

**HB 574 HD2**

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

SENATE COMMITTEE ON ENERGY AND ENVIRONMENT  
SENATE COMMITTEE ON TRANSPORTATION, INTERNATIONAL AND  
INTERGOVERNMENTAL AFFAIRS

**H.B. 574 H.D. 2, Relating to the Deposit Beverage Container Program**

**Testimony of Chiyome Leinaala Fukino, M.D.  
Director of Health**

**March 19, 2009  
2:45 P.M.**

1 **Department's Position:** The Department of Health respectfully opposes this bill given the current  
2 difficult financial situation.

3 **Fiscal Implications:** Unspecified amount from the Deposit Beverage Container Program Special Fund.

4 **Purpose and Justification:** This bill extends the reverse vending machine (RVM) rebate program for  
5 an additional three years and offers financial incentives to cover RVM operational costs for two years.  
6 Appropriates monies to the counties to plan and operate county recycling programs.

7 The Department of Health appreciates the intent of this bill to encourage more people to open  
8 certified redemption centers and to assist counties with recycling programs. However, in these difficult  
9 financial times, we think it prudent to defer added expenditures from the Department fund. The  
10 Department supports S.B. 884, which proposes transferring monies from the fund to help meet the  
11 state's urgent fiscal needs. In normal times we would likely take a different position, but these are  
12 abnormal times.

1           S.B. 243 offers another means to increase redemption opportunities, by having retailers with  
2 stores greater than a certain size redeem deposit beverage containers.

3           Thank you for the opportunity to testify on this measure.

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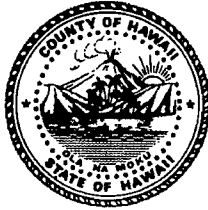
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William P. Kenoi  
Mayor



Lono A. Tyson  
Director

Ivan M. Torigoe  
Deputy Director

**County of Hawai'i**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
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[http://co.hawaii.hi.us/directory/dir\\_envmng.htm](http://co.hawaii.hi.us/directory/dir_envmng.htm)

March 16, 2009

The Honorable Mike Gabbard, Chair  
Committee on Energy and Environment

The Honorable J. Kalani English, Chair  
Committee on Transportation, International and  
Intergovernmental Affairs

Hawaii State Capitol  
Honolulu, HI 96813

HEARING DATE & TIME: Thursday, March 19, 2009, 2:45 P.M.  
HEARING LOCATION: Conference Room 225

Re: In Favor of HB 574 Relating to the Deposit Beverage Container Program.

Dear Honorable Chairs Gabbard and English, and Members of the Senate Committees;

Thank you for the opportunity to present testimony on HB 574. The County of Hawai'i (County) Department of Environmental Management supports this Bill.

The County currently only has two companies operating on the eastside of the island with Reverse Vending Machines (RVMs). There is a need for RVMs on the westside of the island where there are fewer certified redemption centers operating full-time hours. Additionally, my staff has had inquiries from local retailers about the RVM Rebate Program. According to the Department of Health, there was no funding available during FY08-09 for the RVM program.

As you may know, the County of Hawai'i had a 90% HI5 redemption rate for FY07-08, the highest in the State. We are confident that by continuing the RVM rebate program as stated in HB 574, we will continue to see an increase in our redemption numbers.

The County further supports the inclusion of grants-in-aid in for least the amounts of recycling program support which was provided this past fiscal year. As stated in our testimony in opposition to SB 884 (copy enclosed), loss or reduction of HI5 funding would have severe adverse effects on recycling personnel and programs on the Big Island.

We respectfully request your consideration of the above testimony, and support for HB 574.

Best Regards and Aloha,

A handwritten signature in black ink that reads "Lono A. Tyson". The signature is written in a cursive style.

Lono Tyson  
DIRECTOR

cc: Mayor William Kenoi

enclosures

**TESTIMONY FROM THE  
COUNTY OF KAUAI  
OFFICE OF PUBLIC WORKS**

**COMMITTEE ON ENERGY AND ENVIRONMENT**

**COMMITTEE ON TRANSPORTATION, INTERNATIONAL AND  
INTERGOVERNMENTAL AFFAIRS**

**TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2009**

Hearing Scheduled:  
March 19, 2009 at 2:45 pm

**TESTIMONY ON HOUSE BILL NO. 574 HD 2, RELATING TO THE DEPOSIT  
BEVERAGE CONTAINER PROGRAM.**

**TO THE HONORABLE SENATOR MIKE GABBARD, SENATOR J. KALANI ENGLISH,  
AND MEMBERS OF THE COMMITTEES:**

My name is Donald Fujimoto, County Engineer, Department of Public Works, County of Kauai, testifying in support of House Bill (HB) 574, which facilitates public accessibility to redemption opportunities, and a locally sustained Deposit Beverage Container (DBC) program.

