



Department of Environmental Protection

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Regulatory Change Advisory: 301 CMR 4.00 Provisions for Recycling Beverage Containers

The Executive Office of Energy and Environmental Affairs recently promulgated an amendment to 301 CMR 4.00 increasing the handling fee paid to redemption centers from 2 ¼ cents per container to 3 ¼ cents per container. The effective date of this change is **July 5, 2013**.

As described in 301 CMR 4.05 (1), “a dealer shall accept from any person during all of his business hours any empty beverage of the type, size and brand sold by the dealer within the past 60 days and shall pay that person the refund value as indicated on each beverage container returned.” This requirement applies to all dealers, including those who choose to register as redemption centers.

Further, 301 CMR 4.05 (2) states “acceptance of beverage containers from dealers shall be the responsibility and expense of distributors, and shall not be made less convenient and easy for dealers than acceptance at the time of delivery of filled containers”

301 CMR 4.05 (4) states “a distributor shall accept from any redemption center any empty beverage container of the type, size and brand sold by the distributor within the past 60 days, and shall pay the redemption center the refund value of the beverage container as indicated thereon plus a handling fee. The handling fee shall be 3 ¼ cents per beverage container.”

With the recent increase of the handling fee for redemption centers to 3 ¼ cents, this correspondence serves to remind all parties of their responsibilities under the following provisions of the Bottle Deposit Law regulations (301 CMR 4.00). Historically, dealers and redemption centers have different relationships with distributors with regard to 301 CMR 4.05 (2) and (4). Any dealer may register as a redemption center with MassDEP, but a dealer that registers shall remain a dealer subject to the requirements of 301 CMR 4.05 (1) and (2), except for those beverage containers redeemed by the dealer that are not offered for sale by that dealer. Beverage containers redeemed but not sold by a dealer that has registered as a redemption center shall be managed in accordance with 301 CMR 4.05 (4).

EOEEA will continue to enforce the provisions of 301 CMR 4.00 and any dealer or redemption center found to be committing fraud in any form will be swiftly reported to the appropriate law enforcement authorities. If you have questions regarding the recent amendment, please contact Sean Sylver at (617)292-5747 or email at sean.sylver@state.ma.us.