



February 17, 2022

Chair Bennett and Distinguished Members of the House Environment and Natural Resources Committee:

The Surfrider Foundation Rhode Island Chapter submits this testimony in **strong support of H.7279**,¹ to create an extended producer responsibility for packaging law in our state.

Extended producer responsibility (EPR) for packaging laws inspire less wasteful packaging at the production phase and hold producers accountable for the cost of recycling and waste disposal, as well as for cleanup, of their packaging. Right now, the financial burden of this waste management falls primarily on taxpayers and municipalities, which is not only unfair, it also leads to more waste. This is because hard or impossible-to-recycle packaging floods our store shelves, a direct result of producers not being held accountable to their waste or incentivized by our laws to rethink sustainability in packaging.

With EPR for packaging, similar to our how our existing Rhode Island state EPR laws work to successfully reduce the waste and costs associated with products covered by EPR, including mattresses, architectural paint, mercury containing products and batteries,² EPR for packaging will result in less wasteful packaging. This is due to a fee modulation system that charges producers higher fees for products that are not reusable, compostable under statutory thresholds set within H.7279, or locally recyclable. This incentivizes producers to begin to shift how they package products to mitigate the costs of managing their own packaging waste. H.7279 is a paradigm shifting bill in that it redirects the onus of

¹ <http://webserver.rilin.state.ri.us/BillText/BillText22/HouseText22/H7279.pdf>

² <https://www.rila.org/retail-compliance-center/product-stewardship>

single-use plastic and packaging pollution mitigation from its historic and erroneously assigned placement on consumers, and back to where the burden belongs, on the producers.

With a primary focus on source reduction to generate less toxic waste in the first place, which inherently advances environmental justice not only in our state but in the nation,³ H.7279 will also help advance toward a circular economy, shift product packaging away from construction with toxic chemicals, improve recycling systems, and increase access to and education about proper composting in Rhode Island. These advancements will significantly improve the health of our watershed and ocean, and help drive climate action through producing less plastic and toxic chemicals in the first place, and using less of our diminishing landfill capacity.

H.7279 is a critical advancement, but it is important to note that EPR for packaging is not a standalone solution to our waste or plastic pollution problems. EPR should be advanced along with other waste reduction strategies, such as polystyrene foam foodware bans and plastic bag bans that address single-use paper bags and reusable bags with fees for proven, working policy.

Contrary to assertions made by producers, while recycling and education programs can be helpful at curbing waste, we have had recycling and education efforts in place for decades and yet single-use plastic and packaging production and resulting pollution continues to escalate⁴ and worsen. History has proven that while these tactics are helpful and important, we cannot educate, recycle or even repackage our way out of our plastic pollution crisis; to stop pollution from single-use plastic and packaging and truly solve the problem, we must advance source reduction strategies that put a stop to single-use plastic and toxic

³ <https://www.surfrider.org/coastal-blog/entry/a-reality-check-on-environmental-racism-plastics>

⁴ <https://www.plasticstoday.com/industry-trends/reshoring-has-banner-year>

The Surfrider Foundation is a nonprofit environmental organization dedicated to the protection and enjoyment of the ocean, Waves, and beaches for all people through a powerful activist network.

Surfrider Foundation Rhode Island Chapter | [surfrider.org](https://www.surfrider.org) | mgates@surfrider.org



packaging production, **concurrent with implementing mechanisms like EPR for packaging**, which also help fund our capacity to advance reuse systems and upgrade our recycling infrastructure and systems.

EPR for packaging is a smart, proven policy that has been in place for many years in the European Union and in Canada, and is shown to produce the intended source and waste reduction results;^{5,6} it is not an extreme or new idea. It is a proven methodology to meet the ends we seek in Rhode Island of reducing toxic plastic pollution and waste and to improve reuse and recycling systems.