The DBC program has proved to be an extremely successful recycling program, with a statewide diversion rate at 72% for fiscal year 2008. The program has resulted in the diversion of hundreds of millions of containers from state landfills each year, and the preservation of natural resources, energy, and water that would be required to manufacture recycled items from virgin materials.

Despite its success, the DBC program could be improved by increasing the public's access to reverse vending machines (RVM's). Based on calls received on our DBC phone line since the program's inception, there is a public demand for the placement of RVM's outside of retail stores. However, no retailers on Kauai have placed RVM's, presumably due to the prohibitive cost of purchasing, maintaining, and servicing these machines. We are hopeful that an extended and improved RVM grant program would result in the placement of RVM's outside of retail stores.

The DBC grant to the County of Kauai currently supports an enhanced local program, including two full time staff persons working to monitor certified redemption centers and retailers for compliance with the law and to respond to public questions and complaints, contracts for redemption centers in remote locations, program promotion and public education, and related program equipment. Because of this support, the County has had the opportunity to develop and maintain new programs that have

increased DBC recycling rates, such as a parks recycling program, a program to loan bins and provide recycling guidance for community events, a program to distribute free bins to schools and non-profits collecting HI5 containers, distribution of recycled products to promote awareness of “closing the loop”, and educational presentations schools. These programs, along with the DBC program’s financial incentive to recycle have fostered overall waste diversion practices and extended awareness of these issues among residents and businesses on Kauai. Continued support from DBC grant funds is imperative to the County’s effort to divert waste from our landfill, and to continue to increase waste diversion on an ongoing basis.

We thank the Committee for the opportunity to testify on this matter.



**To: Senator Mike Gabbard, Chair  
Senator J. Kalani English, Vice Chair  
Committee on Energy & Environment**

**To: Senator J. Kalani English, Chair  
Senator Mike Gabbard, Vice Chair  
Committee on Transportation, International and Intergovernmental Affairs**

**Fr: Terry G. Telfer, President  
Reynolds Recycling**

**Date: Thursday, March 19, 2009, 2:45 pm, Conference Room 225**

**Re: Testimony in support of HB574, Relating to the Deposit Beverage Container Program**

Thank you for the opportunity to testify on this bill.

Congratulations! Hawaii's Current network of Certified Redemption Centers has reached a recycling rate of over 81%! (per recent verbal testimony from DOH Deputy Director Larry Lau)

Hawaii's recyclers have worked hard, spent millions of dollars, and made long-term commitments to enable Hawaii's HI-5 program to work. It has done just that.

Hawaii has reached a level of redemption in 4 years, which California has not reached in over 25 years. That says a lot about the convenience and availability of redemption centers in Hawaii.

Of course, you could aim for a higher percentage, but history has shown that the only way to improve on that is to raise the deposit. Michigan, at 90-95%, has a 10-cent deposit on everything. Germany, at almost 100%, has the equivalent of a 25-cent deposit on deposit beverage containers. I do not believe that now is a good time to raise the deposit. I also do not believe that forcing "big-box" stores to take up redemption is the right move for the state.

Hawaii's current redemption law is ALREADY in line with the vast majority (9 of 11) of Deposit Beverage States (please see attachment from the Container Recycling Institute), requiring beverage dealers to become redemption centers, contract with a recycler, or allows them to "opt out" if there is a recycler in a reasonable distance.

HB574 can be a major impetus in supporting the increased use of Reverse Vending Machines in Hawaii if the current HB574 is returned to the HD1 version.

We believe that HB 574 will go a long way in helping to spur purchases of RVMs to further support this program.

As a leader in Hawaii's recycling industry, Reynolds Recycling remains committed to protecting Hawaii's future by recycling today, and in the future. We support HB 574.

