

REGULAR CALENDAR

October 26, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Environment and Agriculture to
which was referred HB 1652-FN,**

**AN ACT relative to the recycling of beverage
containers. Having considered the same, report the
same: NOT RECOMMENDED FOR FUTURE
LEGISLATION.**

Rep. Peter Bixby

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Environment and Agriculture
Bill Number:	HB 1652-FN
Title:	relative to the recycling of beverage containers.
Date:	October 26, 2022
Consent Calendar:	REGULAR
Recommendation:	NOT RECOMMENDED FOR FUTURE LEGISLATION

STATEMENT OF INTENT

This bill would have created a beverage container redemption program similar to one proposed for a nearby state. The complexity of the redemption system made it unworkable. This topic is better considered under the rubric of extended producer responsibility, which is cited as a waste reduction approach in the NH 10-yr solid waste plan. Study committee legislation for extended producer responsibility is likely to be filed based on the interim study recommendation of HB 1111.

Vote 11-1.

Rep. Peter Bixby
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Environment and Agriculture

HB 1652-FN, relative to the recycling of beverage containers.**NOT RECOMMENDED FOR FUTURE LEGISLATION.**

Rep. Peter Bixby for Environment and Agriculture. This bill would have created a beverage container redemption program similar to one proposed for a nearby state. The complexity of the redemption system made it unworkable. This topic is better considered under the rubric of extended producer responsibility, which is cited as a waste reduction approach in the NH 10-yr solid waste plan. Study committee legislation for extended producer responsibility is likely to be filed based on the interim study recommendation of HB 1111. **Vote 11-1.**

Original: House Clerk
Cc: Committee Bill File

Heather Goley

From: Peter Bixby
Sent: Tuesday, October 25, 2022 1:52 PM
To: Howard Pearl; Heather Goley
Subject: Reports for IS bills not recommended for future legislation

Hi Howard, Heather

Here are the reports for the IS bills I made the motions for:

The recommendation for all the following is do not consider for future legislation:

HB 366 would have created procedures for determining if an animal neglect cruelty case resulted from a hoarding disorder and created ways to mitigate the problems for the defendant and the animals. The difficulties of balancing due process issues and animal welfare issues could not be resolved.

HB 438 would have required specific privacy and security conditions to be applied to the animal transfer database program in the Dept. of Agriculture, Markets, and Foods. The privacy and security requirements were included in the version of the bill passed in the 2021 budget, so this bill is no longer needed.

HB 585 would have created the option of registering a dog for the effective duration of a rabies vaccine, which is three years. This would have created logistical problems for municipal clerks. There is no need to change the current procedures.

HB 627 would have created a grant fund to help value added agricultural producers meet matching requirements for Federal USDA value added producer grants. The proposed amounts and mechanisms would not have achieved the bills goals and the bill would not serve as a good blueprint for a better approach.

HB 1121 would have required a bond from the developer of any new landfill that would be sufficiently large to remediate any imaginable future mishap. The bonding procedures, amounts, and other requirements were not workable.

HB 1652 would have created a beverage container redemption program similar to one proposed for a nearby state. The complexity of the redemption system made it unworkable. This topic is better considered under the rubric of extended producer responsibility, which is cited as a waste reduction approach in the NH 10yr solid waste plan. Study committee legislation for extended producer responsibility is likely to be filed based on the interim study recommendation of HB 1111.

Peter Bixby

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on HB 1652-FN

BILL TITLE: relative to the recycling of beverage containers.

DATE: October 25, 2022

LOB ROOM: 301 - 303

MOTION:

Interim Study (2nd yr) Not Recommended for Future Legislation

Moved by Rep. Bixby

Seconded by Rep. Comtois

Vote: 11-1

Respectfully submitted,

Rep Barbara Comtois, Clerk

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on HB 1652-FN

BILL TITLE: relative to the recycling of beverage containers.

DATE:

LOB ROOM: 301 - 303

MOTION:

Recommended for Future Legislation

Not Recommended for Future Legislation

Moved by Rep. Burby Seconded by Rep. Contois Vote: 11-1

Respectfully submitted,

Rep. BE

Committee Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

9/28/2022 11:07:59 AM
Roll Call Committee Registers
Report

2022 SESSION

Environment and Agriculture

Bill #: HB 1652-PRO Motion: Not Recommended AM #: _____ Exec Session Date: 10.25.22

Members	YEAS	Nays	NV
Pearl, Howard C. Chairman	✓		
Aron, Judy F. Vice Chairman			
Comtois, Barbara Clerk	✓		
Verville, Kevin G.	✓		
Davis, Arnold G.	✓		
Stapleton, Walter A.	✓		
Homola, Susan	✓		
Kennedy, Margaret Anne			
Mason, James L.	✓		
Sanborn, Gail E.	✓		
Bixby, Peter W.	✓		
Sofikitis, Catherine M.			
Dutzy, Sherry	✓		
Murray, Megan A.	✓		
Von Plinsky, Sparky	✗	✓	
Caplan, Tony			
Perez, Maria			
TOTAL VOTE:	11	1	

CONSENT CALENDAR

February 7, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Environment and Agriculture to
which was referred HB 1652-FN,**

**AN ACT relative to the recycling of beverage
containers. Having considered the same, report the
same with the recommendation that the bill be
REFERRED FOR INTERIM STUDY.**

Rep. Peter Bixby

FOR THE COMMITTEE

Committee Report

Committee: Environment and Agriculture

Bill Number: HB 1652 (2022)

Title: relative to the recycling of beverage containers

Date: 2/1/22

Consent Calendar **Yes** No

- Ought To Pass
- Ought To Pass w/Amendment Amendment Number: _____
- Inexpedient To Legislate
- Interim Study (available only in 2nd year of biennium)

Statement of Intent:

HB 1652 proposed the establishment of a beverage deposit and redemption program for a broad range of beverage containers. The bill as written would not have been feasible because it did not take into account a number of facets of New Hampshire's solid waste infrastructure. Because we heard testimony indicating that states with 10 cent deposits have much higher rates of diverting recyclable bottles from landfills, there was some interest in investigating whether a deposit and redemption program tailored to New Hampshire could work, so the committee is recommending interim study.

Committee Vote: _17-0

Respectfully submitted: Rep. Peter Bixby

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on HB 1652-FN

BILL TITLE: relative to the recycling of beverage containers.

DATE: February 1, 2022

LOB ROOM: 301 - 303

MOTIONS: REFER FOR INTERIM STUDY

Moved by Rep. Bixby

Seconded by Rep. Pearl

Vote: 17-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Barbara Comtois, Clerk

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on HB 1652-FN

BILL TITLE: relative to the recycling of beverage containers.

DATE: 2-1-22

LOB ROOM: 301

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. Buxby
Buxby Seconded by Rep. Pearl Vote: 17-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES _____ NO

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion _____

Respectfully submitted: *[Signature]*
Rep Barbara Comtois, Clerk



2022 SESSION

Environment and Agriculture

Bill #: HB 1652 Motion: IS AM #: _____ Exec Session Date: 2-1-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Pearl, Howard C. Chairman	✓		
Aron, Judy F. Vice Chairman	✓		
Comtois, Barbara Clerk	✓		
Verville, Kevin G. <u>JOLUSON, DAWN</u>	✓		
<u>Davis, Arnold G.</u> <u>Lang, Tim</u>	✓		
Stapleton, Walter A. <u>Moffett, Mike</u>	✓		
Homola, Susan	✓		
Kennedy, Margaret Anne	✓		
Mason, James L.	✓		
Sanborn, Gail E.	✓		
Bixby, Peter W.	✓		
Sofikitis, Catherine M.			
Bouldin, Andrew J.	✓		
Dutzy, Sherry	✓		
Murray, Megan A.	✓		
Von Plinsky, Sparky	✓		
Caplan, Tony <u>Almy, Susan</u>	✓		
Perez, Maria	✓		
TOTAL VOTE:	17	0	

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

PUBLIC HEARING ON HB 1652-FN

BILL TITLE: relative to the recycling of beverage containers.

DATE: January 18, 2022

LOB ROOM: 301 - 303

Time Public Hearing Called to Order: 2:33 p.m.

Time Adjourned: 4:53 p.m.

Committee Members: Reps. Pearl, Aron, Davis, Stapleton, Homola, Kennedy, G. Sanborn, Bixby, Dutzy, M. Murray, Von Plinsky, Caplan and Perez

Bill Sponsors:

Rep. Egan

Rep. McGhee

Rep. Tucker

Rep. Massimilla

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Timothy Egan introduces the bill and speaks to the environmental concerns and needs and public engagement. One time redeemable cost to consumers. 6 billion dollars in tourism revenue. Speaks to the increase in it. Speaks about the increased incident of trash found around local highways and roads. Talks about New England bottle bills, and states New Hampshire should join the co-hort of states who do. Seeks to work on a bill that allows bottle and can redemption.

Rep. Homola – Asks about the redemption rate. Does the bill address that?

Rep. Egan talks about the 90% to aim to align other states and is open to conversations around it.

Rep. Homola – asks about commissioner vs. legislature being the entity who sets reimbursement rates.

Rep. Egan states that set it with the commissioner.

Rep. Bixby asks about transfer station redemption rates and revenue sources for municipalities. How would that impact towns and communities?

Rep. Egan talks about a rebate would be given back to towns.

Rep. Murray about redemption centers is it universal or store specific?

Rep. Egan says it would be universal in nature.

Chair Pearl asks about whether or not other state cans from other states can redeem it here too?

Rep. Egan talks about it being easy to redeem it in NH and vice versa to another state.

Chair Pearl asks about whether there would be interstate reciprocity or some other metric by which states calculate how much each state has paid out to others?

Rep. Egan says not at this time.

Rep. Aron asks about there being many cans found on the side of the road and inquires if the program would require an incentive to improve this?

Rep. Egan states that this bill would create an opportunity for folks in New Hampshire to redeem the bottles.

Rep. Egan talks about the business of redeeming and self-redemption machines.

Rep. Stapleton asks, would you believe people in collect cans from one town and take them over the boarder and an organization earns roughly \$1,400 a year to do good works?

Rep. Egan states that would be the goal for New Hampshire to have something like that here in New Hampshire.

Rep. Dutzy speaks to litter and success in other states that implement it. Questions implementation of them

Rep. Bixby talks about Extended Producer Responsibility and bottle bills and asks about how they interacting with one another in another state like Maine?

Rep. Egan is not able to speak to either one of those.

Rep. Homola asks about the Attorney General and enforcements of the provision?

Rep. Egan states that maybe Des can speak to them.

Rep. Homola asks about to per container violations.

Rep. Egan says that was not the intent.

Rep. Kat McGee discusses the intent of the bill, and talks about landfill diversion. Bottle bills have been attempted before and implementing a new program is not easy. DES would be the proper entity to oversee the program. Seeks to help manage its solid waste program.

Chairwoman Aron asks for questions

Rep. Bixby asks about the redemption mechanism and asks how redemption center's administrative fee come from?

Rep. McGhee refers the question to Rep. Egan and he speaks to the issue of there being a gap.

Rep. Caplan asks how do redemption rates compare municipal recycling programs?

Rep. Dutzy speaks to CLF submission on data around this.

Rep. McGhee speaks to regional and municipal operators who may be interested in this.

Rep. Bixby would municipalities be eligible to become redemption centers?

Rep. McGhee states yes.

Mike Nork, Solid Waste Management at DES has no position but cites concerns. Speaks to the fact they currently don't have a mechanism to address this. Also speaks to the implementation time line of being Jan 2023. Feels that time line is tight to implement it.

Rep. Murray asks about the \$100k noting it wasn't seen in the matrix. Rep. Nork notes it is further along in the fiscal note.

Rep. Bixby asks if there would be an opportunity to address this. Mike

Nork states that his office has not taken on something like this. Rep.

Perez asks about if DES is opposed to the bill?

Mike Nork states the idea is not in opposition, but there are concerns

in implementation based on the bill's context.

Rep. Perez asks about communities who are ready to take part in something like this

Mike Nork states says that he is not opposed but the resources the department has are limited

Rep. Homola asks about further fiscal analysis.

Mike Nork notes that given more time they would have gone into further detail.

Jon Swan – Save Forest Lake – speaks supportively to the bill – circular economies notes recycling rates of states in similar rates of recycling ~90%. Spoke to the town of Meredith's testimony and glass. Hauling costs, weights, hauling fees, and national sword. Notes Ms. Collins speaks to financial deposit law – CRI estimates \$14 million dollars in revenue gain. Sees greater gains than losses in the fiscal note. Notes the amount of trash on small roads. Felt that states like NY who has recyclable recovery fees have less of a pollution issue.

Kevin Daigle – NH Grocer's Assn – represents chain and independent grocers speaks in opposition to the bill, 40% of residents live outside of New Hampshire, says that 10cent tax is more than other states. Talks about concerns of contamination and other issues around affordability.

Rep. Dutzy asks about the statement of it being a tax if it is recoverable?

Kevin Daigle states that it is a tax because it is upfront.

Rep. Pearl asks about implementation?

Kevin Daigle speaks to his own personal experiences versus those he represents.

Rep. Aron asks what the cost is to the retailer?

Kevin Daigle - roughly 10k investment.

Scott Schaier – NH Beer Distributors Assn. – opposes the bill – says producers do want their materials back as costs of materials are on the rise. Speaking to aluminum reimbursement rates by weight.

Rep. Caplan – speaks to the loss municipalities face at a 50% Recycling rate. Mr.

Schaier speaks to a ballpark figure on sales.

