumer in this
28 Commonwealth.

29 The term includes a Federal agency and military distributor but
30 does not include an airline or shipping company that merely

1 transports returnable beverage containers.

2 Section 3. Returnable beverage container assessment on
3 distributors.

4 (a) General rule.--Beginning January 1, 2020, a returnable
5 beverage distributor shall pay to the department, on a monthly
6 basis, a returnable beverage container assessment on each
7 returnable beverage container manufactured in or imported into
8 this Commonwealth. The returnable beverage container assessment
9 shall not apply to returnable beverage containers exported for
10 sale outside of this Commonwealth.

11 (b) Amount of assessment.--The returnable beverage container
12 assessment shall be 5¢ per returnable beverage container and may
13 be imposed only once on the same returnable beverage container.

14 (c) State preemption.--No municipality may impose or collect
15 an assessment or fee on returnable beverage containers for the
16 same or similar purpose as provided under this act.

17 Section 4. Returnable beverage distributors.

18 (a) Duty to register.--

19 (1) On or before September 1, 2019, a returnable
20 beverage distributor shall register with the department,
21 using forms prescribed by the department, and shall notify
22 the department of any change in address or other information
23 previously submitted.

24 (2) After September 1, 2019, a person who desires to
25 conduct business in this Commonwealth as a returnable
26 beverage distributor shall register with the department no
27 later than one month prior to the commencement of the
28 business.

29 (b) Maintenance of records.--

30 (1) A returnable beverage distributor shall maintain

1 records reflecting the manufacture of beverages in returnable
2 beverage containers or the importation and the sale of filled
3 returnable beverage containers, as applicable.

4 (2) The records shall be made available, upon request,
5 for inspection by the department; provided that any
6 proprietary information obtained by the department shall be
7 kept confidential and shall not be disclosed to any other
8 person, except:

9 (i) as may be reasonably required in an
10 administrative or judicial proceeding to enforce a
11 provision of this act or rule adopted pursuant to this
12 act; or

13 (ii) under an order issued by a court.

14 Section 5. Returnable Beverage Container Fund.

15 (a) Establishment.--The Returnable Beverage Container Fund
16 is established in the State Treasury. The money in the fund is
17 appropriated on a continuing basis to the department for the
18 purposes specified in this act. All revenue generated from the
19 returnable beverage container assessment shall be deposited into
20 the fund.

21 (b) Use of fund.--

22 (1) The money in the fund shall be used to pay valid
23 returnable deposit claims submitted by returnable beverage
24 distributors and redemption centers under section 14.

25 (2) After the payment of claims under paragraph (1), 75%
26 of the fund shall be transferred on a monthly basis to the
27 Hazardous Sites Cleanup Fund established under section 901 of
28 the act of October 18, 1988 (P.L.756, No.108), known as the
29 Hazardous Sites Cleanup Act.

30 Section 6. Inventory report.

1 (a) General rule.--Except as otherwise provided under
2 subsection (f), beginning February 1, 2020, and continuing each
3 month thereafter, a returnable beverage distributor shall file
4 an inventory report with the department.

5 (b) Content.--The inventory report required under subsection
6 (a) shall include documentation in sufficient detail to
7 identify:

8 (1) The number of beverages in returnable beverage
9 containers, by container size and type, manufactured in or
10 imported into this Commonwealth during the reporting period.

11 (2) The number of these returnable beverage containers,
12 by container size and type, exported and intended for
13 consumption outside this Commonwealth during the reporting
14 period.

15 (c) Confidentiality of information.--All information
16 contained in an inventory report, including confidential
17 commercial and financial information, shall be deemed
18 confidential and protected from public disclosure to the extent
19 allowed by law.

20 (d) Calculation of payment.--The payment due from a
21 returnable beverage distributor for the assessment imposed under
22 section 3 shall be equal to the net number of returnable
23 beverage containers imported or manufactured into this
24 Commonwealth, the total number of containers imported or
25 manufactured less the total number of containers exported for
26 consumption outside this Commonwealth, multiplied by 5¢.

27 (e) Filing deadline.--The inventory report and payment shall
28 be filed with the department no later than the 15th day of the
29 month following the end of the payment period of the previous
30 month.

1 (f) Semiannual reporting.--A returnable beverage distributor
2 that annually imports or manufactures in this Commonwealth less
3 than 100,000 returnable beverage containers may submit reports
4 and payments required under this act on a semiannual basis;
5 provided that the semiannual report and payment period shall end
6 on June 30 and December 31 of each year.

7 Section 7. Returnable deposit value of returnable beverage
8 containers.

9 Beginning January 1, 2020, a returnable beverage container
10 sold in this Commonwealth shall have a returnable deposit value
11 of 5¢, and the returnable deposit value shall be clearly
12 indicated on the returnable beverage container as provided under
13 section 9.