Address: 1122 Mikole Street, Honolulu, Hawaii 96819 Ph. 487-2802 Fax. 486-7753

| Beverage Container Deposit Systems in the United States: Key Features                        |  |  |                   |                         |                    |  |  |   |
|--|--|--|-------------------|-------------------------|--------------------|--|--|---|
| State  | Dates  | Beverages and/or Containers Covered  | Amount of Deposit | Redemption Rate(a)      |                    | Reclamation System   | Unredeemed Deposits  | Handling Fee  |
|  |  |  |                   | Material/Beverage       | %                  |  |  |   |
| <b>California</b> California Beverage Container Recycling and Litter Reduction Act (AB 2020) |  |  |                   |                         |                    |  |  |   |
| Enacted  | 9/29/86  | Beer, malt, all soft drinks, fruit drinks, sport drinks, water, coffee & teas, wines & distilled spirits coolers | >24 oz.: 8¢       | overall aluminum        | 65% (i)<br>80% (i) | State certified redemption centers, registered curbside operations, dropoffs | Property of state: used for program administration and grants to non-profits | See note (b)  |
| Implemented  | 9/1/87   |  |                   | glass                   | 67% (i)            |  |  |   |
| Updated/Expanded   | 1/1/00   | Vegetable Juice  | <24 oz.: 4¢       | PET                     | 42% (i)            |  |  |   |
| Unique Features  | Containers are returned to licensed redemption centers, not to retailers; unclaimed deposits go to administration & recycling program funding, processing fees assessed on beverage container manufacturers to offset cost of recycling low scrap value material |  |                   |                         |                    |  |  |   |
| <b>Connecticut</b> Beverage Container Deposit and Redemption Law                             |  |  |                   |                         |                    |  |  |   |
| Enacted  | 4/12/78  | Beer, malt, carbonated soft drinks, carbonated mineral water   | 5¢                | No statistics available |                    | Retail stores and redemption centers   | Retained by distributor/bottler  | beer 1.5¢<br>soft drinks 2¢                             |
| Implemented  | 1/1/80   |  |                   |                         |                    |  |  |   |
| Amended  | 6/9/86   |  |                   |                         |                    |  |  |   |
| Unique Features  | "Dislocation fund" for workers who lost their jobs due to bottle bill; handling fees vary with beverage type   |  |                   |                         |                    |  |  |   |
| <b>Delaware</b> Litter Control Act/ Beverage Container Regulation                            |  |  |                   |                         |                    |  |  |   |
| Enacted  | 6/30/82  | Beer/malt/ale/soft drinks; mineral water/soda water <2 qt.   | 5¢                | No statistics available |                    | Retail stores and redemption centers   | Retained by distributor/bottlers   | 20% of deposit (1¢)                                     |
| Implemented  | 1/15/83  |  |                   |                         |                    |  |  |   |
| Unique Features  | Exempts aluminum cans from the deposit system  |  |                   |                         |                    |  |  |   |
| <b>Hawaii</b> Solid Waste Management, Deposit Beverage Container Law (Act 176)               |  |  |                   |                         |                    |  |  |   |
| Enacted  | 6/25/02  | Beer, mixed spirits, mixed wine, coffee & teas, carbonated soft drinks, non-carbonated water                     | 5¢                | No statistics available |                    | State certified redemption centers (RC), see note (c)                        | Property of state: used for program administration                           | See note (d) Not less than the prevailing container fee |
| Full Implementation  | 1/1/05   |  |                   |                         |                    |  |  |   |
| Unique Features  | Distributors pay beverage container fee 1-1.5¢ per deposit container, unclaimed deposits fund program administration & local recycling programs; redemption centers must submit reports regularly  |  |                   |                         |                    |  |  |   |
| <b>Iowa</b> Beverage Container Deposit Law   |  |  |                   |                         |                    |  |  |   |
| Enacted  | 4/1/78   | Beer, carbonated soft drinks & mineral water, wine coolers, wine & liquor  | 5¢                | overall 93% (ii)        |                    | Retail stores and redemption centers   | Retained by distributor/bottlers   | 1¢  |
| Implemented  | 6/2/79   |  |                   |                         |                    |  |  |   |