Adam Schmidt – NH Beverage Assn. – submits testimony for the record by Bree Deitly as she was unavailable.

7 in support 1 opposed Time

Respectfully submitted,

Rep. Megan Murray,

Acting Clerk

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

PUBLIC HEARING ON HB 1652-FN

BILL TITLE: relative to the recycling of beverage containers.

DATE: 1/18/2022

ROOM: 301-303

Time Public Hearing Called to Order: 2:33 pm

Time Adjourned: 4:53 pm

(please circle if present)

Committee Members: Reps. Pearl, Aron, Comtois, Verville, Davis, Stapleton, Homola, Kennedy, Mason, G. Sanborn, Bixby, Sofikitis, Andrew Bouldin, Dutzy, M. Murray, Von Plinsky, Caplan, Hyland and Perez

Bill Sponsors:

Rep. Egan
Rep. Massimilla

Rep. McGhee

Rep. Tucker

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- * Rep. Tim Egan bill introduction
- * Rep. Kat McGee
- * Jon Swan Save Forest Lake
- * Scott Schaefer - NH Beer Diet Assn.

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1652-FN Date January 18, 2022

Committee Environment + Agriculture

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Michael Michael Nork	29 Hazen Dr.	271-2906	NHDES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
John Tuffich	PO Box 49, Acworth, NH 03601			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Anderson	676 Woodside Rd. Whitefield		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Tower	24 Memory Ln		Whitefield Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jim Dewers	Concord		NH wine & Spirit Brokers Assn	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep Kat McShee	Hells			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wayne Morrison	Whitefield, NH			<input checked="" type="checkbox"/>	<input type="checkbox"/>

(7)

6 YEA

1 NAY

The New Hampshire
House of Representatives

HOUSE OF REPRESENTATIVES - ONLINE TESTIMONY SUBMISSIONS

House Environment and Agriculture

HB1652

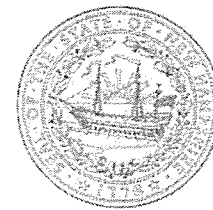
Support: 107 | Oppose: 4 | Neutral: 1

<u>Name</u>	<u>Town</u>	<u>State</u>	<u>Position</u>	<u>Attachment</u>	<u>Typed</u>
Abigail Stone	Hopkinton	NH	Support		
Aidan Moore	Concord	NH	Neutral		
Amy Delventhal	Bethlehem	NH	Support		
Ann Griffin	Lancaster	NH	Support		
Anne Huberman	Peterborough	NH	Support		
Anne Romney	Portsmouth	NH	Support		
AnnMarie Tower	Whitefield	NH	Support		
April Galarza	Keene	NH	Support		
Bonnie Christie	Hopkinton	NH	Support		
Bruce Berk	Pittsfield	NH	Support		
Bruce Blaney	Bethlehem	NH	Support		
Bryan Koplow	Littleton	NH	Support		
carolyn jones	Keene	NH	Support		
Catherine Bushueff	Sunapee	NH	Support		
Catherine Corkery	Concord	NH	Support		
Catherine Koning	Keene	NH	Support		
Charles Despres	Whitefield	NH	Support		
Cheryl Jensen	Bethlehem	NH	Support		
Christina Dubin	Portsmouth	NH	Support		
Chuck Rhoades	Dover	NH	Support		
Cindy Kudlik	Grafton	NH	Oppose		

<u>Name</u>	<u>Town</u>	<u>State</u>	<u>Position</u>	<u>Attachment</u>	<u>Typed</u>
Jonathan Glass	Cornish	NH	Support		
Joseph kwasnik	concord	NH	Support		
Judith Gessner	Whitefield	NH	Support		
Judith Lindsey	Candia	NH	Support		
Judith Saum	Rumney	NH	Support		
Judith Spang	Durham	NH	Support		
Karen Campbell	Epsom	NH	Support		
Kate Coon	Peterborough	NH	Support		
Kathleen Letellier	Dover	NH	Support		
Kim De Lutis	LITTLETON	NH	Support		
Kristine Baber	Dover	NH	Support		
Laurie Boswell	Franconia	NH	Support		
lawrence schissel	newport	NH	Support		
Leigh Brunelle	Manchester	NH	Support		
Leo Roy	Manchester	NH	Support		
Liz Tentarelli	Newbury	NH	Support		
Magnolia McComish	Rindge	NH	Support		
Majka Burhardt	Jackson	NH	Support		
Marcia Main	Portsmouth	NH	Support		
Margaret Jernstedt	Hanover	NH	Support		
Margaret O'Donnell	Whitefield	NH	Support		
Mary Ewell	Chesterfield	NH	Support		
Mary Schissel	Newport	NH	Support		
Megan Wheeler	Jaffrey	NH	Support		
Melanie Rhoades	DOVER	NH	Support		
Michael Fraysse	Epsom	NH	Support		
Michael Glazner	Dalton	NH	Support		
Nancy Kelley-Gillard	Keene	NH	Support		
Nancy Strand	Bethlehem	NH	Support		
Nicholasa Ourusoff	New London	NH	Support		
Patricia A Martin	Rindge	NH	Support		



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 18, 2022

The Honorable Howard Pearl
Chairman, House Environment & Agriculture Committee
Legislative Office Building, Room 303
Concord, NH 03301

RE: HB 1652-FN, An Act Relative to the Recycling of Beverage Containers

Dear Chairman Pearl and Members of the Committee:

Thank you for the opportunity to testify on HB 1652. This bill would establish a beverage deposit system to incentivize recycling of beverage containers in New Hampshire. While NHDES supports efforts to increase recycling, the Department has concerns about the resources necessary to implement the various regulatory requirements associated with this bill as currently written.

As introduced, HB 1652 would require NHDES to administer several aspects of the beverage deposit system, including adopting new administrative rules, reviewing reports submitted by beverage distributors, evaluating statewide redemption rates, adjusting deposit values and handling fees as deemed necessary, monitoring compliance and referring enforcement issues to the Department of Justice, and responding to inquiries from the general public. These tasks represent new responsibilities for NHDES which cannot be absorbed by existing program resources. As such, NHDES would have to hire additional staff to meet its obligations under this bill. The fiscal note attached to this bill reflects the potential impact to NHDES and the General Fund for creation of a new Waste Management Specialist IV position to fulfill these duties. The cost for this position is estimated at approximately \$100,000 per year. There may be additional administrative costs associated with this bill, but because NHDES has never administered a program like this, the Department is unable to predict complete costs and impacts.

Additionally, NHDES has concerns about the timeline of implementation for this bill. The effective date of this bill would be January 1, 2023, which NHDES interprets to mean that collection of deposits would begin on that date. Assuming this bill is signed into law in the second half of 2022, there would likely not be enough time for NHDES to obtain approval to establish a new position, fill that position, and accomplish preliminary tasks such as rulemaking before January 1, 2023.

In short, NHDES is concerned that this bill would require the Department to undertake new and expanded responsibilities for which it is not currently resourced. NHDES believes further study would be needed to examine how such a program might be implemented in a way that makes best use of limited state resources while also meeting the needs of the consumers and businesses that would be impacted. NHDES would welcome the opportunity to participate in further study.



January 21, 2022

Representative Howard Pearl, Chairman
House Environment & Agriculture Committee
107 North Main Street
Concord, NH 03301

RE: HB1652 - relative to the recycling of beverage containers

On behalf of the independent beer and beverage distributors in New Hampshire and their 900+ employees, I offer the following support to reject a bottle deposit and vote HB1652 inexpedient to legislate.

An outdated idea

In recent years, consumer products companies across the globe have become highly focused on sustainability — including the recycling of packaging materials — as part of commercial and environmental goals. Assisted by non-profit educational organizations such as New Hampshire the Beautiful, Granite Staters have collectively made great strides over the last 50 years via education, outreach and adoption of recycling programs run by local transfer centers. What has not evolved is the traditional bottle bill, and HB1652, which ignores these important strides, has been structured much the same as bottle bills from the early 1980s.

Increased consumer pricing at the register & a competitive disadvantage

While a \$.10 bottle/can deposit may not seem like much, it will make New Hampshire less competitive and further increase the cost of consumer products that have already experienced rising prices due to inflation. A value brand case of beer might increase by 15-20% at the register just based on the deposit. New Hampshire has always prided itself in being a destination for out-of-state shoppers, and that has served our economy and general fund well. Remove that advantage and those dollars go away not only for the state, but also for the small businesses near our border.

Less revenue for New Hampshire cities and towns

A bottle bill will also strip away revenue from our cities and towns that sell used beverage containers on the open market. Many transfer centers have been able to defray costs and keep taxes lower by selling recyclable materials. While revenue from collected cardboard and mixed paper tumbled when China stopped buying, aluminum pricing is strong and steady and provides valuable funds to our transfer centers. HB1652 will steal those funds from the municipalities that depend on them.

The wrong approach for our marketplace

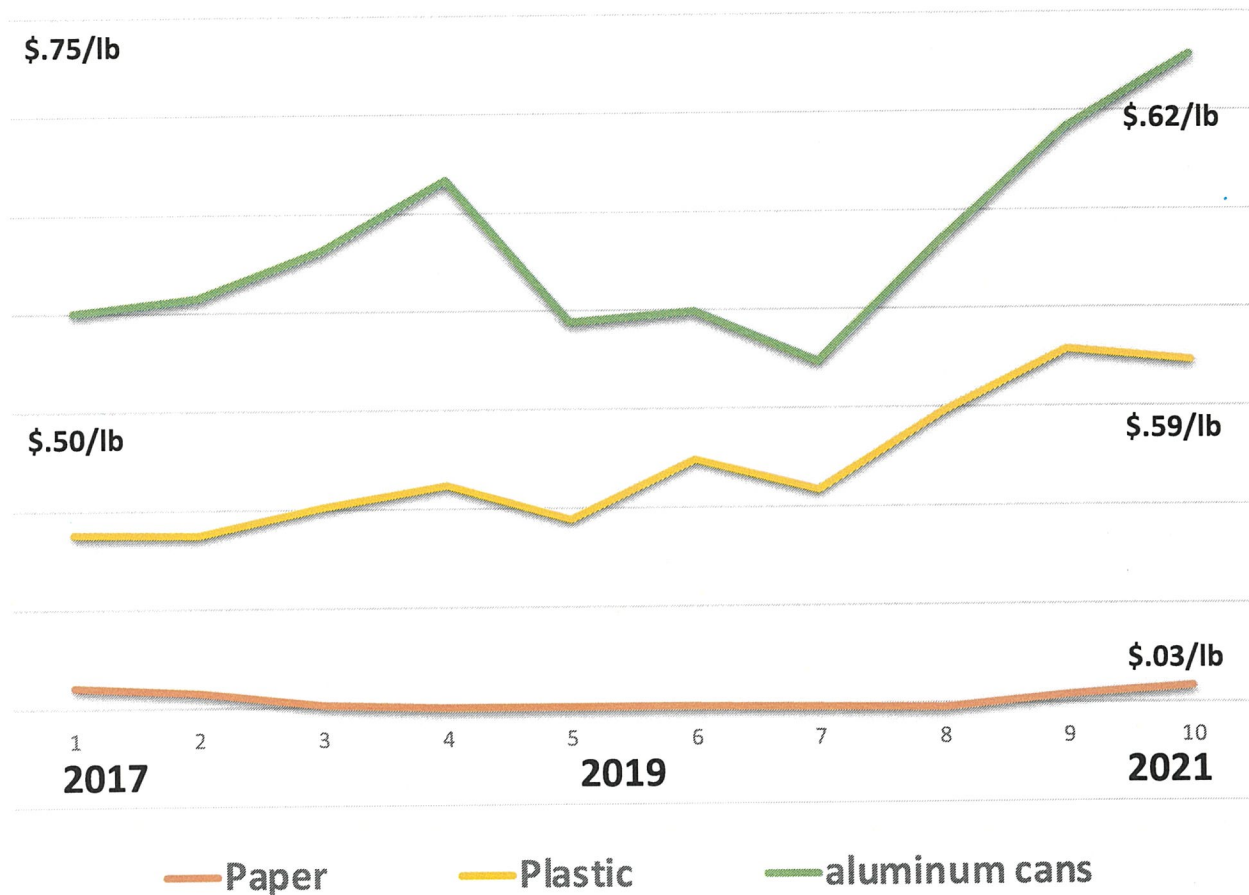
In summary, there is significant commercial and environmental incentive to recycle without a bottle bill. We would be happy to share best practices and learnings with the Solid Waste working group and engage in discussions about further recycling efforts and continued education to keep beverage containers out of landfills, but there is no industry support for HB1652. We encourage your support of an ITL vote out of this committee.

Thanks for taking the time to hear from all the stakeholders, and please feel free to contact me directly with any comments or further questions.

Sincerely,

Scott Schaier

NH transfer center recycled materials selling prices \$/lb 2017-2021



- Plastic and aluminum represent a steady and regular revenue source for NH municipal transfer centers
- **Recycled paper prices actually went negative (cost \$ to haul away) 2018-2020**
- September 2021 pricing per pound: paper \$.03, plastic \$.59, aluminum \$.62*
- **Aluminum is infinitely recyclable, cleaner, easier to sort and more valuable**

* Average selling price per pound for aluminum cans, #2 HDPE plastics & mixed paper

Source NRRA market prices NH 2017-21



NH Beverage Association testimony in opposition to HB 1652 – relative to recycling beverage containers

Dear Chairman Pearl and Members of the House Environment and Agriculture Committee:

My name is Bree Dietly, and I am a Principal at Breezeway Consulting in Somerville, Massachusetts. I appear before you today on behalf of the NH Beverage Association in opposition to HB 1652. The New Hampshire Beverage Association members are companies licensed to manufacture and distribute soft drinks, juices, teas, and bottled water. The beverage industry provides over 760 jobs and creates a direct economic impact of \$544.5 million in New Hampshire. We are highly supportive of efforts to improve recycling so that beverage containers are recovered and reused responsibly. Many industry- supported initiatives are well underway in NH, and nationally, that will more effectively address solid waste challenges rather than the kind of beverage container deposit legislation that the Legislature has repeatedly rejected over the past 40 years.