14 Section 8. Sales of beverages in returnable beverage
15 containers.

16 (a) Pass-through from distributors.--Beginning January 1,
17 2020, a returnable beverage distributor that pays the returnable
18 beverage container assessment to the department may add the
19 amount of the assessment to the cost of each returnable beverage
20 container paid by the dealer or consumer. The addition of the
21 amount of the assessment may appear as a separate line item on
22 the invoice prepared by the distributor.

23 (b) Pass-through from dealers.--Beginning January 1, 2020, a
24 dealer who purchased a returnable beverage container from a
25 distributor who added the amount of the returnable beverage
26 container assessment to the cost of the returnable beverage
27 container paid by the dealer and which dealer sells the
28 returnable beverage container to a consumer may indicate the
29 cost of the assessment as a separate line item on the invoice
30 prepared by the dealer.

1 Section 9. Returnable beverage container requirements.

2 (a) General rule.--Except as provided in subsection (b),
3 each returnable beverage container sold in this Commonwealth
4 shall clearly indicate the returnable deposit value of the
5 container and the word "Pennsylvania" or the letters "PA." The
6 names or letters representing the names of other states with
7 comparable deposit laws may also be included in the indication
8 of the returnable deposit value. The returnable deposit value on
9 the returnable beverage container shall be clearly, prominently
10 and indelibly marked by painting, printing, scratch embossing,
11 raised letter embossing or securely affixed stickers and shall
12 appear on the top or side of the container in letters at least
13 one-eighth inch in size.

14 (b) Nonapplicability.--Subsection (a) shall not apply to a
15 refillable glass returnable beverage container that has a brand
16 name permanently marked on it and the equivalent of a refund
17 value of at least 5¢ paid upon receipt of the container by a
18 dealer or returnable beverage distributor.

19 Section 10. Redemption of empty returnable beverage containers.

20 (a) General rule.--Except as provided in subsection (b), a
21 dealer shall:

22 (1) Operate a redemption center by July 1, 2020, and
23 shall accept all types of empty returnable beverage
24 containers that bear a valid returnable deposit value for
25 this Commonwealth under this act.

26 (2) Pay to a person who presents an empty returnable
27 beverage container, except as otherwise provided under
28 section 13, the amount of the returnable deposit value for
29 the returnable beverage container, if the returnable beverage
30 container bears a valid returnable deposit value for this

1 Commonwealth under this act.

2 (3) Ensure each returnable beverage container collected
3 is recycled and forward documentation necessary to support
4 claims for payment from the fund as provided in section 14 or
5 the regulations adopted under this act.

6 (b) Nonapplicability.--Subsection (a) shall not apply to a
7 dealer:

8 (1) located in a high density population area as defined
9 by regulation of the department and within two miles of a
10 certified redemption center that is operated independently of
11 a dealer;

12 (2) located in a rural area as defined by regulation of
13 the department;

14 (3) that subcontracts with a certified redemption center
15 to be operated on the dealer's premises;

16 (4) whose sales of returnable beverage containers are
17 only via vending machines;

18 (5) whose place of business is less than 5,000 square
19 feet of interior space;

20 (6) that demonstrates physical or financial hardship, or
21 both, based on specific criteria established by regulation of
22 the department; or

23 (7) that meets other criteria established by the
24 department.

25 (c) Distances between redemption centers.--The department
26 may allow the placement of redemption centers at greater than
27 the distances prescribed in subsection (b) (1) and (2) to
28 accommodate geographical features while ensuring adequate
29 consumer convenience.

30 (d) Signs of closest redemption center.--Regardless of the

1 square footage of a dealer's place of business, a dealer that is
2 not a redemption center or has not subcontracted with a
3 redemption center shall post a clear and conspicuous sign at the
4 primary public entrance of the dealer's place of business that
5 specifies the name, address and hours of operation of the
6 closest redemption center location.

7 (e) On-premise consumption.--A person engaged in the
8 business of selling beverages in returnable beverage containers
9 for on-premises consumption shall collect the used returnable
10 beverage containers from its patrons and either use a certified
11 redemption center for the collection of containers or become a
12 certified redemption center.

13 Section 11. Redemption centers.

14 (a) Certification required.--Prior to operation, a
15 redemption center must be certified by the department.

16 (b) Applications.--An application for certification as a
17 redemption center shall be filed with the department on forms
18 prescribed by the department.

19 (c) Discretionary review of certification.--The department,
20 at any time, may review the certification of a redemption
21 center. After written notice to the person responsible for the
22 establishment and operation of the redemption center and to the
23 dealers served by the redemption center, the department, after
24 affording the person a hearing in accordance with applicable
25 law, may withdraw the certification of the redemption center if
26 the department finds that there has not been compliance with
27 applicable laws, rules, permit conditions or certification
28 requirements.

