Proposed Amendments from VPIRG to H.158
2/22/2023

- **Accountability**
  - **Reporting.** The Reporting requirement on Page 14, line 15, should Include: Reporting. At a frequency required by the Secretary but not less than annually. The producer responsibility organization shall report the following to the Secretary, including the analysis from the independent third party auditor as described in Section 1533.
  - To Section 1533, add "and any additional information required by the Secretary."
  - **Enforcement.** On Page 11, line 14, we recommend language along the lines of: If a producer responsibility organization fails to implement the requirements of this chapter, the rules adopted by the Secretary, or an approved stewardship plan, the producer responsibility organization must develop and submit a corrective action plan to the Secretary within 6 months. After getting a corrective action plan approved by the Secretary, if they continue to fail to meet the parameters laid out in the plan in their next annual report, the Secretary can recoup the unclaimed deposits, assess other financial penalties, and/or dissolve the producer responsibility organization.
  - **Stakeholders.** We recommend adding several additional stakeholders to the groups already named in the bill - an environmental organization representative, a third-party container pick-up agent, a company that operates Reverse Vending Machines (both currently could be represented by TOMRA), and the industry groups representing materials covered by the bill (namely, glass, aluminum and plastics recyclers). These stakeholders could be invited, but it's not clear if they would necessarily be included under the current language.
    - We believe this group should have the opportunity to provide input on the plan, and on the annual reports submitted by the PRO.
    - In addition to the stakeholder group, we recommend including a public comment period for input on the plan.
  - **Redemption rates.** Rather than setting a state goal for redemption rates, the redemption rates included on Page 16, Section 1532 should be requirements that the distributors must meet, and which they should accomplish through their producer responsibility organization. If the target redemption rate is not achieved, then we should include a trigger to increase the deposit to a dime.
  - § 1534. BEVERAGE CONTAINER DEPOSIT

(a) The beverage container deposit shall be five cents unless the redemption rate fails to meet the minimum redemption rate established in subsection (b) of this section for two consecutive years, in which case the redemption rate shall be 10 cents.

(1) Beginning on July 1, 2025: 75 percent.

(2) Beginning on July 1, 2030: 80 percent.

(3) Beginning on July 1, 2035: 85 percent.

(4) Beginning on July 1, 2050: 90 percent.

PENALTY

If, at any time, the Secretary determines the PRO has not met the requirements of section 1531 or section 1532, all future escheats will be remitted to the Agency. If, at any time, the Secretary determines that an individual producer has not met the requirements of section 1531, the Secretary may prohibit the manufacturer from selling its products in the State.

Improving technology at redemption centers.

- Page 12, under § 1532. STEWARDSHIP PLAN; MINIMUM REQUIREMENTS a section should read: the plan shall describe how redemption centers will be financially incentivized to upgrade or purchase technology including a low-to-no interest loan option.

Wine

- Page 5, under § 1522. BEVERAGE CONTAINERS; DEPOSIT - (a) Except with respect to beverage containers that contain liquor **and vinous beverages**, a deposit of not less than five cents shall be paid by the consumer... With respect to beverage containers of volume greater than 50 ml. that contain liquor **or vinous beverages**, a deposit of 15 cents shall be paid...
- Page 2, under § 1521. DEFINITIONS – strike (C) Notwithstanding subdivision (A) of this subdivision (1), “beverage” does not include vinous beverages until January 1, 2027.