Recently, at the state level, solid waste policy has been at the forefront. NHBA supported Rep. Ebel’s legislation in 2019 to create a study committee to review recycling streams and solid waste management. NHBA provided testimony and information in support of that study. We appreciated the Legislature’s thoughtful and comprehensive approach to examining recycling challenges and their support for legislation to continue the dialogue. Last session, SB 413 was passed and signed into law. It created a Solid Waste Working Group at the NH Department of Environmental Services and was a direct result of Rep. Ebel’s efforts in the 2019 study committee. The Working Group is designed to assist the agency in “...long-range planning for and the development of creative, effective solutions to the state’s solid waste management challenges.” The working group includes numerous different stakeholders to help develop meaningful proposals that will hopefully represent consensus from all sides. The Working Group has held 2 meetings thus far. NHBA has a member who serves on the Working Group, and we look forward to continuing our collaboration with business, municipal, and legislative leaders on this project.

For decades, NHBA has taken a leadership role in ongoing recycling initiatives. Here in New Hampshire, as the single largest donors to [NH the Beautiful](#), our members have contributed millions of dollars that go directly to municipalities to support their recycling infrastructure. The packaging we use for our products have value in the recycling stream – like our 100% recyclable aluminum cans and PET plastic bottles and caps. Though they account for about two percent of the waste stream, these containers are two of the three most valuable commodities for the

estimated 160 plus communities that sort and recycle materials at their transfer stations. Most importantly, the beverage industry wants our recycled cans and PET bottles back, so we can use the material to make new containers and reduce our virgin material use. Additionally, there are other companies located in NH that use recycled PET in manufacturing their products. HB 1652 would create an unnecessary distraction from the ongoing efforts at the state level to develop meaningful solid waste solutions as well as maintaining effective partnerships with communities via NH the Beautiful.

Nationally, beginning in November 2019, the Coca-Cola Company, Keurig Dr Pepper and PepsiCo, announced the launch of the *Every Bottle Back* initiative, a breakthrough effort to reduce the industry's use of new plastic by making significant investments to improve the collection of the industry's valuable plastic bottles so they can be made into new bottles. These competitors are cooperating to support the circular plastics economy by reinforcing to consumers the value of their 100 percent recyclable plastic bottles and caps and ensuring they don't end up as waste in oceans, rivers, or landfills. This program is being executed in conjunction with two of the country's most prominent environmental nonprofits and the leading investment firm focused on the development of the circular economy. The World Wildlife Fund (WWF) is providing strategic scientific advice to help measure the industry's progress in reducing its plastic footprint and The Recycling Partnership and Closed Loop Partners are assisting with deploying our investments in community recycling infrastructure for the initiative.

Our industry supports a wide range of programs to recover more of our bottles and cans so we can use them to make new ones. We have invested in 100 percent recyclable packages not to see them thrown away, but to get them back. Our experience participating in deposit systems around the world has led us to understand the principles that underlie a successful deposit and redemption program. Unfortunately, most US deposit systems were not built on such principles and stack up poorly when compared to better-performing, more efficient deposit systems that are governed and operated effectively.

The proposal set forth in HB 1652 is based on US deposit systems established in the 1970s that have led to stagnant redemption rates. These systems do not provide accountability for performance, lack coordination, reward inefficiency, redirect consumer money to unrelated programs, and fail to align with the market realities of the 21st century.

In addition, as drafted, HB 1652 would erode competitive price advantages enjoyed by NH retail locations, especially near bordering states. At a 10¢ deposit level compared to neighboring states at 5¢, NH-based businesses would not only lose sales to other states, but New Hampshire would end up redeeming deposits for containers purchased out of state. Further, as proposed, the Legislature cedes all ability to set the redemption cost and handling fees to the Department of Environmental Services. If the Department were to continually raise the deposit to 15 or even 20¢ per container, NH businesses would continue to lose more and more sales while the

redemption from other states would only get worse. The Legislature would be sidelined as this could occur solely through administrative action.

NHBA cannot support HB 1652 because it does not meet our principles for successful and sustainable deposit systems. The most effective deposit systems are run by a single non-profit organization – over which government has oversight – that coordinates the design, operation, and financing of the system across a jurisdiction. These organizations are accountable for providing a convenient service to consumers and delivering high recovery targets. One key element of effective deposit systems is that producer fees paid into the system go solely toward operating and investing in the system, and any unclaimed deposits are retained to support operating costs; HB 1652 redirects those funds elsewhere.

This session, the committee will hear HB 1111 – establishing a commission to study extended producer responsibility or EPR. The beverage industry supports well-designed EPR programs for packaging and printed paper. These systems transfer the cost of recycling designated municipal material to the producers of those materials and provide accountability, capital, and expertise for improving the performance and efficiency of local recycling programs. These systems are self-funded by producers and create collaboration among producers, recyclers, and local governments to improve recycling. State government takes on an oversight role. This is a more comprehensive and efficient approach than outlined in HB 1652. NHBA would welcome the opportunity to share more insight regarding how to create and operate a successful EPR program if HB 1111 were to pass.

As producers, we have a responsibility in helping manage our packaging and returning it to new bottles and cans, but HB 1652 is not the right approach for New Hampshire. Before triggering the enormous investment, as indicated in the Fiscal Note, and market disruption associated with this program, the state would do well to assess its recycling infrastructure and evaluate what policies would lead to the most sustainable and efficient solutions to achieve its goals. That is why we support the ongoing work of the Solid Waste Working Group.

NHBA appreciates the opportunity to share our goals for a circular economy and our thoughts on the kinds of recycling collection systems that drive stronger environmental outcomes and are more financially sustainable than the approach laid out in HB 1652. We look forward to working with policymakers to create sustainable and efficient solutions in New Hampshire. In the interim, we ask that the committee find HB 1652 Inexpedient to Legislate.

Heather Goley

From: Nancy Mittleman <pdedance@msn.com>
Sent: Monday, January 17, 2022 11:13 PM
To: ~House Environment and Agriculture Committee
Subject: In support of HB 1652

I am writing in support of HB 1652. New Hampshire has been in need of a more defined waste management legislation for years and now is an ideal time to start to bring this issue to the forefront. With worldwide concerns for the health of the planet, it seems appropriate that we address these issues at home first.

Some of the benefits of HB 1652 include;

- Creating more opportunities for people to recycle vs tossing recyclables into the trash or littering our beautiful roadways, providing financial incentives for people to recycle
- Producing high-quality recyclable materials for manufacturers and bottlers, thus saving natural resources on the front end of manufacturing, encouraging both producer and consumer responsibility
- Creating jobs and business opportunities

In general, a NH Bottle bill would bring NH up to date with our neighboring states, which have container deposit laws.

Please support HB1652.

Sincerely,
Nancy Mittleman and William Stiffler
499 Forest Lake Rd
Dalton, NH 03598

Heather Goley

From: John Tuthill <johng.tuthill@gmail.com>
Sent: Monday, January 17, 2022 9:43 PM
To: Howard Pearl
Cc: ~House Environment and Agriculture Committee
Subject: Comments on legislation related to waste management / Public Hearings / Tues. Jan. 18, 2022

House Environment & Agriculture Committee
Legislative Office Building, Room 303
Concord, NH 03301

January 17, 2022

Re: HB1111 - Establishing a commission to study extended producer responsibility
HB1121 - Relative to surety bonds (New landfill sites)
HB1420 - Prohibiting the issuance of new landfill permits until the state's solid waste plan is updated
HB1049 - Establishing a committee to study landfill siting criteria
HB1454 - Relative to permits for siting of new landfills
HB1652 - Relative to the recycling of beverage containers

Dear Chairman Pearl and members of the Committee,

I am writing today in strong support of the bills listed above. This raft of legislation is scheduled for hearing before your committee on Tuesday, January 18, 2022. I appreciate the opportunity to provide this brief written testimony.

New Hampshire (NH) is at a turning point. As a result of a confluence of events our state has a rare opportunity to improve environmental policies as they relate to waste management and resource conservation. As I am sure you are aware the need to revisit policies and, in some cases, rules and regulations promulgated decades ago, is overdue. The cost of inaction and a lack of long-range planning is becoming increasingly difficult to manage.

NH needs to proceed deliberately in a bipartisan manner and not in response to manufactured crises, as has sometimes been the case in the past. I am hopeful that the *HB413 Solid Waste Working Group* will continue the work begun before the pandemic by the *Committee to Study Recycling Streams and Solid Waste Management in New Hampshire*. See [2019 Final Report](#) of the HB617, Chapter 265 Committee.* The legislation you are considering on January 18th will build on earlier efforts by the General Court to create a better policy framework for the future.

Each of the six bills will bring benefit to the State, contributing to enhanced protection of air and water quality and of public health. Regaining some control of the waste management system in NH through a variety of coordinated measures will encourage more orderly economic development across the state. Together this package of legislation represents a commitment to a better future and signals NH's engagement in eliminating avoidable economic and environmental burdens and a return to more responsible management of resources.

Please give these bills your consideration. I urge you to support them as a package, creating the time and space for careful policy development while implementing concrete measures to begin lessening demand for disposal capacity in the state.

Thank you for the work you do for the people of New Hampshire.

Sincerely,

John Tuthill
PO Box 49
Acworth, NH
03601

603-863-6366

Former member of the House Environment and Agriculture Committee having some familiarity with waste management issues in New Hampshire and in Northern New England. I represented the Town of Acworth on the Sullivan County Regional Refuse Disposal District for many years and served on the Executive Committee of the NH/VT Solid Waste Project, as well as on the Executive Committee of the Upper Valley Lake Sunapee Regional Planning Commission. I have also had hands-on experience with Acworth's transfer station as a recycling volunteer and, later, as a member of the Board of Selectmen. As a longtime supporter of Working on Waste, a local citizens' group in Sullivan County, I have participated in regulatory and appeal proceedings before the New Hampshire Department of Environmental Services and before NH's environmental councils since the late 1980s.

*Source: COMMITTEE TO STUDY RECYCLING STREAMS AND SOLID WASTE MANAGEMENT IN NEW HAMPSHIRE

Heather Goley

From: patricia lapree <plapree53@gmail.com>
Sent: Monday, January 17, 2022 9:52 AM
To: ~House Environment and Agriculture Committee
Subject: HB1111 and HB1652

I am writing to ask you to support both these bills at their hearings in the House this week. Or municipalities are struggling to deal with the vast increases in recyclables and glass at their transfer stations. The cost to bothe environment and the taxpayers is out of control and needs to have new strategies to address the volume. I am a member of the Hopkinton Waste Reduction Committee and have sat on recycling committees in two other towns in NH since 1983.

It is time for a bottle bill in this State and for manufacturers to be made to pay for their excessive packaging.

Thank you for your attention to this matter.

Patricia LaPree
Hopkinton NH

Heather Goley

From: rosalind@myfairpoint.net
Sent: Monday, January 17, 2022 9:47 AM
To: ~House Environment and Agriculture Committee
Cc: Tim Egan; Kat McGhee; Linda Massimilla; Edith Tucker
Subject: Testimony In Support Of HB1652 (NH Bottle Bill)

Good Morning Committee members,

I am writing in support of this proposed bill. I formerly lived in Connecticut at a time when they re introduced a bottle/cans refund bill. The difference in the cleanliness of our local parks and streets was noticeable within a few months as individuals and youth sports teams saw this as an opportunity to clean up and make a little income. It is now rare to see roadside cans and bottles, and despite store and business complaints at the time about the " extra work" this would cause them, it all seems to work really well.

For NH to be the only state in New England that is not following the trend of trying to clean up our environment with this really easy to implement, high visibility program is quite shameful, especially given our promotion of come here to "Live, work and play, and then be surrounded by cans and bottles on the roadsides and parks".

I urge you to do what you can to make this bill a reality for current and future generations of NH residents.

thank you for all that you do for this State,

Rosalind Page
2261 Pearl Lake Road
Lisbon, NH 03585
603-838-6520 (home)
603-991-7698 (cell)

Heather Goley

From: John Atherton <jmatherton.3@gmail.com>
Sent: Monday, January 17, 2022 5:11 PM
To: ~House Environment and Agriculture Committee
Subject: Support HB 1652

Please support HB1652 that would help keep plastic trash off the streets. A charge of 10 cents per bottle to be refunded on return is not only fair, it helps keep plastic trash off the street. Nobody is charged anything unless they fail to return the bottle. Such a charge is fair because those who refuse to cooperate make others pick up after them and these people deserve remuneration. This is keeping NH clean at no cost to anyone except those who choose not to cooperate.