|   |         |   |  |   |                                      |  |                       |  |
|---|---------|---|--|---|--------------------------------------|--|-----------------------|--|
| <b>Unique Features</b>                  |         | Wine/liquor containers included; deposit containers banned from landfills since 1990; if agreement exists w/licensed center, retailer can refuse containers |  |   |                                      |  |                       |  |
| <b>Maine</b>                            |         | <b>Maine Returnable Beverage Container Law</b>  |  |   |                                      |  |                       |  |
| Enacted                                 | 11/2/76 | All beverages except dairy products and unprocessed cider   | Wine/liquor: 15¢ All others: 5¢        | No statistics available   | Retail stores and redemption centers | All unredeemed deposits become property of state (since '04) | 3¢ (if COAG)          |  |
| Implemented                             | 6/1/78  |   |  |   |                                      |  | 3.5¢ (if no COAG)     |  |
| Updated (expanded)                      | 1/1/90  |   |  |   |                                      |  |                       |  |
| <b>Unique Features</b>                  |         | Retailer may refuse if licensed center within certain radius; commingling agreements (COAG) allowed--triggers lower handling fee                            |  |   |                                      |  |                       |  |
| <b>Massachusetts</b>                    |         | <b>Beverage Container Recovery Law</b>  |  |   |                                      |  |                       |  |
| Legislative override of governor's veto | 6/4/81  | Beer, malt, carbonated soft drinks, & mineral water   | 5¢                                     | overall 68.6% (iii)   | Retail stores and redemption centers | All unredeemed deposits become property of state (since '95) | 2.25¢ (originally 1¢) |  |
| Implemented                             | 1/1/83  |   |  |   |                                      |  |                       |  |
| <b>Unique Features</b>                  |         | Wholesalers must file monthly reports w/Dept. of Revenue re: deposit & refund   |  |   |                                      |  |                       |  |
| <b>Michigan</b>                         |         | <b>Michigan Beverage Container Act</b>  |  |   |                                      |  |                       |  |
| Enacted                                 | 11/2/76 | Beer, carbonated soft drinks & mineral water, wine coolers, canned  | Refillable: 10¢ Nonfill: 10¢           | overall 97.3% (iv)  | Retail stores                        | 75% to state for env'tl programs, 25% to retailers           | See note (e)          |  |
| Implemented                             | 12/3/78 |   |  |   |                                      |  |                       |  |
| <b>Unique Features</b>                  |         | Only state with a 10 cent deposit   |  |   |                                      |  |                       |  |
| <b>New York</b>                         |         | <b>New York State Returnable Container Law</b>  |  |   |                                      |  |                       |  |
| Enacted                                 | 6/15/82 | Beer, malt, carbonated soft drinks & mineral water, wine coolers  | 5¢                                     | soft drink 61.6% (v)<br>beer 77.4% (v)<br>wine coolers 65.2% (v)<br>overall 70.2% (v) | Retail stores and redemption centers | Retained by distributor/bottlers                             | 2¢ (as of 12/01/98)   |  |
| Implemented                             | 7/1/83  |   |  |   |                                      |  |                       |  |
| <b>Unique Features</b>                  |         | Requires reporting of containers sold and redeemed by bottlers and distributors   |  |   |                                      |  |                       |  |
| <b>Oregon</b>                           |         | <b>The Beverage Container Act</b>   |  |   |                                      |  |                       |  |
| Enacted                                 | 7/2/71  | Beer, malt, carbonated soft drinks, & mineral water   | Standard refillable: 2¢; all others 5¢ | overall 84% (vi)  | Retail stores                        | Retained by distributor/bottlers                             | none                  |  |
| Implemented                             | 10/1/72 |   |  |   |                                      |  |                       |  |
| <b>Unique Features</b>                  |         | Only deposit law without a handling fee   |  |   |                                      |  |                       |  |
| <b>Vermont</b>                          |         | <b>Beverage Container Law (1972), Solid Waste Act (1987)</b>  |  |   |                                      |  |                       |  |
| Enacted                                 | 4/7/72  | Beer, malt, carbonated soft drinks, mixed wine drinks; liquor   | liquor: 15¢ All others: 5¢             | overall 90-95% (vii)  | Retail stores and redemption centers | Retained by distributor/bottlers                             | 3.5¢ (originally 1¢)  |  |
| Implemented                             | 7/1/73  |   |  |   |                                      |  |                       |  |
| <b>Unique Features</b>                  |         | If retailer is located conveniently near a licensed center and thereby gains state approval, retailer may refuse containers; liquor inclusion               |  |   |                                      |  |                       |  |

(a) Rates are for time periods indicated in the notes.

(b) 1.8¢/container, paid by state to redemption center; very large & small volume centers exempted (eligible centers process minimum avg. of 60,000 containers/mon). Max payment per center: \$2300/month (127,778 units)

(c) Retailer exemptions vary depending on local population density, proximity to a redemption center, and store size.

