

Supporters planning national bottle bill legislation separate from Break Free From Plastic Pollution Act

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Dive Brief:

- Bottle bill proponents are working with lawmakers to introduce a bill they hope will create a nationwide container deposit program. Details are still in the works, but organizers plan to use similar language from the draft Break Free From Plastic Pollution Act. It would likely allow states with existing bottle bills to continue with state programs or have the option to join the federal program.
- The National Stewardship Action Council (NSAC) has started a political action committee, End Litter Now, to direct resources into the effort and says the bill could be introduced as early as September. The Container Recycling Institute, Greenpeace and other groups are also involved.
- Separately, authors of the [American Recycling Infrastructure Plan](#) have also called for the bottle bill language in the Break Free bill to become a standalone bill. That group includes the National Recycling Coalition, Institute for Local Self-Reliance (ILSR) and Zero Waste USA.

Dive Insight:

Efforts to introduce a nationwide bottle bill aren't new, but supporters say the current makeup of Congress and lawmakers' rising interest in supporting recycling efforts at the federal level make 2021 an ideal year for pitching one again.

Supporters say a national container deposit system is the best way to raise recycling rates and reduce litter, but bottle bills at the state level have faced stiff opposition in the past. Congress also has limited bandwidth to consider new bills because of its focus on the infrastructure bill and budget reconciliation, leaving experts to wonder how far a new bill could get this year.

The high-profile Break Free bill, which was reintroduced in March, garnered attention for proposing numerous recycling policies, including a nationwide 10-cent bottle deposit rate.

NSAC, along with bottle bill supporters helping to craft the legislation, say the bill contains too many provisions to pass in its current form. These include a nationwide extended producer responsibility program for packaging, minimum recycled content mandates for some products and a contentious proposal to pause permitting for new plastics production facilities and chemical recycling plants.

“However, we see the bottle bill [provision] as viable on its own,” said Heidi Sanborn, NSAC’s executive director.

Details on the exact bill language are evolving because the group is still in talks with numerous legislators who could have an interest in co-sponsoring. Language may also end up in the budget reconciliation bill as one option, she said.

“We’ve been talking to Republicans, we’ve been talking to independents, to Democrats. The bill could go down the reconciliation path or the bipartisan bill path, and we truly think bipartisan is the way to go,” Sanborn said.

Some see the lack of bipartisan support for the Break Free bill as a roadblock to its passing. Dozens of Democrats support it, but so far no Republicans have signed on. Organizers hope that two of its sponsors, Sen. Jeff Merkley (D-Ore.) and Rep. Alan Lowenthal (D-Calif.), will sign on to the bottle bill legislation.

A spokesperson from Merkley’s office did not say whether the senator would support a new bottle bill but mentioned that he has introduced separate national bottle bills in the past, most recently in 2020, when he proposed expanding Oregon’s state bottle bill model to the rest of the country.

Rep. Lowenthal has an interest in the container deposit system details becoming a standalone bill outside of its inclusion in Break Free and has been working with stakeholders on possibilities to that effect, according to staff.

Meanwhile, American Recycling Infrastructure Plan supporters say a national bottle bill should include a minimum 10-cent refund on most plastic, metal, carton and glass containers. Any unclaimed or unreturned deposits would go to a national container recycling nongovernmental organization to reimburse local governments to fund recycling infrastructure, collection programs and recycling education. Local governments currently bear “the largest burden of end-of-life costs,” the proposal states.

During an ILSR webinar about national bottle bill issues on Tuesday, Gary Liss, vice president of Zero Waste USA, said a national bottle bill would be more effective in reducing beverage container waste than passing a different bill in each state. He also stressed that any bottle bill would also need supporting legislation that promotes reuse efforts.

The Sierra Club has also been vocal about its longtime support of a national bottle bill, and the organization in August published an updated guidance document on its support “for both state and national bottle bills as a final strategy to increase the collection and reclamation of clean materials for recycling into new materials,” said Chris Burger, a member of the organization’s zero waste team, during the webinar. Concrete actions to implement a national bottle bill are long overdue, he said. “It’s not a new concept. We have been a proponent since at least 1974.”

Despite a recent swell of support, creating and maintaining a well-run container deposit system in the U.S. can be a complex and sometimes contentious endeavor. Detractors argue that existing bottle bill systems don’t work as designed and take valuable material out of MRF streams. Break Free has also drawn criticism from some waste and recycling industry trade groups, which say the language of its container deposit provision places an unfair burden on recycling markets instead of boosting them.

In recent years, lawmakers in multiple states have pushed container deposit law updates or expansions, and very few have passed. Connecticut is a notable exception: In June, Governor Ned Lamont signed a bill to allow the state to accept more types of containers in its bottle return system and double its refund value from 5 cents to 10 cents. Maine and Oregon also recently passed the first EPR for packaging laws in the United States.

Susan Collins, president of CRI, said these moves, along with a growing list of other countries that have recently established their own national systems, signal that there’s growing support for bottle deposit programs compared with previous years.

Maia Corbitt, a national bottle bill supporter and president of Texans for Clean Water, said the timing is right to pass a national bill. More and more brands have committed to including recycled content in their packaging, “so the stars are possibly aligning now, and the material [brands] require for these corporate goals is desperately needed, with markets being where they are now.”