John M. Atherton
22 West Concord St.
Dover NH 03820
412-610-0134

Heather Goley

From: rosalind@myfairpoint.net
Sent: Monday, January 17, 2022 9:47 AM
To: ~House Environment and Agriculture Committee
Cc: Tim Egan; Kat McGhee; Linda Massimilla; Edith Tucker
Subject: Testimony In Support Of HB1652 (NH Bottle Bill)

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I urge you to do what you can to make this bill a reality for current and future generations of NH residents.

thank you for all that you do for this State,

Rosalind Page
2261 Pearl Lake Road
Lisbon, NH 03585
603-838-6520 (home)
603-991-7698 (cell)

Heather Goley

From: kristine baber <kmbaber@gmail.com>
Sent: Monday, January 17, 2022 9:43 AM
To: ~House Environment and Agriculture Committee
Subject: Please Support HB1111 and HB1652

Dear Environment and Agriculture Committee Members:

I am pleased to see that your committee is hearing HB1111, the bill to set up a study commission on Extended Producer Responsibility, and HB1652 on beverage container recycling. I hope that you will vote to pass both of these bills in your committee.

These bills address the growing problem of dealing with the mechanics, the health risks, and the expense of solid waste. After learning that each of us are probably consuming a credit card worth of microplastics every week through the food we eat, the water we drink, and the air we breathe, I have become particularly concerned about plastic pollution. Since the best estimates indicate we are only recycling about 9% of plastic currently, we need to come up with better approaches in our state for dealing with plastic waste. HB1111 and HB1652 offer opportunities for us to do this. It seems appropriate for producers and distributors of problematic products such as hard to recycle plastics to share the responsibility for the cost of dealing with waste rather than expecting residents and municipalities to carry this burden.

Extended Producer Responsibility laws, including Maine's, could provide an excellent model for a NH study commission. Most other New England states have bottle bills in place, so we would be joining them in working to reduce roadside trash and increase optimal recycling of beverage containers.

Please support HB1111 and HB1652 so we can continue to protect our beautiful NH environment, reduce the costs of waste disposal for our residents, and better ensure the health and well being of our children and families.

Thank you,
Kristine Baber
Dover, NH

Heather Goley

From: Sean Ward <sean.ward@peircefarm.com>
Sent: Sunday, January 16, 2022 2:30 PM
To: ~House Environment and Agriculture Committee; Tim Egan; Kat McGhee; Edith Tucker; Linda Massimilla
Subject: HB1652

I am strongly opposed to HB1652. Bottle bills don't work. They are effectively a tax on low income earners and they do nothing to decrease litter or environmental impact. Take a look at the roadsides of Massachusetts if you need more proof of that. Bottle bills create yet another layer of wasteful bureaucracy and are nothing but a thinly veiled tax disguised as environmental benefit. The state needs to focus on curbside recycling initiatives where bins filled with all recyclable materials can be gathered and recycled rather than forcing people to sift through their trash to get their dimes back. I should also point out that even Massachusetts, a bastion of taxation and bureaucracy, recently struck down a state ballot initiative to expand their bottle bill to additional container types. I would also like all to consider the administrative burden on our vendors. The extra work of collecting 10 cents when selling a product, remitting those money's to the state, redeeming those containers for 10 cents, creating separate storage for those materials, and dealing with their collection separately from other recycled materials is a burden no NH business needs right now.

Yours,

Sean Ward



Sean Ward Owner - General Manager

Snowy Owl Inn

m: [978-766-8953](tel:978-766-8953)

w: www.SnowyOwlInn.com

e: Sean.Ward@PeirceFarm.com

41 Village Road Waterville Valley NH 03215

Follow us:



Heather Goley

From: Simon Berrio <simon.berrio@gmail.com>
Sent: Thursday, January 13, 2022 11:05 AM
To: ~House Environment and Agriculture Committee
Cc: Bob Giuda; Sallie Fellows; Suzanne Smith; Joyce Weston
Subject: Opposition to House Bill 1652 (Bottle Bill), 18 January Committee Meeting.

Dear House Environmental and Agriculture Committee,

Thank you for your efforts at making this state a wonderful place to live. I am a Holderness renter/voter and a Dalton property owner/ future resident/voter.

I want to register my opposition to House Bill 1652, AN ACT relative to the recycling of beverage containers (AKA a 10 cent bottle bill). You will see this bill during your committee meeting on the 18th. Please vote to kill this bill in any way you can.

NH already has an extremely convenient recycling program. Some are better than others, but from a user's standpoint I find it hard to beat the single stream setup we have in Holderness. With such convenient recycling options, why are we trying to impose a tax on recyclables? The sponsors may not consider it a tax as you eventually get most of it back, but that \$3 extra for my emergency supply of Miller Lite is an interest free loan out of my own pocket. Please don't criticize my garage fridge beer of choice. It is classier than Busch light.

One of the sponsors, Representative Egan, was quoted in the Caledonian Record earlier this year on the bill: "Look all around New England and every [state] has a bottle bill except New Hampshire,". Is 'because Massachusetts does it' a healthy reason for a bottle bill in New Hampshire?

I am from Massachusetts and escaped in 1992 when I joined the Army. I retired last year to New Hampshire for all that New Hampshire offers and convenience versus the other New England states is one of those reasons. Massachusetts implemented their "bottle bill" in the early 80s when recycling was a four-letter word. Again, recycling is easy and convenient now so we don't need the additional leverage.

Several concerns with HB1652 and bottle bills in general:

1. Bottle collection sites are disgusting. The area is covered with spilled beer and carbonated beverages. During the summer it is crawling with bees, flies, and ants. Your feet stick to the floor and you can smell it from yards away. I drove past one on Route 28 on Cape Cod the day after Christmas- 100 yards of smelling stale and spoiled beer even with my windows closed. Do we really want that in our neighborhoods and grocery stores?
2. Can collection machines and redemption sites are finicky. A dent or crease can reject the can. That is 10 cents gone. Here and in other states I have lived in, I crush my aluminum cans to save space in the recycling bin. This bill seeks to drastically increase the size of New Hampshire's household refuse as we have to keep our cans in pristine shape so we can get our tax refund on it. Imagine the joy of stuffing two 30 gallon bags of cans in the back of your

car and dragging it to the store. Again, I have lived this and my parents & sister currently deal with this in Massachusetts.

3. HB1652 requires stores to add collection vending machines. Again, we are putting the disgusting mess next to our food. Picture the Market Basket in Tilton. It is one of their small format stores where you can barely squeeze down the aisle. Where is that store going to put its required collection vending machines? Where is that store going to store its cans so the mess doesn't come near our food?

4. Regardless of one's thoughts on it, the last time I checked we were still in a pandemic. I'm sure people who are concerned about C-19 or the next bug will be thrilled to wait in a long line to redeem cans.

5. Some may think it reduces littering, but in my observation it does not. Driving from New Hampshire to Massachusetts on I93 and the increase of trash in that bottle bill state is noticeable. I drove from Holderness to Dalton on Tuesday and back again. I saw two pieces of trash. One an Amazon box that has been on 175 on the Holderness/Ashland line for a couple days, and two a Seven Up bottle on the side of 135 in North Littleton. I challenge anyone to take a 100 mile round trip ride through a bottle bill state and find similar cleanliness. New Hampshire does not have a littering problem.

If you are still reading my ramblings, thank you. Bottom line is I am vehemently opposed to a bottle bill in New Hampshire for several reasons. Our recycling program is convenient and this is a burdensome and expensive solution in search of a problem.

Drive safe next Tuesday and stay warm.

Sincerely,

Simon Berrio

Holderness & Dalton

PS. Mr. Guida, I apologize for filling up your inbox as this bill is months from hitting the Senate (hopefully it never will). If it does, as one of your voters, my opposition is above. Thank you for your work on the Gun Line last year. Governor Sununu and New Hampshire Firearms Coalition have it wrong and they are obviously out of touch with the average gun shop owner or firearm purchaser.

Heather Goley

From: Beauchesne, Suzanne <Suzanne.E.Beauchesne@des.nh.gov>
Sent: Monday, January 17, 2022 11:27 AM
To: ~House Environment and Agriculture Committee
Cc: Tim Egan; Linda Massimilla; Kat McGhee; Edith Tucker; Sanborn, Mark A; Wimsatt, Mike; Nork, Michael; Crepeau, Adam
Subject: HB 1652 Letter of Testimony
Attachments: HB1652 LOT - Recycling Beverage Containers 011821.pdf

Dear Chairman Pearl and Members of the Committee:

Attached is a letter of testimony from the NH Department of Environmental Services on HB 1652, an act relative to the recycling of beverage containers. Should you have questions about this testimony or need additional information, please feel free to contact either Michael Nork, Solid Waste Management Bureau (michael.nork@des.nh.gov, 271-2906) or Michael Wimsatt, Waste Management Division Director (michael.wimsatt@des.nh.gov, 271-1997). Thank you. Suzanne

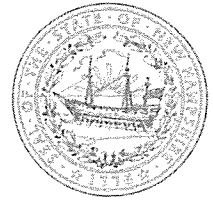
Stay Safe! Be Well!

Suzanne Beauchesne
Office of the Commissioner
NH Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03301
Phone: (603) 271-3449
Suzanne.Beauchesne@des.nh.gov

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The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 18, 2022

The Honorable Howard Pearl
Chairman, House Environment & Agriculture Committee
Legislative Office Building, Room 303
Concord, NH 03301

RE: HB 1652-FN, An Act Relative to the Recycling of Beverage Containers

Dear Chairman Pearl and Members of the Committee:

Thank you for the opportunity to testify on HB 1652. This bill would establish a beverage deposit system to incentivize recycling of beverage containers in New Hampshire. While NHDES supports efforts to increase recycling, the Department has concerns about the resources necessary to implement the various regulatory requirements associated with this bill as currently written.

As introduced, HB 1652 would require NHDES to administer several aspects of the beverage deposit system, including adopting new administrative rules, reviewing reports submitted by beverage distributors, evaluating statewide redemption rates, adjusting deposit values and handling fees as deemed necessary, monitoring compliance and referring enforcement issues to the Department of Justice, and responding to inquiries from the general public. These tasks represent new responsibilities for NHDES which cannot be absorbed by existing program resources. As such, NHDES would have to hire additional staff to meet its obligations under this bill. The fiscal note attached to this bill reflects the potential impact to NHDES and the General Fund for creation of a new Waste Management Specialist IV position to fulfill these duties. The cost for this position is estimated at approximately \$100,000 per year. There may be additional administrative costs associated with this bill, but because NHDES has never administered a program like this, the Department is unable to predict complete costs and impacts.

Additionally, NHDES has concerns about the timeline of implementation for this bill. The effective date of this bill would be January 1, 2023, which NHDES interprets to mean that collection of deposits would begin on that date. Assuming this bill is signed into law in the second half of 2022, there would likely not be enough time for NHDES to obtain approval to establish a new position, fill that position, and accomplish preliminary tasks such as rulemaking before January 1, 2023.

In short, NHDES is concerned that this bill would require the Department to undertake new and expanded responsibilities for which it is not currently resourced. NHDES believes further study would be needed to examine how such a program might be implemented in a way that makes best use of limited state resources while also meeting the needs of the consumers and businesses that would be impacted. NHDES would welcome the opportunity to participate in further study.

Heather Goley

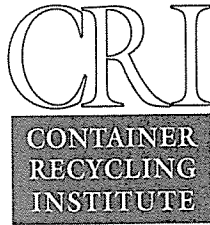
From: Susan Collins <scollins@container-recycling.org>
Sent: Monday, January 17, 2022 9:29 PM
To: ~House Environment and Agriculture Committee; Judy Aron; Barbara Comtois; Howard Pearl
Cc: Kat McGhee; Tim Egan
Subject: Support for HB 1652 from Container Recycling Institute
Attachments: CRI supports HB1652_NH_Jan2022.pdf

Please see attached letter of support for HB 1652 from the Container Recycling Institute.

--

Susan V. Collins
President
Container Recycling Institute
Celebrating 30 years of Research, Education and Advocacy (1991-2021)
Cell: 310-991-0392
Main: 310-559-7451

Container-recycling.org
Bottlebill.org



January 17, 2022

Environment & Agriculture Committee
Representatives Howard Pearl, Judy Aron, & Barbara Comtois
Legislative Office Building, Room 303
33 N State St., Concord, NH 03301

By email: Howard.Pearl@leg.state.nh.us, Judy.Aron@leg.state.nh.us, Barbara.Comtois@leg.state.nh.us

Dear Chair Pearl, Vice-Chair Aron, Clerk Comtois, and Members of the Committee,

We are writing in support of House Bill 1652, "An Act Relative to the Recycling of Beverage Containers." This bill would establish a beverage container deposit law in New Hampshire, effective 1/1/23.

We applaud this bill for:

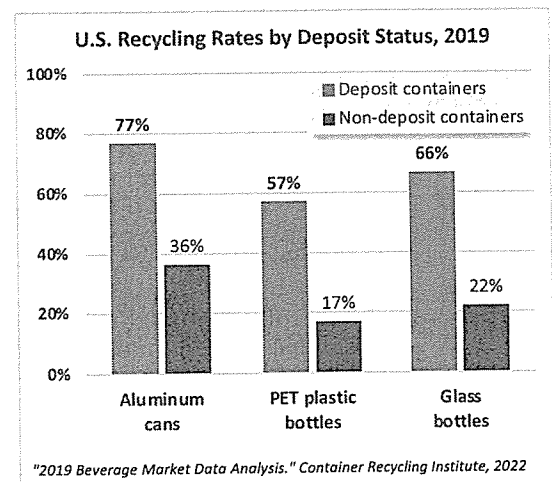
1. Including most non-carbonated beverage types, including **wine and liquor**. Doing so will generate clean, high quality glass that is desired by glass manufacturers, and will help alleviate the pressure that the state has been experiencing to find aggregate uses for glass collected through municipal programs.
2. Specifying a **deposit of 10¢**, and setting a **binding target of 90% redemption**. Michigan and Oregon, the two U.S. states with dime deposits, have achieved much higher redemption rates—89% and 86% respectively in 2019—than the deposit states with nickel deposits (where reported redemption rates range from 50% to 67%). Ten cents is a strong financial incentive for people to return containers rather than throw them in the trash or litter them. When consumers who purchased the drinks do not take bottles and cans in for refund themselves, there are always other people and groups ready to do the redemption for them to generate income.
3. Giving authority to the Department of Environmental Services to **raise the deposit and the handling fee at their discretion**. This will help the deposit program keep up with inflation.