(d) Fee based on the previous quarter's recycling rate: if previous quarter's rate is less than 70%, the fee is 1¢/container, otherwise 1.5¢

(e) No handling fee, but 25% of unclaimed deposits remain with retailers to offset handling costs.

[i] California Department of Conservation, Division of Recycling, 11/04 (Jan.-June 2004 rates).

[ii] Iowa DNR, Waste Management Division, as per phone conversation with Jeff Geerts on 8/29/01 (year 2000 estimate).

[iii] Massachusetts Department of Environmental Protection, MA Bottle Bill Return Rates Chart (Jan.-Sept., 2004).

[iv] Michigan Department of Treasury, Bottle Deposit Information Chart, 1990-2003.pdf (year 2003 preliminary rates).

[v] New York State Dept. of Environmental Conservation, Beverage Container Deposit & Redemption Statistics (October 1, 2001 to September 30, 2002).

[vi] Oregon Department of Environmental Quality, as per e-mail communication from Peter SpendeLow on 8/2/01 (year 2000 estimate).

[vii] Vermont Solid Waste Division, as per phone conversation with Cathy Stacey on 9/24/01 (year 2000 estimate).

*Container Recycling Institute, May 2005.*

To: The Honorable Mike Gabbard, Chair  
The Honorable J. Kalani English, Vice Chair  
Senate Committee on Energy and Environment

The Honorable J. Kalani English, Chair  
The Honorable Mike Gabbard, Vice Chair  
Senate Committee on Transportation, International and Intergovernmental Affairs

From: Laura Robertson, President/CEO  
Goodwill Industries of Hawaii, Inc.

Date: March 19, 2009

Re: **Testimony in support of H.B. 574 HD2– Relating to the Deposit Beverage Container Program**

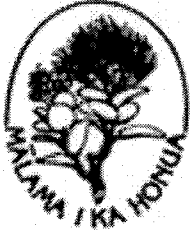
We applaud the legislature for its leadership in the area of recycling and strongly support this measure which extends the reverse vending machine (RVM) rebate program.

Goodwill Industries of Hawaii currently operates six (6) redemption centers that use reverse vending machines on the islands of Oahu and Hawaii. These RVMs provide the consumer with a convenient option to deposit their recyclable beverage containers and increase the overall recycling rate of containers throughout our state.

As we continue to better understand how vital it is to our state to fully implement recycling programs, the continuation of the RVM program will prove helpful to all concerned.

Since 1959, Goodwill Industries of Hawaii has provided small classes, on-the-job training, and placement services to fulfill our mission to put people back to work. Last year, Goodwill Industries of Hawaii served more than 9,400 individuals throughout the state in its career development and training programs and placed over 1,800 into jobs. It is our belief that any individual who wants to work should be able to work, and that work is a basic right that will assist people to attain other life goals.

Thank you for this opportunity to provide testimony on this matter.



# Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803  
808.537.9019 hawaii.chapter@sierraclub.org

## HOUSE COMMITTEE ON ENERGY AND ENVIRONMENT HOUSE COMMITTEE ON TRANSPORTATION, INTERNATIONAL AND INTERGOVERNMENTAL AFFAIRS

March 19, 2009, 2:45 P.M.  
(Testimony is 6 pages long)

### TESTIMONY IN SUPPORT OF HB 574, HD2 WITH AMENDMENTS

Aloha Chair Gabbard, Chair English and Members of the Committee:

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, supports HB 574, extending the reverse vending machine rebate program and increasing financial incentives, but recommends proceeding a step further and simply requiring retailers to take back deposit containers at their store.

**The single best way to ensure easy, convenient redemption for Hawaii's consumers is to mandate that grocery stores and retailers of a certain size take back the bottles and cans that they sell, just like every other deposit law state.**

As a reminder to this Committee, the legislature tried previously to encourage the voluntary use of reverse vending machines by offering rebates to retailers and recyclers who use them. The rebates ranged from \$30,000 to \$90,000 (depending on store size), effectively covering a majority of the cost of such machines. These enticements failed to increase the number of stores participating in the redemption program. It is unfortunate that the retailers and grocery stores have refused to play a role in Hawaii's beverage container program by providing easy, convenient recycling – just as they do in the other bottle law states where they operate.

Despite its success with redeeming over three billion beverage containers, **the bottle law can be improved**. Residents have rightfully complained about the cumbersome redemption process, with infrequent redemption centers and spotty hours of operation (and service).<sup>1</sup> A recent Department of Health study indicated 29% of respondents would prefer to redeem their containers at stores or the place where the bottles were bought. To this end, 27% of respondents complained in a recent study that it was "too much of a hassle" to redeem containers. "When respondents were asked how much of the redemption center they normally use changed in the past year, 66% of them said that it worsened a little."

