

**Testimony of Paul Burns, Executive Director  
Vermont Public Interest Research Group, regarding 25-0991,  
proposed changes to Vermont’s Bottle Bill Program  
February 10, 2025**

Chair Sheldon and Members of the House Committee on Environment:

Thank you for providing this opportunity to provide brief comments on the latest draft of proposed changes to Vermont’s Bottle Bill program. For the record, my name is Paul Burns and I am the executive director of VPIRG. What follows are comments and suggestions pertaining to specific elements of the bill.

**Unclaimed Deposits - Pages 22-23**

With regard to the proposed use of some of the unclaimed deposits for the purposes of improving Bottle Bill infrastructure, VPIRG can support this. We note that it is highly unusual for the state to cover manufacturer costs associated with administration of an Extended Producer Responsibility (EPR) program, and we urge you to consider this to be the exception to the rule.

After all, PRO stands for “Producer Responsibility Program,” and therefore it is appropriate for producers to carry the primary burden for making the program work.

But we also recognize that the program is in need of investment. Better infrastructure will benefit consumers, redemption centers, and other stakeholders. The use of funds in this way is, we believe, consistent with the goals of the Bottle Bill program. This may rightly be called a compromise and it’s one we are willing to support if it allows this legislation to move forward.

**Handling Fee - Page 4, Lines 6-8**

We remain concerned about the imbalance of power in the negotiations between a PRO and a redemption center. This is exacerbated by the fact that the bill is unclear as to what might define fair compensation.

Here are some suggestions for addressing this concern:

- Consider adding a 2-year sunset on this provision. If it’s working well, making it permanent in two years should be easy enough.

- Include a provision allowing a redemption center to appeal to the Agency Secretary in cases where the “fairness” of the offer made is in dispute.
- Consider a 3-cent or 3.5-cent floor.
- At a minimum, require specific ANR analysis of how this approach is working one year after its adoption.

Also, on p.14, line 12, consider adding “**including existing redemption locations**” to the existing infrastructure provision. This makes clear that existing redemption locations have some preference over new locations.

### **The PRO should be a Nonprofit - Page10, Line 7**

Making the PRO a nonprofit organization with diverse interests on its Board could help to mitigate concerns about power imbalance. It’s also the way Maine’s PRO is established.

### **The Charge to Manufacturers that Fail to Establish a PRO – Page11, Line 17**

The bill calls for an assessment of 10% of the plan’s total costs if no PRO is formed. hWe recommend a higher assessment with hopes it’ll never have to be used.

The United States has a long history of using financial accountability to incentivize compliance and ensure that the costs of noncompliance do not fall on others – like taxpayers. One longstanding example is treble damages, which require parties to pay up to three times the original cost when they willfully fail to comply.

Treble damages are embedded across federal and state law, including antitrust statutes and, more recently, environmental law. Under the federal Superfund program, the EPA can recover up to three times its costs from potentially responsible parties who did not comply with a [unilateral administrative order](#).

The draft bill currently requires noncompliant producers to cover base costs, plus only an additional 10%. That amount does not meaningfully incentivize participation, nor does it reflect the added burden placed on the Agency when it must step in for non-compliant producers.

We urge the committee to consider the Superfund example and provide a powerful 300% assessment on non-compliant producers. At a minimum, we would urge you to raise the assessment to 50%.

Also, consider whether enforcement capacity would be enhanced if this provision applied to distributors as well as producers.

### **Convenience Standards – Page13**

People need convenient location options AND each of those facilities should meet minimum specifications.

VPIRG supports having at least **two** redemption centers providing immediate return of deposit in each county. The current draft requires only one of the minimum three redemption centers per county to offer immediate return of deposit. P.13, L 12

Additional standards to consider:

- Locations should be safe, clean, well lit
- Locations shall be open at least 40 hours/week, and at least one weekend day
- Technology must work (95% of the time)
- A phone number must be available if machine not working

Thank you for the opportunity to provide this additional testimony. Please be in touch if you have any questions.