The national scene:

For almost 50 years, deposit laws, or "bottle bills," have achieved recycling rates up to three times higher than those of bottles and cans without deposits. As the graphic shows, more than three quarters (77%) of aluminum cans with a deposit were recycled nationwide in 2019, in contrast to 36% of cans lacking a deposit. The differences for bottles are more pronounced: 57% vs. 17% for non-deposit PET plastic, and 66% vs. 22% for non-deposit glass.

Deposits have multiple benefits, including:

- **Achieving much higher recycling rates than municipal recycling programs alone.**



Financial benefits of a New Hampshire deposit law:

The fiscal note attached to this bill did not contain any bottom-line dollar figures of how the State might benefit from a deposit law. CRI has estimated, however, that the State could reap as much as **\$14 million in unclaimed deposit revenue annually**. That figure was arrived at by multiplying an estimated 1.4 billion deposit units sold annually by 10% (the inverse of a 90% redemption rate), and then by the 10¢ deposit. This \$14 million gain would be greater than the losses enumerated in the fiscal note.

The fiscal note also mentioned an anticipated loss of revenues to municipalities as the aluminum cans and PET plastic bottles in their curbside streams get diverted to the deposit system. This is only half of the story, however. Removing these items—and bulky glass bottles—from curbside programs (and MRFs) will enable local governments to streamline their collection and processing operations, *incurring net savings rather than net costs*.

Worldwide acceptance of deposits

Deposits on beverage containers are now available to over 400 million people worldwide. With the announcement of 10 new deposit laws in 2019 and 2020 (including New Zealand, Singapore, Slovakia, and Belarus), **640 million people** will have access to deposit programs by 2023. This trend is projected to continue as more nations realize that deposits are a vital part of the solution to the problem of bottle and can waste.

Suggestions to improve HB 1652:

1. **Redemption centers:** the bill states that “any person” may establish a redemption center and be eligible to receive handling fees (as dealers do), but goes no further. We believe additional guidance or standards are needed to determine how redemption centers are established and certified, and what, if any, rules for operation might be needed.
2. **Auditing process for distributor sales:** the bill states that the Department of Revenue shall administer the program, and that there are penalties for non-compliance, but is silent on how these goals shall be achieved. CRI has observed that a number of state deposit systems experience under-reporting and non-reporting by deposit initiators (beverage distributors), such that the official tally of containers sold statewide is far below what we expect based on national, regional, and state-level sales data compiled from multiple industry sources. We urge the authors to consider adding auditing provisions to the bill.
3. **Reporting by material:** we applaud the bill for requiring monthly reporting on containers sold and returned. We urge the authors to consider specifying that the monthly reporting contain information on quantities of each material type sold and returned (aluminum, glass, and plastic), rather than only a total. Hawaii, California, and Oregon have material-specific reporting, as do most Canadian provinces and other deposit systems worldwide.

In sum, CRI strongly supports the passage of a container deposit law in New Hampshire.

Please contact me with any questions you may have.

Sincerely,



Susan Collins
President, Container Recycling Institute

Heather Goley

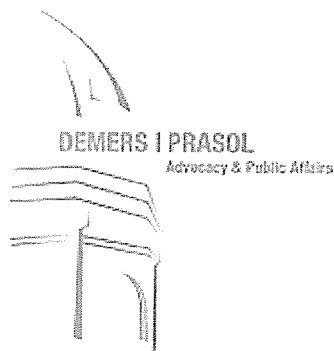
From: Thomas Prasol <THOMAS.PRASOL@DEMERS-PRASOL.COM>
Sent: Tuesday, January 18, 2022 1:11 PM
To: ~House Environment and Agriculture Committee
Subject: HB1652 - relative to the recycling of beverage containers.
Attachments: IBWA Testimony NH HB 1652 011322.docx; IBWA BDWG industry recommendations 111319.pdf

Good afternoon Chairman Pearl and Members of the Committee.

Attached please find written testimony from J.P. Toner from the International Bottled Water Association on HB1652, relative to the recycling of beverage containers. If you have any questions, please do not hesitate to contact me.

Thank you in advance.

Tom Prasol



Thomas R. Prasol
Managing Director
Demers & Prasol, Inc
72 No. Main Street, Suite 301
Concord, NH 03301
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**New Hampshire State Legislature
House Environment and Agriculture Committee
Public Hearing on House Bill 1652
January 18, 2022**

Written Testimony

**James P. Toner, Jr.
Director of Government Relations
International Bottled Water Association**

Chair Pearl, Vice Chair Aron, and members of the Committee, thank you for this opportunity to submit written testimony on House Bill 1652, which would establish a bottle deposit program for the state of New Hampshire.

The International Bottled Water Association (IBWA) is the trade association representing all segments of the bottled water industry, including spring, artesian, mineral, sparkling, well, groundwater and purified bottled waters. IBWA represents bottled water bottlers, distributors and suppliers throughout the United States, including several small, medium, and large-size companies doing business in New Hampshire. IBWA's stated mission is to serve the members and the public by championing bottled water as an important choice for healthy hydration and lifestyle, and promoting an environmentally responsible and sustainable industry.

IBWA has always been a strong advocate for recycling and supports comprehensive, multi-industry approaches to recycling and solid waste management. However, we have concerns with some of the components of HB 1652. The legislation fails to recognize the work currently being done in New Hampshire to address solid waste management and a review of the state's current recycling streams. Legislation passed in 2019 formed the Solid Waste Working Group under the direction of the Department of Environmental Services and is tasked with establishing long-range planning and developing solutions to the state's solid waste management issues. Moving forward with any programs without being properly vetted by the group would likely miss the target on how best to address the issues of waste management in New Hampshire.

The bill also relies upon older constructs of what was once believed to be a workable answer to beverage container disposal. Unfortunately, with today's technological advancements and what we have all learned from the failures of many of the existing bottle deposit schemes, is that starting a new program based on those ideas can lead to a poor performing system that will need continual modifications and fixes to match what successful programs are accomplishing.

How the programs fees are established, adjusted, and used are also a concern. Ceding authority to the Department of Environmental Services for the setting of future redemption and handling fees fails to allow for legislative input on any potential changes to these rates or expressly require a review of the system prior to making any adjustments. Funds collected from the program that are directed to other outside resources also fails to support the overall goal of improving the recycling and waste management system in the state.

Any plan launched should focus on how best to increase recycling rates in the state, promote recycling/waste management industry jobs, provide an equitable fee structure, reduce the risk of fraud, determine how to maintain the solvency of the system, and provide proper economic incentives. New Hampshire's state leaders can find numerous systems throughout the United States and the world that, if closely examined, can provide sound and proven data to implement a state beverage container deposit program.

In 2019, IBWA formed a working group of members with unique insight from bottled water companies to review current state beverage redemption programs. That investigation was the foundation of a set of principles IBWA that makes recommendations for both existing and new deposit programs that can help to increase redemption rates, provide better financial results for the state, and ease the burden on consumers and manufacturers. Many programs are operating below their intended or expected capacity, and IBWA's recommendations would bring together the best of what all state deposit programs have to offer. A list of those recommendations can be found in the document accompanying this testimony.

Several northeast states that have had bottle deposit programs for many years are struggling with keeping redemption number up. While some claim that increasing the redemption fee or expanding to new products will drive higher numbers, these systems lack the internal mechanisms to make lasting and meaningful change. It has been well-documented that Connecticut's beverage container deposit program ranks as the least efficient in the country (44 percent redemption rate in 2020). However, legislation approved in 2021 will make significant changes to the existing program. Both New York (64 percent) and Massachusetts (50 percent), the latter of which does not include bottled water in its redemption scheme, are also facing lower numbers due to the inability to make vital changes to their current operations.

Increases in deposit fees will not help jump-start a state's faltering redemption program. Instead, it will have a negative impact on manufacturing, sales, and overall business in the state—not to mention a negative impact on consumers who will be forced to pay extra for everyday products. A more productive scheme would take this opportunity to plan for the future and show how recycling can improve the state and country – and not focus solely on the decreasing redemption numbers. Increasing the deposit at the same time as expanding the program will increase the risk for fraud due to individuals from neighboring states who either do not have a deposit program, or have a program but either charge less or do not include bottled water, taking advantage of New Hampshire's higher deposit fee.

Since the inception of beverage container deposit programs, recycling technology has advanced significantly. The result is that more people are now aware that state's arcane collection systems

fail to advance the real objective of recyclables collection – to increase recycling. Forcing consumers to pay extra to return used containers, placing a fiscal burden on manufacturers and distributors to subsidize the deposit scheme through fees ultimately passed on to consumers, and requiring retailers to handle the return of used containers and burdening them with state regulation and oversight has not done much to help increase overall recycling numbers.

When looking at New Hampshire's jobs and economy, it is important to note that the bottled water industry is a strong economic driver in the state. Companies in New Hampshire that manufacture, distribute, and sell bottled water employ as many as 915 people in the state and generate an additional 1,739 jobs in supplier and ancillary industries. Examples of such employment include jobs in companies that supply goods and services to manufacturers, distributors, and retailers, as well as those that depend on sales to workers in the bottled water industry. The jobs currently generated by the bottled water industry in New Hampshire are good jobs, paying an average of \$55,000 in wages and benefits.

Not only does the manufacture and sale of bottled water create good jobs in New Hampshire, but the industry also contributes to the economy as a whole. In fact, the bottled water industry is responsible for over \$532 million in total economic activity in the state. The industry also generates sizable tax revenues. In New Hampshire, the bottled water industry and its employees pay over \$53 million in taxes including property, income, and sales-based levies.

In conclusion, IBWA and its members, both in New Hampshire and throughout the United States, strive to make a product that is healthy, refreshing, and takes into account the environmental impact of our products, both in manufacturing and waste management. IBWA is a strong advocate for comprehensive, multi-industry approaches to recycling and solid waste management that examine all types of programs that offer workable solutions. IBWA would appreciate that the Committee and others who may be involved in this legislative effort consider the recommendations of the working group and address industry's concerns with the current proposal.

IBWA Bottle Deposit Working Group

Suggested Recommendations for Legislative Action

November 13, 2019

Similar to other systems like curbside collection or other types of extended producer responsibility programs, bottle deposit programs have played an important role controlling littering and incentivizing recycling. IBWA offers the following principles to help states with existing programs explore ways to improve system performance.

Designing Program Administration for Greater Efficiency

- The best option is to establish a cooperative organization that is managed by a third-party, non-state entity that includes industry participation.
 - A cooperative would ease the financial and logistical burdens on both the government and business. It has been shown to work effectively in OR.
 - Oversight of the program should be maintained by a relevant state agency.
 - Industry participation should include both beverage producers and retailers
- Include a consumer educational program component to address proper recycling process and goals.
- Evaluation by management entity of what containers would be covered (types and materials), redemption fee, handling and processing fees, industry commitments, state support, etc. to ensure an effective and efficiently run program.
- Seek equitable financial arrangements to ensure that manufacturers, consumers, recyclers, and end users are all providing support to operate a successful bottle deposit program. No single entity should face an unreasonably large proportion of the cost needed to operate the program.

Reducing Contamination to Retain Quality of Recycled Materials

- Increase ability for reclaimers to refuse products based on contamination.
- Provide necessary consumer education on recycling streams, what products are part of the deposit program, and the proper return of containers.
- Standardize quality control and increase oversight of recycling processing to better ensure proper sorting of materials.
- Provide funding (loans, tax credits, grants, etc.) to increase investments in latest technology.
- Provide municipalities with additional leverage when negotiating hauling and recycling contracts with industry that can ease contamination requirements. Possible scenario:
 - Utilize the current Model Bale Specification grades developed by the Association of Plastic Recyclers (APR). Any bales that fail to meet Grade A (94% or above of total PET fraction by weight) or Grade B (83%-93%) could be returned to be reprocessed to achieve Grade A or B quality.

- Fees would be determined based upon:
 - True cost of handling the subject material
 - Type of material (e.g., plastic, glass, aluminum)
 - Recovery rate (better recovery rate could mean lower fee)
 - Market demand (based on pricing for each type of material; those materials with higher demand could have lower fees)
 - Program management (cooperative, joint private/public partnership, state operated)
- Potential for collection, handling, sorting or other fees to be subsidized by bottlers.

Investing Unclaimed Deposits

- Unclaimed deposits should be used to support the bottle deposit program by offsetting industry costs and investing in recycling education, collection, and recycling infrastructure. Whether the program is administered by a third party, or by the state, it is critical to ensure adequate funding for all these efforts on an ongoing basis. Because the redemption rate in a state may vary from year-to-year, the annual amount of unclaimed deposit money available to operate the program may be uncertain. For example, if the redemption rates increase beyond a certain percentage, that will significantly reduce the unclaimed deposit funds available to efficiently operate the program. If that happens, the state should provide additional funds needed to run the program.