Hawai'i is currently the only state with a bottle law that does not require grocery stores to 'close the loop' on recycling. Such an improvement to our bottle law would streamline the redemption process and provide residents with convenient recycling where they shop, when they shop. We suggest looking at the specific language used in SB 234. In addition, please review the attached listing of retailer "take back" requirements from other bottle law states.

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<sup>1</sup> See "Tracking Participation In and Attitudes Toward the HI-5 Deposit Beverage Container Recycling Program" (April 2008), available at [http://hawaii.gov/health/environmental/waste/sw/sw/hi5/support/HI5\\_2008SurveyReport.pdf](http://hawaii.gov/health/environmental/waste/sw/sw/hi5/support/HI5_2008SurveyReport.pdf)

We hope this committee amends HB 574 to include more stores in Hawaii's bottle law program.

Thank you for the opportunity to testify.

## REVIEW OF REGULATIONS FROM OTHER BOTTLE LAW STATES

### 1. Maine

- Anyone who sells, beverages in redeemable containers, including vending machines, is a dealer. Me. Rev. Stat. Ann. tit. 32, §1862(5).
- “[A] dealer may not refuse to accept from any consumer or other person not a dealer any empty, unbroken and reasonably clean beverage container of the kind, size and brand sold by the dealer . . . .” Me. Rev. State. Ann. tit. 32, §1866(1).
- A dealer may refuse to accept containers if the type of the container and the dealer are covered by an order permitting a redemption center. Me. Rev. State. Ann. tit. 32, §1866(2).
- **LIMIT:** 240 containers per person per day. Me. Rev. State. Ann. tit. 32, §1866(2-A).
- A dealer may refuse to accept containers during no more than 3 hours each day. If the dealer chooses to do this, the hours during which he or she will not accept containers must be posted. Me. Rev. State. Ann. tit. 32, §1866(2-B).
- The only exemption is for apple cider produced in the state. Code. Me. R. §01-001-15.

Link to Statute: <http://janus.state.me.us/legis/statutes/32/title32sec1867.html>

Link to Regulations: <http://www.maine.gov/sos/cec/rules/01/001/001c360.doc>

### 2. Vermont

- The Vermont statute requires all **retailers** to accept and pay the refund for any beverage containers “of the kind, size and brand sold by the retailer . . . .” 10 V.S.A. §1523(a)(1).
- Containers may be redeemed during no less than 40 hours per week, during regular operating hours. 10 V.S.A. § 1522(d).
- A retailer may refuse to accept containers, with the prior approval of the Secretary of the Agency of Natural Resources, if there is a redemption center serving the public need. 10 V.S.A. § 1523(b).
- Retailers may refuse to accept containers that are dirty, broken, or were not purchased in Vermont. 10 V.S.A. § 1532(c).

Website Statute: <http://www.leg.state.vt.us/statutes/sections.cfm?Title=10&Chapter=053>

### 3. Massachusetts

- Any dealer must accept any empty beverage container of the size, brand, and type which the dealer sells and pay the customer the refund for the container. Mass. Gen. Laws Ch. 94 §323(b).
- Dealers must accept containers during their normal business hours. Id.
- Dealers may refuse to accept containers contaminated with foreign material. Mass. Gen. Laws Ch. 94 §323(f).
- In addition to retail establishments, any person can establish a redemption center. Mass. Gen. Laws Ch. 94 §323(e).
  - A redemption center may choose what containers it will accept. Id.

Link to Massachusetts General Law: <http://www.mass.gov/legis/laws/mgl/94-321.htm>

### 4. Connecticut

- A dealer must accept “any empty beverage containers of the kind, size and brand sold by the dealer” at the dealer’s place of business unless the container contains foreign material or is not labeled in accordance with the statute. Conn. Gen. Stat. Ch. 446d §22a–245(b).
- A dealer may also refuse to accept containers if the dealer “sponsors, solely or with others, a redemption center which is located within a one-mile radius of such place of business and which accepts beverage containers of the kind, size and brand sold by such dealer at such place of business or unless there is established by others, a redemption center which is located within a one-mile radius of such place of business and which accepts beverage containers of the kind, size and brand sold by such dealer at such place of business.” Id.
- A dealer may also refuse to accept containers 60 days after the dealer discontinues the sale of a particular kind, size or brand of beverage, but the dealer must post notice of the date on which he or she will stop accepting that particular type of container. Id.
- A person may apply to the Commissioner of Environmental Protection to establish a redemption center. Conn. Gen. Stat. Ch. 446d §22a–245(a) (formerly §22a–79).
  - “Any person establishing a redemption center shall have the right to determine what kind, size and brand of beverage container shall be accepted. Any redemption center may be established to serve all persons or to serve certain specified dealers.” Id.