EPR for packaging is also not a new concept for multinational companies that are already participating in EPR for packaging programs in other countries, actively working to innovate packaging to be less wasteful and toxic and collaborating to suggest best practices for implementation as part of the circular economy.⁷

The Surfrider Foundation Rhode Island Chapter appreciates that “Life Cycle Analysis” is defined in H.7279, thereby clarifying that “life cycle” means cradle to grave, and not only post-production or pre-end of life of products assessed by such analyses and arriving at just findings of the complete life cycle of products.

We are further grateful that H.7279 explicitly does not classify or allow in equitable alignment with reuse, composting or recycling, the waste handling practices of incineration, chemical conversion, pyrolysis or gasification, and further, that it does not permit products produced using these inferior, toxic practices to be considered under the definition of “post-consumer recycled material.” The plastics industry is heavily promoting conversion technology in multiple state bills across the U.S. right now, referring to the practice as

⁵ <https://www.europen-packaging.eu/wp-content/uploads/2021/03/EUROPEN-factsheet-on-EPR-for-used-packaging.pdf>

⁶ https://cdn.ymaws.com/www.productstewardship.us/resource/resmgr/packaging/2020.03.17_PSI_EPR_for_PPP.pdf

⁷ <https://www.theconsumergoodsforum.com/>

“advanced” or “chemical” recycling, or greenwashing the toxic practice as “waste to energy.” Chemical conversion is a different method with new branding for the continued incineration of plastic waste, which leads to new air and water pollution problems while not reducing the production of single-use plastic packaging and items in the first place,⁸ or the disproportionate impacts on communities of color from plastic production and waste handling.⁹

This is important to maintain in H.7279 to help properly steer waste management in Rhode Island, as waste-to-energy projects that incinerate plastics are a false solution to plastic pollution. Incinerators emit more carbon dioxide per unit of electricity (2988 lbs./MWh) than coal-fired power plants (2249 lbs./MWh),¹⁰ and have no place in our future of climate action and clean energy.

We would appreciate having §23-97-6 (b)(2) strengthened by the explicit inclusion of “Rhode Island based environmental justice groups.” As written, environmental justice groups *could* be considered for inclusion in pitches presented by bidders for the Producer Responsibility Organization role, but because pollution and waste issues disproportionately impact BIPOC communities, the explicit, mandated addition for bidders to specify how they will solicit and consider input from environmental justice groups is vital.

Thank you for considering our input and support for H.7279. Because plastics have known negative effects on marine ecosystems, human health, communities and our climate, the stark and climbing increase of fossil fuel derived plastics production is pushing vast amounts of greenhouse gases into our atmosphere. Coupled with the potential interference of microplastics with the biological carbon pump by way of reducing the ability of phytoplankton to handle carbon

⁸ https://www.no-burn.org/wp-content/uploads/CR-Briefing_June-2020.pdf

⁹ <https://www.wastedive.com/news/majority-of-us-incinerators-located-in-marginalized-communities-report-r/555375/>

¹⁰ U.S. EPA, <http://www.epa.gov/cleanenergy/energy-and-you/affect/air-emissions.html>



through photosynthesis and reducing the ability of zooplankton to transport carbon by degrading its ability to feed, reproduce and survive, it is clear that to properly address climate change and protect the ocean, plastic expansion must be curbed. H.7279 will help advance us toward this goal while generating less overall waste, saving taxpayers money, and improving reuse and recycling systems.

On behalf of the Surfrider Foundation Rhode Island Chapter and our thousands of supporters who love the ocean, waves, and beaches of the Ocean State, please **vote favorably on H.7279.**

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Melissa Gates".

Melissa Gates
she/her/hers¹¹
Northeast Regional Manager, Surfrider Foundation

A handwritten signature in blue ink, appearing to read "Stan Brajer".

Stan Brajer
Volunteer Chair, Surfrider Foundation Rhode Island Chapter
Resident of Bristol, RI

¹¹ <https://www.cultureamp.com/blog/sharing-gender-pronouns-at-work>