111319

Heather Goley

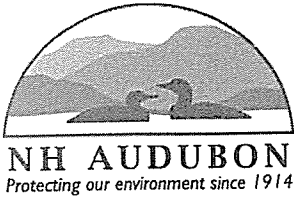
From: Carol Foss <cfoss@nhaudubon.org>
Sent: Tuesday, January 18, 2022 12:18 PM
To: ~House Environment and Agriculture Committee
Subject: HB1652
Attachments: HB1652 final.pdf

Dear Committee Members,
Please accept the attached testimony regarding HB1652 into the hearing record.
Thank you for considering this testimony from New Hampshire Audubon in your deliberations.
Sincerely,
Carol Foss

Carol R. Foss, Ph.D.
Senior Advisor for Science and Policy

New Hampshire Audubon
84 Silk Farm Road
Concord, NH 03301

603-224-9909 x331



January 18, 2022

The Honorable Howard Pearl
House Environment and Agriculture Committee
Legislative Office Building Room 303
Concord, NH 03301

Re: Comment on HB 1652 relative to the recycling of beverage containers

Dear Chair Pearl and Members of the Committee:

Thank you for this opportunity to provide testimony regarding HB1652 on behalf of NH Audubon. We are a statewide conservation organization dedicated to protecting New Hampshire's environment for wildlife and for people.

We support the goal of HB1652, to provide a financial incentive for recycling beverage containers, many of which wind up in landfills or littering our roadsides and waterways. However, we have serious concerns regarding the mechanism this bill proposes to achieve that goal.

A quick review of the 10 state deposit and return container recycling programs suggests that programs that utilize redemption centers as return locations, rather than placing this burden on retailers, have been the most successful. Such an approach would eliminate the space-based requirements of HB1652. We also question whether the Department of Revenue Administration is the appropriate agency to administer such a program. Of the 10 state container deposit and return programs currently in effect, seven are administered by an environmental or natural resources agency (one by a health department, one by a liquor and cannabis commission, and one by a resources recycling and recovery department.) New Hampshire's DRA seems ill prepared to oversee a complex recycling effort.

Successful implementation of a container recycling program requires collaboration of multiple parties, including bottlers, distributors, dealers, consumers, transporters, and recycling businesses. The 10 existing state programs have approached implementation in a variety of ways, some more successful than others. We strongly recommend that a thorough review of existing programs, particularly those in New England, and discussions with stakeholders at all stages of the process, be undertaken to maximize the efficiency and success of any future deposit and return program in New Hampshire.

In the meantime, we recommend that HB 1652 be referred for interim study.

Sincerely,

Carol R. Foss
Senior Advisor for Science and Policy

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MCLANE CENTER
84 Silk Farm Road
Concord, NH 03301
Phone 603-224-9909

NEWFOUND CENTER
Summer Mailing Address:
50 North Shore Road
Hebron, NH 03241
Location:
290 North Shore Road
Hebron, NH 03241
Phone 603-744-3516

Heather Goley

From: Save Forest Lake <saveforestlake@yahoo.com>
Sent: Sunday, January 16, 2022 9:47 AM
To: ~House Environment and Agriculture Committee
Cc: Tim Egan; Kat McGhee; Edith Tucker; Linda Massimilla
Subject: Testimony In Support Of HB1652 (NH Bottle Bill)
Attachments: IMG_9050.JPG; IMG_9043.JPG

Good Morning NH House Environment and Agriculture Committee Members:

I am writing in support of HB1652, for a NH 10-cent container deposit law. Unbeknownst to you, a group of North Country residents, myself included, have been meeting with a bi-partisan group of North Country legislators and our state senator, Erin Hennessey, to address what we have come to recognize as shortcomings in our state's solid waste matters. Of course, you'll hear from some of us on Tuesday, the 18th, during your hearings on several of these waste-related bills. You'll also receive emails from our supporters, urging you to support this bill, or that.

HB1652 was one of those bills I've been urging Rep. Tim Egan to introduce for almost the entire three years that I've known him, since our landfill fight to save Forest Lake began. Being someone who moved to New Hampshire, after living in both Texas and New York, as well as a tour in Iraq in 2008-2009, I quickly appreciated the peace, quiet, and environmental beauty our great state possesses and affords those of us lucky enough to live here. Being one who loves the outdoors, I recognized, almost immediately upon my arrival in NH, that roadside litter seemed to be a predominant nuisance. I've since participated in almost daily roadside cleanups along the road that I walk. Most of what I collect is beverage cans and bottles, with Bud Light and Twisted Tea being the predominant alcoholic beverage of choice amongst those selfish enough to litter. I know there are also legislative efforts to increase the fines for littering, which I also support. I've yet to actually catch anyone littering, and have even set up game cameras in an effort to catch them. I strongly feel that a container deposit law, in the form of HB1652, will greatly curb roadside trash, as a 10-cent container deposit will incentivize litterbugs to retain their cans and bottles so as to collect the deposit paid on them. Furthermore, not only will a container deposit bill curb roadside trash, it would conform with the goals set forth in state solid waste planning relative to waste diversion. Keeping recyclable content out of the waste stream should be paramount amongst your efforts as legislators when considering solid waste related legislation, and I hope you will see the wisdom in supporting HB1652.

A NH Bottle Bill would:

*Create more opportunities for people to recycle vs tossing recyclables into the trash or littering our beautiful roadways

*Produce high-quality recyclable materials for manufacturers and bottlers, thus saving natural resources on the front end of manufacturing

*Help the environment and truly "Keep NH Beautiful", as opposed to the bottle industry sponsorship of roadside cleanups, with those dirty recyclables collected winding up in the landfill

*Provide financial incentives for people to recycle

*Encourage producer and consumer responsibility

*Create jobs and business opportunity

*Insulate municipalities from recycling market fluctuations, especially relative to glass and plastics

Overall, a NH Bottle bill would bring NH out of the environmental dark ages, as all of our neighboring states have container deposit laws, thereby helping to promote recycling, strengthen the state's recycling rate, and reduce waste landfilled in our great state! Please support HB1652.

I look forward to seeing you all on Tuesday, and thank you for what you do in representing your neighbors and their interests in Concord.

P.S. I've attached a few photos of my collections of cans and bottles from daily walks on my road

Thank You!

Jon Swan
25 Cashman Rd
Dalton, NH 03598
(603) 991-2078
Founder, Save Forest Lake

*"Unless someone like you cares a whole awful lot, nothing is going to get better. It's not."
-The Lorax*

Do not allow this proposed development to scar the beautiful landscape of the North Country for generations to come





Heather Goley

From: Richard Spence <rtssds2@gmail.com>
Sent: Monday, January 17, 2022 10:22 AM
To: ~House Environment and Agriculture Committee
Subject: Re: House Bills 1111 and 1652

Our apologies for the typo that reversed the bill numbers towards the end of our email..

On Mon, Jan 17, 2022 at 9:22 AM Richard Spence <rtssds2@gmail.com> wrote:

Dear Committee Members:

My wife and I periodically pick up trash along a half mile section of Middle Road in Dover and regularly participate in Dover's monthly Don't Trash Dover program. Aside from cigarette butts and paper trash, we mostly remove plastics, bottles, and cans from the roadside. Thus, we enthusiastically support both HB 1111 and HB 1652 for several reasons:

1. To reduce roadside litter
2. To make plastics' manufacturers participate in the cost of cleanup and recycling of their products
3. To create new recycling businesses
4. To increase NH's recycling rates. This would benefit municipalities dealing with the costs of recycling while reducing our dependence on landfills to solve our plastic and container pollution.

A bill such as HB 1111 to support a beverage container program like those found in Maine, Massachusetts, Vermont and New York is long overdue. A bill such as HB 1652 would make the plastics' industry accountable for their products' disposal.

Our neighbors, like New Hampshire, also depend on tourism for revenue. Beverage container programs have not negatively impacted that revenue source. Maine's legislation to establish extended producer responsibility should be a model for legislators interested in the physical well-being of our state, our nation, and our planet. Generations to come depend on us. We as citizens depend on you to legislate appropriately.

Thank you for your consideration.

Sincerely,
Richard and Susan Spence
Dover

Heather Goley

From: Keith <keithcarlsen@gmail.com>
Sent: Friday, January 21, 2022 2:17 PM
To: ~House Environment and Agriculture Committee
Subject: Please Oppse HB 1652 the sales tax bill

Dear Committee Members,

Please oppose HB 1652 which would create a 10 cent sales tax on water and other beverages bought in New Hampshire. 100,000s of out-of-staters buy beverages in our state every year. Our businesses depend on this happening. HB 1652 will not only hurt every Granite Stater by increasing our taxes, but will discourage out-of-staters from shopping here, this hurting 100s of local businesses.

Respectfully,
Keith Carlsen

Heather Goley

From: John Tuthill <johng.tuthill@gmail.com>
Sent: Monday, January 17, 2022 9:39 PM
To: Howard Pearl
Cc: ~House Environment and Agriculture Committee
Subject: Fwd: January 14, 2021 / Solid Waste Legislation Hearings 1/18/22

Dear Chairman Pearl and members of the House Environment and Agriculture Committee,

I am forwarding the Committee a note I sent recently to Sullivan County's two representatives on the E&A Committee.

I would like to extend an invitation to any members who have questions about the written testimony I will submit under separate cover this evening, or who would like to discuss the particulars of any of the bills listed below.

Sincerely,

John Tuthill
Acworth, NH
03601

Begin forwarded message:

From: John Tuthill <johng.tuthill@gmail.com>
Subject: January 14, 2021
Date: January 14, 2022 at 3:34:27 PM EST
To: Judy Aron <judy.aron@leg.state.nh.us>, Walter Stapleton <Walt.Stapleton@leg.state.nh.us>

January 14, 2021

Dear Representatives Aron and Stapleton,

I see that January 18th is going to be solid waste day at the Environment and Agriculture Committee. I am pleased that the E&A will take up these important bills and debate them. I have reviewed the bills as introduced and support them all in concept. *[listed below]* Together they represent progress and will greatly assist the work of the HB413 Solid Waste Working Group.

This package of well thought-out and bi-partisan legislation will, I believe, send an important message to both regulators and the regulated community that the State of NH is preparing to turn a corner on solid waste policy over the next several years. Fortunately, in spite of alarmist claims of a landfill capacity crisis in NH, there is time to make a course correction and get NH back on track, prioritizing genuine waste prevention and reduction programs. Up-to-date policies could halve capacity needs in fairly short order once the commitment is made by the General Court and implementation undertaken by the Executive Branch.

Future generations will thank you for your efforts to bring these necessary changes to fruition.

I would welcome an opportunity to speak with you briefly at any time before the hearings next Tuesday, at your convenience of course.

Sincerely,

John Tuthill
Acworth, NH
03601

603-863-6366
603-477-6242 c.

Former member of the House Environment and Agriculture Committee

ENVIRONMENT AND AGRICULTURE, Room 301-303, LOB 9:00 a.m.

HB 1111, establishing a commission to study extended producer responsibility.

HB 1121, relative to new solid waste sites.

HB 1420-FN, prohibiting the issuance of new landfill permits until the state's solid waste plan is updated.

HB 1049, establishing a committee to study landfill siting criteria and methods for reducing pressure on landfill capacity.

HB 1454-FN, relative to permits for the siting of new landfills.

HB 1652-FN, relative to the recycling of beverage containers. Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

Heather Goley

From: Cynthia Walter <walter.atherton@gmail.com>
Sent: Sunday, January 16, 2022 2:58 PM
To: ~House Environment and Agriculture Committee
Subject: HB 1652-FN Recycling Beverage Containers

HB 1652-FN – Recycling Beverage Containers

Dear Legislator,
I want to minimize waste and taxes and this bill does both.
I encourage you to **pass this bill**.
Reasons:

1. It will **reduce waste** from an important source.
 - a. Substantial evidence shows bottles that could be recycled fill up **city waste collections**. **This costs every tax payer extra money and adds to landfills that burden all of NH.**
 - b. Bottles that could be recycled **degrade our roadsides** with trash. Every month, I join volunteers to pick up trash and we find a lot of bottles that could have been recycled.
2. The **costs associated with increased city waste and trash pick up** need to be considered when you look at the costs listed by the Liquor Commission for recycling.
3. **We are all paying for the waste of bottles of beer and other beverages**. This bill distributes the cost among the those who sell and buy drinks. It lets people take responsibility for their choices.
4. Recycling via reverse vending machines units make it **easy for businesses** to maintain the process, and there is compensation for their efforts.
5. There is **no burden for small stores** because only larger stores, e.g., “> 30,000 sq. ft. merchandise” are involved.
6. **Bottle bills work!** I have lived in other states with bottle bills and recycling easily becomes a regular habit. Kids especially love getting back the change.

Thanks,
Cynthia Walter
22 W. Concord St. Dover, NH 03820
cawalter22@gmail.com

Heather Goley

From: Daniel Richardson <daniel6_22@comcast.net>
Sent: Saturday, January 15, 2022 11:40 AM
To: ~House Environment and Agriculture Committee
Cc: Tom Lanzara; Tim Egan; Kat McGhee; Edith Tucker; Linda Massimilla
Subject: HB 1652 relative to the recycling of beverage containers.

Ref: Jan 18, 2022 Committee Meeting

HOUSE ENVIRONMENT AND AGRICULTURE COMMITTEE -

I write in reference to HB 1652, which I generally support. This bill initiates the long-needed placement of some waste stream management and funding at the source of food containers. This is the only way to incentivize the design of packaging and materials for downstream disposition of the packaging. It will go a long way toward reduction of landfill proliferation and compromising geological features. Not only NH, but the nation is awash in plastic container waste.