Link to Statute: <http://www.cga.ct.gov/2001/pub/Chap446d.htm#sec22a-243.htm>

### 5. New York

- A dealer is required to accept at his or her place of business “any empty beverage containers of the design, shape, size, color, composition and

brand sold by the dealer . . . .” NY Environmental Conservation Law §27-1007(1).

- A dealer may refuse to accept an empty beverage container if: (1) the container does not state a refund value; (2) the bottle is broken; (3) the can is corroded or dismembered; (3) the container contains a significant amount of foreign material. NY Environmental Conservation Law § 27-1009(1)-(2).
- The Department of Environmental Conservation is authorized to promulgate rules that would allow dealers and redemption centers to limit the kind and number of containers that particular facility will accept, but it has not done so. NY Environmental Conservation Law §27-1013.

Link to Statute: <http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS>

## 6. Delaware

- A dealer shall accept from a consumer any empty beverage container of the kind, size and brand sold by the dealer, and pay the consumer the refund on the appropriately labeled returnable beverage container. Del. Code Ann., tit. 7, §6057.
- A dealer may refuse to refund deposits on beverage containers if a redemption center or centers are established in the vicinity which serve the public need. Id.
- A dealer or redemption center may refuse to refund deposits on beverage containers which are broken, or unclean, or not empty. Id.
- **LIMIT:** Such dealer or center may refuse to accept beverage containers from any person who attempts to return 120 or more containers at the same time, or within a 1-week period. Id.
- Any dealer or distributor or manufacturer or person or any combination thereof may establish a redemption center subject to approval of the Department. Del. Code Ann., tit. 7, §6056(a).

Link to statute:

<http://www.delcode.state.de.us/title7/c060/sc03/index.htm>

Link to regulations: <http://www.dnrec.state.de.us/DNREC2000/Divisions/AWM/hw/sw/pdf/bevreg.pdf>

## 7. Michigan

- Dealers are required to provide “a convenient means whereby the containers of any kind, size, and brand sold or offered for sale by the dealer may be returned by, and the deposit refunded in cash” on the premises or within 100 yards of the premises. Mich. Comp. Laws §445.572(2).
- “Regional centers for the redemption of returnable containers may be established, in addition to but **not as substitutes for**, the means

established for refunds of deposits prescribed in subsection (2).” Mich. Comp. Laws §445.572(3) (emphasis added).

- A dealer may refuse to pay a refund when accepting an empty container if that dealer does not require a deposit when he or she sells returnable beverage containers. Mich. Comp. Laws §445.572(5).
- A dealer or distributor has discretion to refuse to accept containers that do not clearly state the refund value of the container and “Michigan.” Mich. Comp. Laws §445.572(7)
- **LIMIT:** In addition, a dealer is not required to accept empty containers for a refund of more than \$25 on a single given day. Mich. Comp. Laws §445.572(10).

Links to statute: [http://www.legislature.mi.gov/\(S\(y1ksaimi44igdd55i4yeumrg\)\)/mileg.aspx?page=getobject&objectname=mcl-initiated-law-of-1976](http://www.legislature.mi.gov/(S(y1ksaimi44igdd55i4yeumrg))/mileg.aspx?page=getobject&objectname=mcl-initiated-law-of-1976)  
<http://www.deq.state.mi.us/documents/deq-wmd-swp-Bottle-Bill.doc>

#### 8. Iowa

- Dealers must accept “any empty beverage container of the kind, size and brand sold by the dealer . . . .” Iowa Code §455C.3(1)
- A dealer may refuse to accept any empty container that does not have a refund value on it. Iowa Code §455C.4(1).
- A dealer is also permitted to refuse to accept an empty beverage container if the dealer and the kind and brand of container are covered by an order approving a redemption center. Iowa Code §455C.4(2).
- Dealers may also refuse to accept alcoholic beverage containers that were originally sold at a state liquor store. Iowa Code §455C.4(3).
- Any person may establish a redemption center, subject to the approval of the Department of Natural Resources. Iowa Code §455C.6(1).