29 (d) Duties of redemption centers.--A redemption center
30 shall:

1 (1) Accept all types of empty returnable beverage
2 containers from consumers or other persons, unless excepted
3 under section 13.

4 (2) Pay to any consumer or other person who presents an
5 empty returnable beverage container, except as otherwise
6 provided under section 13, the amount of the returnable
7 deposit value for the returnable beverage container, if the
8 returnable beverage container bears a valid returnable
9 deposit value for this Commonwealth under this act.

10 (3) Ensure each returnable beverage container collected
11 is recycled and forward documentation necessary to support
12 claims for payment from the fund as required by section 14 or
13 the regulations adopted under this act.

14 (e) Compliance with laws.--The redemption area of a
15 redemption center shall be maintained in full compliance with
16 applicable laws and with the orders and rules of the department,
17 including permitting requirements, if deemed necessary by the
18 department.

19 Section 12. Development of procedures.

20 The department shall develop procedures to facilitate the
21 exchange of information between returnable beverage container
22 manufacturers, distributors and retailers and certified
23 redemption centers. The procedures developed by the department
24 shall allow for a reasonable time period between the
25 introduction of a new returnable beverage product and the
26 deadline for submitting universal product code information to
27 certified redemption centers operating reverse vending machines.

28 Section 13. Refusal of refund value payment for a returnable
29 beverage container.

30 A retailer or redemption center may refuse to pay the

1 returnable deposit value on a broken, corroded or dismembered
2 returnable beverage container or returnable beverage container
3 that:

4 (1) contains a free-flowing liquid;

5 (2) does not properly indicate a refund value; or

6 (3) contains a significant amount of foreign material.

7 Section 14. Claims for reimbursement from the fund.

8 (a) General rule.--A dealer or redemption center that
9 accepts a returnable beverage container from a consumer or other
10 person and pays the returnable deposit value to the consumer or
11 other person may submit to the department a claim for
12 reimbursement from the fund.

13 (b) Amount of claim.--The department shall pay to each
14 dealer or redemption center that submits a claim under
15 subsection (a) 2¢ for each returnable beverage container that is
16 not returned.

17 (c) Alternative payment approach.--The department may choose
18 to pay the reimbursement amount on the basis of the total weight
19 of the containers received by material type and the average
20 weight of each container type, rather than on a per-returnable-
21 beverage-container basis.

22 (d) Limitation.--Reimbursement from the fund may only occur
23 once for each returnable beverage container.

24 Section 15. Redemption center reporting.

25 In order for a claim to be approved by the department, the
26 dealer or redemption center must submit to the department the
27 following information on forms prescribed by the department:

28 (1) The number or weight of returnable beverage
29 containers of each material type accepted at the redemption
30 center for the reporting period.

1 (2) The amount of refunds paid out by material type.

2 (3) The number or weight of returnable beverage
3 containers of each material type transported out of this
4 Commonwealth or to a permitted recycling facility.

5 (4) Copies of out-of-Commonwealth transport and weight
6 receipts or acceptance receipts from permitted recycling
7 facilities. If the redemption center and the recycling
8 facility are the same entity, copies of out-of-Commonwealth
9 transport and weight receipts, or documentation of end use
10 accepted by the department, shall also be included.

11 (5) Any other information deemed necessary by the
12 department.

13 Section 16. Departmental inspections.

14 The records of a returnable beverage distributor, dealer,
15 redemption center and recycling facility shall be made
16 available, upon request, for inspection by the department or a
17 duly authorized agent of the department. Any proprietary
18 information obtained during the inspection shall be kept
19 confidential and shall not be disclosed to any other person,
20 except:

21 (1) as may be reasonably required in an administrative
22 or judicial proceeding to enforce this act or a regulation
23 adopted pursuant to this act; or

24 (2) to comply with a court order.

25 Section 17. Annual report to General Assembly.

26 The department shall file a report with the General Assembly
27 on an annual basis. The report shall include:

28 (1) Information on the administration of this act.

29 (2) Detailed financial information on the payment of
30 claims from the fund and the monthly transfers to the

1 Hazardous Sites Cleanup Fund.

2 (3) Recommendations from the department as to whether
3 the actual claim experience of the fund necessitates
4 adjustment of the percentage of monthly transfers set forth
5 in section 5(b)(2) in order for the fund to be fiscally sound
6 for the continued payment of claims under this act.

7 Section 18. Regulations.

8 The department may promulgate rules and regulations to
9 administer and enforce this act.

10 Section 19. Effective date.

11 This act shall take effect immediately.