The refundable pecuniary amounts per item given appear to be bogie values to act as incentive for participation and not to reflect actual costs involved. The financial coverage responsibility for the actual labor, machinery and transportation of reverse flow recycling is not clear. An inherent weakness is to rely on "per item" reimbursement, whereas this is not feasible in large scale or for containers rendered to pieces. Another inherent weakness is applicability solely to containers of NH sale, thereby requiring labor cost of examination of every single uncompact item.

In general, this bill suffers from run-on sentences which complicate its understanding. It should be rewritten into short concise sentences. As this bill addresses only a plastic container waste stream, it would be welcome to source-responsibility by way of economic incentives in reverse disposal for a large part of the waste stream, which is unfortunately outside of the scope of this bill.

Please refer HB 1652 to further study, as it does have virtuous intent and is a good start.

Daniel Richardson, Nashua

Heather Goley

From: Traceymay Kalvaitis <traceymaykalvaitis@gmail.com>
Sent: Wednesday, January 12, 2022 3:36 PM
To: ~House Environment and Agriculture Committee
Subject: HB 1652

Please support this bottle bill.
Thank you.
Traceymay Kalvaitis
Dublin, NH

Heather Goley

From: Traceymay Kalvaitis <traceymaykalvaitis@gmail.com>
Sent: Wednesday, January 12, 2022 2:51 PM
To: ~House Environment and Agriculture Committee
Subject: HB 1652

Please pass this bill.

We pick up SO MANY CANS AND BOTTLES on our road frontage and we recycle them but people would be more encouraged to recycle with a deposit.

Thank you.

Tracey Kalvaitis
Dublin, NH

Heather Goley

From: Simon P. Thomson <sthomson@sheehan.com>
Sent: Tuesday, January 18, 2022 12:49 PM
To: ~House Environment and Agriculture Committee
Subject: HB 1652 Bottle Bill
Attachments: NH HB 1652 Bottle Bill 1-18-22.pdf

Dear Chairman Pearl and Members of the Environment and Agriculture Committee:

Please see attached testimony from my client the New England Convenience Store and Energy Marketers Association (NECSEMA) in opposition to HB 1652.

Please let me know if you have any questions.

Regards,

Simon P. Thomson

Direct Dial: (603) 627-8360

Cell: (603) 254-8285

Email: sthomson@sheehan.com

www.spcapitolgroup.com



New England Convenience Store & Energy Marketers Association

January 18, 2022

Testimony of the New England Convenience Store & Energy Marketers Association

New Hampshire General Court
House Environment and Agriculture Committee

RE: HB 1652 – An Act relative to the recycling of beverage containers.

Chair Pearl, Vice-Chair Aron, and Members of the Committee:

The New England Convenience Store & Energy Marketers Association (NECSEMA) represents the convenience store and transportation fuel industries in New Hampshire, and throughout New England. NECSEMA members wholesale and/or retail most of the motor fuels sold in the state. Across New Hampshire, there are over 850 convenience stores (of which 650 sell motor fuels) and employ close to 14,000 people.

NECSEMA appreciates the opportunity to provide comments in opposition to HB 1652 for the Committee's consideration. As proposed the HB 1652 would establish a statewide beverage container deposit and redemption program. Deposits would start at 10-cents per container, and encompass all containers including beverage, wine, and spirits.

Based on our operational experience in states with similar programs, our concern with the bill is that we simply do not have the space to store empty bottles, unlike large-footprint retailers that operate with retail spaces often far greater than 20,000+ square feet or more. Furthermore, because we do not collect nearly as many deposits as these larger retailers, we are often the last ones serviced at the very end of pickup routes. So not only do we not have the space, but we are also forced to keep the empties longer.

The next time you visit a convenience store please consider its remarkable space utilization, the high density and wide variety of products we provide, and then imagine how much space is left in the backroom after subtracting what is used for replacement inventory, new deliveries, cleaning equipment, environmental monitoring equipment for fuel sales, trash, employee bathroom, and office area for employees and the store manager. There just is not any unallocated space left. Under this bill we fear we will burst at the seams.

1044 Central Street, Suite 203
Stoughton, MA 02072
(781) 297 – 9600

Heather Goley

From: Peter Blair <pblair@clf.org>
Sent: Friday, January 14, 2022 1:30 PM
To: ~House Environment and Agriculture Committee
Subject: Conservation Law Foundation Testimony in Support of HB 1652
Attachments: 01-14-2022 CLF Testimony in Support of HB 1652.pdf

Chairman Pearl and Honorable Committee Members:

Attached is testimony submitted on behalf of Conservation Law Foundation in support of House Bill 1652, an Act Relative to the Recycling of Beverage Container. This bill is scheduled for a public hearing in your committee on January 18, 2022. Thank you for the opportunity to submit this testimony. I am happy to answer any questions you may have.

Respectfully submitted,
Peter Blair

Peter Blair, Esq.
Staff Attorney, Zero Waste Project
Conservation Law Foundation
Pronouns: he/him/his

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For a thriving New England



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January 14, 2022

The Honorable Howard Pearl
Chairman, House Environment and Agriculture Committee
New Hampshire House of Representatives
107 N. Main St.
Concord, NH 03303

RE: HB 1652: Relative to the Recycling of Beverage Containers

Chairman Pearl and Honorable Committee Members:

Thank you for the opportunity to provide testimony in support of House Bill 1652, an Act Relative to the Recycling of Beverage Containers.

Conservation Law Foundation (CLF) is a member-supported nonprofit advocacy organization working to conserve natural resources, protect public health, and build healthy communities in New Hampshire and throughout New England. Through its Zero Waste Project, CLF aims to improve solid waste management through source reduction, recycling, and composting.

HB 1652 would create a container deposit return system – often referred to as a bottle bill – in New Hampshire. With a bottle bill, customers pay a deposit on every single-use beverage container (like a water, soda, or beer bottles) that they purchase. They then get the deposit back when they return the container to a retailer or redemption center for recycling. Through this incentive, bottle bills improve recycling and reduce litter.

I. HB 1652 Will Increase the Number of Bottles and Cans Recycled in New Hampshire.

On average, states with container deposit laws have double the recycling rates than those that rely solely on single-stream recycling. According to the Container Recycling Institute, states with container deposit laws recycled aluminum, PET, and glass at a rate of 78%, 59%, and 64% respectively.¹ Conversely, states without container deposit laws recycled these materials at much lower rates, 36% for aluminum, 14% for PET, and 14% for glass.²

II. HB 1652 Will Increase the Quality of Recycled Materials in New Hampshire.

Not only do bottle bills increase the number of bottles and cans recycled, but they also create a much higher quality of recycled material which makes the product more valuable and more likely to be used to create new goods and products.

¹ Jenny Gitlitz, *U.S. Container Recycling Rates and Trends*, Container Recycling Institute, pg. 7, (Oct. 2013). Available at <https://www.legis.iowa.gov/docs/publications/SD/698850.pdf>

² *Id.*

reasons, Darrel Collier, the Executive Director of the National Association for PET Container Resources has asserted that “beverage container deposit programs are essential to preserve the supply of postconsumer recycled PET.”⁹ Recyclers rely on Bottle Bill PET plastic for the quality material needed to make new containers.

III. HB 1652 Will Reduce Litter and Create a Cleaner New Hampshire

Bottle Bills also significantly reduce litter. After Hawaii implemented a bottle bill in 2005, the number of beverage containers collected during Hawaii’s International Coastal Cleanup fell from 23,471 in 2004 to 10,905 in 2007—a 53.5 percent drop over just three years.¹⁰ The deposit is a powerful incentive to return bottles and cans to be recycled rather than littering them around the state.

In 2020, Keep America Beautiful compared litter in states with and without bottle bills. The report found that states without bottle bills had significantly more bottles and cans littered than their bottle bill counterparts.¹¹ KAB estimated that non-Bottle Bill states had double the amount of container litter as Bottle Bill states.¹² What’s more, the study found that non-Bottle Bill states also had more overall litter, not just bottles and cans.¹³

IV. HB 1652 Can Create Jobs and Foster Economic Growth

Moreover, bottle bills create jobs. Studies have shown that redemption programs can support more than **30 times** as many jobs as curbside recycling.¹⁴ Additionally, bottle bills create at least five times more jobs in container collection, sorting, and transporting than in garbage collection, hauling, and landfilling.¹⁵ Across the border, Maine’s bottle bill supports more than 1,000 jobs at hundreds of redemption centers across the state and has spurred millions of dollars in direct and indirect economic activity.¹⁶

Bottle bills also save taxpayers money because manufacturers, distributors, retailers, and consumers share the responsibility for recycling beverage containers. The system increases the efficiency of the

<https://legislature.vermont.gov/Documents/2022/WorkGroups/House%20Natural/Bills/H.175/Witness%20Documents/H.175-Mike%20Smaha-Can%20Manufacturers%20Institute-2-24-2021.pdf>

⁹ National Association for PET Container Resources, Press Release – Trade Associations Align in Support of Beverage Container Deposit Programs. (April 20, 2020). Available at <https://napcor.com/news/manufacturing-container-focused-trade-associations-align-in-support-of-beverage-container-deposit-programs/>

¹⁰ Haw. Dep’t of Health, *Report to the Twenty-Fifth Legislature*, 9 (2009).

¹¹ Keep America Beautiful, *2020 National Litter Study*, p. 3. (May 2021). Available at https://kab.org/wp-content/uploads/2021/05/Litter-Study-Summary-Report-May-2021_final_05172021.pdf

¹² *Id.*

¹³ *Id.*

¹⁴ See Jeffrey Morris and Clarissa Morawski, Container Recycling Institute, *Returning to Work: Understanding the Domestic Jobs Impacts from Different Methods of Recycling Beverage Containers*, 11 (2011), <http://www.container-recycling.org/assets/pdfs/reports/2011-ReturningToWork.pdf>; Sarah Edwards, Eunomia Research and Consulting, Inc., *Employment and Economic Impact of Container Deposits*, table E1 (2019).

¹⁵ *Id.*

¹⁶ Natural Resources Council of Maine, *Product Stewardship A Success for Maine: Case Study – The Bottle Bill*. Available at https://www.nrcm.org/wp-content/uploads/2013/09/bottle_bill_case_study.pdf

Heather Goley

From: Jamie Burnett <jamie@sight-line.us>
Sent: Sunday, January 16, 2022 10:26 PM
To: ~House Environment and Agriculture Committee
Subject: Wine Institute Letter Opposing HB 1652
Attachments: Wine Institute Letter to House Environment & Agriculture opposing HB 1652 (recycling of beverage containers).pdf

Dear Chairman Pearl and members of the House Environment & Agriculture Committee:

Attached is a letter from the Wine Institute expressing opposition to HB 1652, relative to the recycling of beverage containers, which will be heard on Tuesday, 1/18/22. The Wine Institute appreciates your consideration of our views.

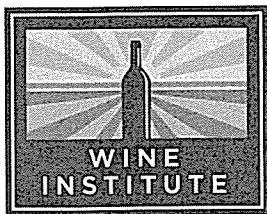
Please feel free to reach out to me with any questions.

Thank you,

Jamie

**JAMIE BURNETT | PRESIDENT
SIGHT LINE PUBLIC AFFAIRS**

PO Box 97 | Concord, NH 03302
(603) 686-3909 | Jamie@Sight-Line.us | Sight-Line.us



January 18, 2022

Representative Howard Pearl, Chair
House Committee on Environment and Agriculture

Re: HB 1652, "An Act Relative to the recycling of beverage containers"

Chairman Pearl and Committee Members:

Wine Institute, an association of over 1,000 California wineries and affiliated suppliers dedicated to advocating the responsible consumption and enjoyment of wine, would like to add its strong opposition to the passage of HB 1652, "An Act Relative to the Recycling of Beverage Containers."

Wine Institute, like New Hampshire, is committed to environmental stewardship. Through our Sustainable Winegrowing Program, we provide California vintners and growers with information on how to conserve natural resources, protect the environment and enhance relationships with employees, neighbors and local communities. Wine Institute, therefore, supports efficient and cost-effective mechanisms to increase the recycling of wine bottles. To that end, we believe that resources in New Hampshire would be better dedicated to municipal and comprehensive curbside recycling programs rather than the establishing an antiquated, costly and inefficient new bottle deposit system.

Curbside is the ideal recycling method for wine bottles since pick-up is at home where the product is primarily consumed. Wine bottles are heavy, breakable, and take up limited household storage space, so they are NOT well suited for redemption programs that require the consumer to return them to a retail location or redemption center. Additionally, wine bottles do not typically create a litter problem and are more likely to be recycled at curbside.

Forty states, including New Hampshire have chosen NOT to impose bottle deposit laws on consumers. Of the ten states that have enacted container deposit laws, only Maine and Iowa include wine bottles in their deposit laws.

A deposit fee is essentially another consumer tax. A deposit fee on wine bottles increases the price of wine for New Hampshire consumers. The high cost of complying with the law is also passed along to New Hampshire wine consumers. A comprehensive curbside recycling program would likely be much more cost effective in increasing the recycling rate for wine bottles, rather than simply putting a redemption fee on every bottle.

Maine's current bottle bill is both costly and burdensome. Wine Institute estimates that including wine bottles in Maine's returnable beverage container law costs wineries more than **\$6 million per year!** These costs are ultimately passed on to wine consumers.

Wine Institute respectfully urges the Committee on Environment and Agriculture to reject HB 1652.

Thank you for your thoughtful consideration.