Link to statute: <http://web.legis.state.ia.us/IACODE/1999SUPPLEMENT/455C/index.html>

#### 9. Oregon

- A dealer must accept “any empty beverage containers of the kind, size and brand sold by the dealer . . . .” Or. Rev. Stat. § 459A.710(1)
- A dealer may refuse to accept any container if: (1) it does not state the refund value; (2) the dealer and the container are covered by an order approving a redemption center; (3) the container is visibly contaminated by any substance other than water, the original contents, or dust; (4) the container is damaged to the extent that the brand is unidentifiable. Or. Rev. Stat. § 459A.715(1)–(3).
- A dealer need not accept a container if the dealer: (a) Has not offered the product in the specific container size for sale within the past six months; (b) Has reasonable grounds to believe the container was sold at retail outside Oregon; or (c) Has reasonable grounds to believe that



container was obtained from or through a distributor without paying the refund value . . . . Or. Admin. R. 845-020-0035.

- **LIMIT:** In addition, a dealer may refuse to accept more than 144 containers from any one person in a single day. Or. Rev. Stat. § 459A.715(2)(b).
- Any person may establish a redemption center upon approval of the Oregon Liquor Control Commission. Or. Rev. Stat. §459A.735(1).

Link to Statute: <http://landru.leg.state.or.us/ors/459a.html>

Link to Administrative Rules: [http://arcweb.sos.state.or.us/rules/OARS\\_800/OAR\\_845/845\\_020.html](http://arcweb.sos.state.or.us/rules/OARS_800/OAR_845/845_020.html)

#### 10. California

- Every dealer must either allow for redemption of empty containers at all open cash registers in the dealer's place of business or at a specified location on the dealer's premises, or the dealer must post a conspicuous sign notifying customers of the name and address of the certified recycling center or location(s) nearest to the dealer, "which redeems all types of empty beverage containers at one location during at least 30 hours per week with a minimum of five hours of operation occurring during periods other than from Monday to Friday, from 9:00 a.m. to 5:00 p.m. . . . ." Cal. Pub. Res. Code §14570.
- The Administrative Rules do not add any additional restrictions on recycling centers.

Link to Statute: <http://www.consrv.ca.gov/DOR/crcp/recyclers/Images/Act.pdf>

Link to Administrative Rules: <http://www.consrv.ca.gov/DOR/crcp/recyclers/Images/Regs.pdf>



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HB 574 HD2  
RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM

Senate Committee on Transportation, International and Intergovernmental Affairs

Public Hearing – March 19, 2009  
2:45 p.m., State Capitol, Conference Room 225

By

John Cusick, Environmental Center  
Peter Rappa, Environmental Center  
Shanah Trevenna, Sustainable Saunders

HB574 HD2 extends the reverse vending machine rebate program, increases the financial incentives and appropriates monies to the counties to plan and operate county recycling programs. We are testifying as individual faculty/staff and our views do not represent an official position of the University of Hawaii.

Since its inception in 2004, the Hawaii Deposit Beverage Container Program has been successful in the collection for recycling over 100,000 tons of plastic, glass and aluminum containers. The program recycled over 680 million containers in 2008 alone. The Department of Health (DOH) reports that the redemption rate is 72 percent. The Program's goal is to achieve an 80 percent redemption rate. Reaching the goal won't be easy because it takes more effort to turn the last few non-participants into recyclers.

In a telephone survey of residents conducted in 2008 for the Department of Health by Ward Research, 27 percent of the people who don't recycle say that it was just too much hassle to do so. One of the ways to increase the rate of redemption is to have more redemption centers. One of the ways to get more redemption centers is to offer an incentive to do so. Increasing the amount paid to those who provide reverse vending machines creates that incentive. Another way to increase the number of centers is by having counties become involved with operating them. This bill encourages counties to take that step by offering grant-in-aid to them to plan and operate recycling centers. Recycling must be made as convenient and widely promoted as possible to increase the awareness among island communities until such time as it becomes routine practice.

A financial incentive to the public to promote redemption centers is understandable but could create problems in neighborhoods and a public health risk if recycled materials are not properly stored and maintained (noise by those redeeming materials, traffic to and from the site,

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accumulation of recyclable materials). We would like to make sure that the state recycling program addresses these potential problems as it expands.

Thank you for the opportunity to comment on this bill.