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June 21, 2020

Senator Rebecca Rausch
Chairwoman
24 Beacon St.
Room 218
Boston, MA 02133

Carolyn Dykema
Chairwoman
24 Beacon St.
Room 473F
Boston, MA 02133

RE: H 996 An Act to improve plastic bottles and their recycling

By email: JointCommittee.Environment@malegislature.gov

Dear Chairwoman Rausch and Chairwoman Dykema and members of the Committee:

We are writing in support of H 996, which would require plastic beverage manufacturers to make their bottles out of 25% recycled content by 2024, with intermediate goals to be reached incrementally.

Creating domestic market outlets for plastic beverage bottles is extremely important because plastic bottle waste is growing beyond our capacity to manage it.

Production of plastic bottles has been skyrocketing nationwide and shows no signs of slowing, see Figure 2 below.

Across the United States, the picture is dire. *Wasting of PET and HDPE beverage bottles has nearly doubled in just seven years:* from 2.0 million tons wasted in 2010 to 3.7 million tons wasted in 2017, as Figure 2 shows.

Most of the PET plastic now collected is being “downcycled” into products with lesser values than plastic beverage bottles.

The vast majority of *new* plastic beverage bottles are still being made from *virgin fossil fuel resources*, a production cycle that contributes not only to solid waste, but to greenhouse gas emissions. In the United States, PET plastic food and beverage bottles only contain 7% recycled content on average. Recycled PET beverage bottles are twice as likely to be used in “fiber” applications, like T-shirts or carpet. Other applications include “sheet and film” or “strapping.” Ninety-three percent of the plastic used to make PET beverage bottles is virgin plastic.

It is imperative that we improve recycling rates for beverage bottles and use old bottles to make new bottles again. Otherwise, the massive and growing volumes of plastics we consume will clog our landfills; litter our streets, parks, and beaches; and add to the burden of plastics in the oceans. Requiring 25% recycled content in plastic bottles sold in Massachusetts will incentivize brand owners and bottle manufacturers to work together to develop new collection capacity that can help close the loop and make bottle-to-bottle recycling a reality, saving energy and greenhouse gases in the process.

Revenue from penalties would offset some or all costs of DEP monitoring and enforcement.

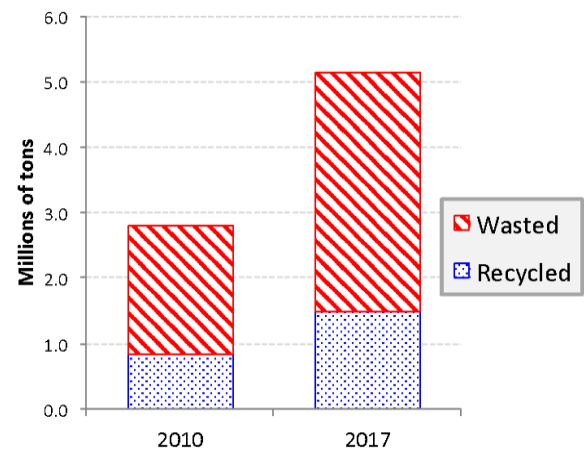
Due to the understanding that some product manufacturers will not be compliant with the requirements of this bill, we estimate that this bill will generate revenue for the Commonwealth. Some beverages are sold in plastics other than PET and HDPE, and food-grade recycled content is nearly nonexistent for resins other than PET and HDPE, so those manufacturers will have no option but to pay the penalty or switch resin types.

The key factor that limits recycled content is the lack of supply of post-consumer beverage bottles, as many beverage manufacturers have stated publicly. Expansion of existing container deposit laws, like the law in Massachusetts, would provide a plentiful supply of clean, source-separated, food-grade PET and HDPE bottles that can easily be recycled into new beverage bottles.

You might consider the following for the purpose of clarification of the proposed bill language:

- **Section 1, subsection A, subsection i**
 - For a more comprehensive and clearer beverage definition, consider separating “wine distilled spirit coolers” into “wine and wine coolers” and “distilled spirit coolers.”
 - You may also consider adding “spirits,” “hard cider” and “hard seltzers” to the list.
- **Section 1, subsection C**
 - The inclusion of the phrase “or other receptacle” vaguely implies the coverage of pouches as well. If that is not intentional, you might consider stating that directly to avoid any confusion.
 - Does the statement “and that is constructed of plastic” include multi-layered packaging (e.g. plastic and aluminum multi-layered packaging)?

Figure 2. PET & HDPE Plastic Beverage Bottles Sold, Recycled, and Wasted in the U.S., 2010 vs 2017



Source: Beverage Market Data Analyses for 2010 & 2017, CRI 2012 and 2019.

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- **Section 1, subsection G**
 - In the phrase, “causing a product to be produced,” you might replace the word “product” with the word “beverage.”
 - In the phrase, “that is held inside of a rigid plastic packaging container,” you might replace the word “packaging” with the word “beverage” to align more clearly with the previously defined term.
- **Section 1, subsection G, subsection i, subsections 1, 2, and 3**
 - Consider insert the word “plastic” in front of “beverage container.”
- **Section 1, subsection H**
 - Consider clarifying that “retailer” also includes home and office delivery, as well as beverages given away (not “sold”) to customers at hotels.
- **Section 3, subsection F**
 - Does a “product manufacturer” include manufacturers out-of-state?
- **Section 4, subsection A**
 - Consider including language to include the 20% and 25% targets in addition to the 15% target mentioned.
- Target dates should be updated to begin 2022 or later.

Please contact me with any questions you may have.

Sincerely,



Susan Collins

President

Container Recycling Institute

Celebrating 30 Years of Research, Education and Advocacy (1991-2021)

About the Container Recycling Institute: *CRI is a nonprofit organization and a leading authority on the economic and environmental impacts of beverage containers and other consumer-product packaging.*