Respectfully,

Carol A Martel
Northeastern Counsel
Wine Institute
24 Sandpiper Lane
Merrimack, NH 03054
cmartel@wineinstitute.org

Heather Goley

From: Carrie Morris
Sent: Sunday, January 16, 2022 4:16 PM
To: Heather Goley
Subject: FW: HB 1652 relative to the recycling of beverage containers.

-----Original Message-----

From: Daniel Richardson <daniel6_22@comcast.net>
Sent: Saturday, January 15, 2022 11:40 AM
To: ~House Environment and Agriculture Committee <HouseEnvironmentandAgricultureCommittee@leg.state.nh.us>
Cc: Tom Lanzara <tomlanzara@gmail.com>; Tim Egan <Tim.Egan@leg.state.nh.us>; Kat McGhee <Kat.McGhee@leg.state.nh.us>; Edith Tucker <Edith.Tucker@leg.state.nh.us>; Linda Massimilla <Linda.Massimilla@leg.state.nh.us>
Subject: HB 1652 relative to the recycling of beverage containers.

Ref: Jan 18, 2022 Committee Meeting

HOUSE ENVIRONMENT AND AGRICULTURE COMMITTEE -

I write in reference to HB 1652, which I generally support. This bill initiates the long-needed placement of some waste stream management and funding at the source of food containers. This is the only way to incentivize the design of packaging and materials for downstream disposition of the packaging. It will go a long way toward reduction of landfill proliferation and compromising geological features. Not only NH, but the nation is awash in plastic container waste.

The refundable pecuniary amounts per item given appear to be bogie values to act as incentive for participation and not to reflect actual costs involved. The financial coverage responsibility for the actual labor, machinery and transportation of reverse flow recycling is not clear. An inherent weakness is to rely on "per item" reimbursement, whereas this is not feasible in large scale or for containers rendered to pieces. Another inherent weakness is applicability solely to containers of NH sale, thereby requiring labor cost of examination of every single uncompacted item.

In general, this bill suffers from run-on sentences which complicate its understanding. It should be rewritten into short concise sentences. As this bill addresses only a plastic container waste stream, it would be welcome to source-responsibility by way of economic incentives in reverse disposal for a large part of the waste stream, which is unfortunately outside of the scope of this bill.

Please refer HB 1652 to further study, as it does have virtuous intent and is a good start.

Daniel Richardson, Nashua

HB 1652-FN - AS INTRODUCED

2022 SESSION

22-2706
08/11

HOUSE BILL **1652-FN**

AN ACT relative to the recycling of beverage containers.

SPONSORS: Rep. Egan, Graf. 2; Rep. McGhee, Hills. 27; Rep. Tucker, Coos 5; Rep. Massimilla,
Graf. 1

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill establishes the beverage container deposit recycling program and directs the proceeds of such program to the general fund and to the state recycling fund.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

1 X. "Redemption center" means any person offering to pay the refund value of an empty
2 beverage container to a redeemer, or any person who contracts with one or more dealers or
3 distributors to collect, sort, and obtain the refund value and handling fee of empty beverage
4 containers for, or on behalf of, such dealer or distributor.

5 XI. "Reverse vending machine" means an automated device that uses a laser scanner,
6 microprocessor, or other technology to accurately recognize the universal product code on containers
7 to determine if the container is redeemable and accumulates information regarding containers
8 redeemed, including the number of such containers redeemed, thereby enabling the reverse vending
9 machine to accept containers from redeemers and to issue a scrip or receipt for their refund value.

10 XII. "State-specific UPC code" means a UPC code that is unique to New Hampshire or used
11 only in New Hampshire and any other states that have a substantially similar refund value law.

12 XIII. "Universal product code" or "UPC code" means a standard for encoding a set of lines
13 and spaces that can be scanned and interpreted into numbers to identify a product. UPC code may
14 also mean any accepted industry bar code which replaces the UPC code including EAN and other
15 codes that may be used to identify a product.

16 149-R:2 Refund Value; Handling Fee.

17 I. The consumer shall pay a deposit of \$.10 to the dealer on each beverage container sold at
18 retail in this state, except for any such beverage containers sold or offered for sale for consumption
19 on an interstate passenger carrier and refunded to the consumer upon the return of the empty
20 beverage container.

21 II. A retailer or redemption center who redeems beverage containers shall be reimbursed by
22 the distributor of such beverage containers a handling fee in the amount of \$.035 per container.

23 149-R:3 Acceptance of Beverage Containers.

24 I. A dealer shall accept at their place of business from a redeemer any empty beverage
25 containers of the design, shape, size, color, composition, and brand sold or offered for sale by the
26 dealer, and shall pay to the redeemer the refund value of each such beverage container.
27 Redemptions of refund value must be in legal tender, or a scrip or receipt from a reverse vending
28 machine, provided that the scrip or receipt can be exchanged for legal tender for a period of not less
29 than 60 days without requiring the purchase of other goods. The use or presence of a reverse
30 vending machine shall not relieve a dealer of any obligations imposed pursuant to this chapter. If a
31 dealer utilizes a reverse vending machine to redeem containers, the dealer shall provide redemption
32 of beverage containers when the reverse vending machine is full, broken, under repair, or does not
33 accept a type of beverage container sold or offered for sale by such dealer.

34 II. A dealer whose place of business has at least:

35 (a) Ten thousand but less than 30,000 square feet devoted to the display of merchandise
36 for sale to the public shall install and maintain at least 2 reverse vending machines at the dealer's
37 place of business;

1 beverage container. A deposit initiator shall accept and redeem all such empty beverage containers
2 from a dealer or redemption center without limitation on quantity.

3 VII. A deposit initiator's or distributor's failure to pick up empty beverage containers,
4 including containers processed in a reverse vending machine, from a redemption center, dealer, or
5 the operator of a reverse vending machine, shall be a violation of this chapter.

6 VIII. A dealer, retailer, or redemption center may refuse to accept from a redeemer any
7 empty beverage container that is not clean, is broken, or contains material foreign to the normal
8 contents of the container.

9 IX. The obligations to accept or take empty beverage containers and to pay the refund value
10 and handling fees for such containers as described in this chapter shall apply only to containers
11 originally sold in this state as filled beverage containers. Any person who tenders to a dealer,
12 distributor, redemption center, or bottler more than 10 cases of 24 empty beverage containers each,
13 which a person knows or has reason to know were not originally sold in this state as filled beverage
14 containers, for the purpose of obtaining a refund value or handling fee, shall be subject to the
15 penalties in RSA 149-R:8.

16 149-R:4 Redemption Centers. Any person may establish a redemption center and shall have the
17 right to determine what type, size, and brand of beverage container shall be accepted.

18 149-R:5 Labeling.

19 I. Every beverage container sold or offered for sale at retail in this state shall clearly
20 indicate by embossing or imprinting on the normal product label, or in the case of a metal beverage
21 container on the top of the container, the words "New Hampshire" or the letters "NH" and the refund
22 value of the container in not less than 1/8th inch type size or such other alternate indications as may
23 be approved by the department.

24 II. The liquor commission may allow, in the case of liquor or wine bottles, a conspicuous
25 adhesive sticker to be attached to indicate the deposit information required in paragraph I, provided
26 that the size, placement, and adhesive qualities of the sticker are as approved by the department.

27 III. A bottler may place on a beverage container a state-specific UPC code as a means of
28 preventing the sale or redemption of beverage containers on which no deposit was initiated.

29 149-R:6 Deposit and Disposition of Refund Values; Reports; Abandoned Deposits, and
30 reimbursement.

31 I. Each deposit initiator who receives deposits under this chapter shall segregate said
32 deposits in a refund value fund which shall be maintained separately from all other revenues. Said
33 deposit initiator shall report on a monthly basis to the department of environmental services and the
34 department of revenue administration the amount of said deposits or handing fees received and the
35 amount refunded.

36 II. Each deposit initiator shall report to the commissioner of the department of revenue
37 administration by the tenth day of each month, concerning transactions concerning its refund value

1 (b) Amounts paid by this state to the deposit initiator pursuant to this section during the
2 preceding 24 months.

3 149-R:7 Administration; Rulemaking.

4 I. The commissioner shall administer the provisions of the program. The commissioner shall
5 adopt rules under RSA 541-A to administer this chapter.

6 II. The commissioner of the department of environmental services may adjust the refund
7 value described as follows:

8 (a) The commissioner shall establish a process for determining the redemption rate of
9 beverage containers in rule under RSA 541-A subject to this chapter. The commissioner may
10 establish any guidelines or regulations necessary or expedient to determine this rate.

11 (b) Not later than the June 30 of each year, the commissioner shall determine the
12 redemption rate for the previous calendar year.

13 (c) Beginning with the calendar year 2025, if the redemption rate for a given calendar
14 year is found by the director to be less than 90 percent, the commissioner shall increase the refund
15 value by at least \$0.05 before December 31 of the following calendar year.

16 (d) At their discretion, the commissioner may require an increased refund value for any
17 beverage container.

18 (e) The commissioner may increase the handling fee value if, at their discretion, the
19 commissioner determines that a higher handling fee value is necessary to support redemption
20 centers, retailers, or the redemption rate for containers in this state.

21 IV. The commissioner of the department of revenue administration shall administer this
22 program. The commissioner shall adopt rules under RSA 541-A to administer this chapter. Such
23 rules shall include a provision to permit bottlers or distributors to borrow, without any interest
24 charge, against their deposit transaction funds subject to such terms and conditions as the
25 commissioner of the department of revenue administration deems appropriate.

26 149-R:8 Enforcement.

27 I. The attorney general shall enforce the provisions of this chapter.

28 II. Any bottler, distributor, retailer, dealer, or redemption center who violates any provisions
29 of this chapter shall be subject to a civil penalty for each violation of not more than \$1,000 per
30 violation.

31 III. Any person, including a bottler, distributor, retailer, dealer, or redemption center, who
32 violations the provisions shall be subject to a civil penalty of the greater of \$100 for each container or
33 \$1,000 for each tender of containers.

34 IV. Any deposit initiator failing to make full and timely payments as required shall pay
35 interest on any unpaid amounts at the rate of 1.5 percent for each month or part thereof until
36 payment is made in full.

37 2 State Recycling Fund. Amend RSA 9-C:6 to read as follows:

**HB 1652-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the recycling of beverage containers.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General Fund and State Recycling Fund <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Liquor			

LOCAL:

Revenue	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Expenditures	\$0	\$0	\$0	\$0

METHODOLOGY:

This bill establishes the beverage container deposit recycling program and directs the proceeds of such program to the general fund and to the state recycling fund.

The Department of Environmental Services indicates the duties assigned to the Department would require an additional position (Waste management Specialist Position IV, LG 26) in the Solid Waste Management Bureau. This position would be responsible for:

- Conducting rulemaking to administer chapter pursuant to proposed RSA 149-R:7, I.
- Establishing the waiver criteria in proposed RSA 149-R:3, III(c).
- Establishing a process for determining statewide redemption rate, annually calculate redemption rate, and adjust deposit values and handling fees accordingly pursuant to proposed RSA 149-R:7.
- Reviewing monthly fiscal reports submitted by beverage distributors to the Department pursuant to proposed RSA 149-R:6.
- Reviewing periodic reports submitted by beverage distributors to the Department describing beverage products sold into the state pursuant to proposed RSA 149-R:6, III.
- Referring identified compliance and enforcement issues to the NH Attorney General's office for further action.

which would have an indeterminable cost. The Department assumes that these costs would be incurred in FY 2023 and FY 2024.

- The Department anticipates it would require additional positions to administer the bill. The Department does not have sufficient information regarding the scope or workload expected from the bottle deposit and redemption program to determine the number and type of positions needed to estimate the expected cost. The Department assumes it would start to incur the cost of these additional positions in FY 2023, with the full cost to be incurred in FY 2024 and forward.

The Liquor Commission provided the following information and assumptions concerning the fiscal impact of this bill:

- The bill would reduce beer tax revenue by an estimated \$6 million per year based on annual production of 44.1 million gallons. Current law (RSA 178:26) provides if a beverage container mandatory deposit legislation is passed into law the \$.30 per gallon tax shall be reduced to \$.18 per gallon as of the effective date of the legislation.
- The Commission would need to affix labels on each bottle sold in a state operated outlet with an identifying UPC code. Deposit stickers would be required on existing inventory (assume three weeks of inventory in stores). The cost of stickering unmarked retail inventory is estimated to be \$.10 per bottle or can. A three-week inventory equals about 22 million bottles and cans. The Commission is not able to estimate the costs to purchase labels and assign personnel to affix them upon inventory.
- New accounting and record keeping measures would be established to collect a deposit from consumers on each bottle purchased, track accounts, segregate this fund and file monthly reports with the Department of Revenue Administration and make payments to consumers who return products to liquor stores. The Commission anticipates hiring an Accountant II, LG19, to oversee this program. The cost of this position will be roughly \$75,000 including salary, benefits and equipment.
- Placing a deposit on alcoholic beverage containers will also reduce the number of gallons of beer sold annually since it may no longer have a price advantage over surrounding states (VT, ME, MA) and this would be reflected in a reduction in beer tax revenue.
- Installation of "reverse vending machines" (RVM) at a dealer's place of business based upon the square footage of the facility. RVM's are generally used for plastic bottles and cans. While the Commission does sell some products in plastic and cans the majority of products sold are in glass containers. As a dealer, the Commission would need to purchase and install reverse vending machines in stores that meet the square footage requirements stated in the bill. The Commission operates 67 state-owned stores. 32 stores would require RVMs. Assuming a minimum of 2 RVM's per store and a range of