

107TH CONGRESS
1ST SESSION

H. R. 1667

To amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2001

Ms. RIVERS introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Beverage
5 Container Reuse and Recycling Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The failure to reuse and recycle empty bev-
2 erage containers represents a significant and unnec-
3 essary waste of important national energy and mate-
4 rial resources.

5 (2) The littering of empty beverage containers
6 constitutes a public nuisance, safety hazard, and
7 aesthetic blight and imposes on public agencies, pri-
8 vate businesses, farmers, and landowners unneces-
9 sary costs for the collection and removal of the con-
10 tainers.

11 (3) Solid waste resulting from the empty bev-
12 erage containers constitutes a significant proportion
13 of municipal solid waste and increases the cost and
14 problems of effectively managing the disposal of the
15 waste.

16 (4) It is difficult for local communities to raise
17 the necessary capital to sustain affordable curbside
18 recycling programs.

19 (5) The reuse and recycling of empty beverage
20 containers would help eliminate unnecessary burdens
21 on individuals, State and local governments, and the
22 environment.

23 (6) Making new beverage containers from virgin
24 resources uses more energy than using recycled ma-
25 terials.

1 (7) Several States have previously enacted and
2 implemented State laws designed to protect the envi-
3 ronment, conserve energy and material resources,
4 and promote resource recovery of waste by requiring
5 a financial incentive in the form of a refund value
6 on the sale of all beverage containers.

7 (8) The laws referred to in paragraph (7) have
8 proven inexpensive to administer and effective at re-
9 ducing financial burdens on communities by inter-
10 nalizing the cost of recycling and litter control to the
11 producers and consumers of beverages.

12 (9) A national system for requiring a refund
13 value on the sale of all beverage containers would
14 act as a positive incentive to individuals to clean up
15 the environment and would—

16 (A) result in a high level of reuse and recy-
17 cling of the containers;

18 (B) help reduce the costs associated with
19 solid waste management; and

20 (C) result in significant energy conserva-
21 tion and resource recovery.

22 (10) The collection of unclaimed refunds from
23 a national system of beverage container recycling
24 would provide the resources necessary to assist com-

1 prehensive reuse and recycling programs throughout
2 the United States.

3 (11) Recycling beverage containers creates sus-
4 tainable business and employment.

5 (12) A national system of beverage container
6 recycling is consistent with the intent of the Solid
7 Waste Disposal Act (42 U.S.C. 6901 et seq.).

8 **SEC. 3. BEVERAGE CONTAINER RECYCLING.**

9 (a) IN GENERAL.—The Solid Waste Disposal Act (42
10 U.S.C. 6901 et seq.) is amended by adding at the end
11 the following:

12 **“Subtitle K—Beverage Container**
13 **Recycling**

14 **“SEC. 12001. DEFINITIONS.**

15 “In this subtitle:

16 “(1) BEVERAGE.—The term ‘beverage’ means
17 beer or other malt beverages, water, juice, juice
18 drinks, tea, coffee, sports drinks, soda water, wine
19 coolers, or carbonated soft drinks of any variety in
20 liquid form intended for human consumption.

21 “(2) BEVERAGE CONTAINER.—The term ‘bev-
22 erage container’ means a container—

23 “(A) constructed of metal, glass, or plastic
24 (or a combination of the materials);

1 “(B) having a capacity of up to 1 gallon
2 of liquid; and

3 “(C) that is or has been sealed and used
4 to contain a beverage for sale in interstate com-
5 merce.

6 “(3) BEVERAGE DISTRIBUTOR.—The term ‘bev-
7 erage distributor’ means a person who sells or offers
8 for sale in interstate commerce to beverage retailers
9 beverages in beverage containers for resale.

10 “(4) BEVERAGE RETAILER.—

11 “(A) IN GENERAL.—The term ‘beverage
12 retailer’ means a person who—

13 “(i) purchases from a beverage dis-
14 tributor beverages in beverage containers
15 for sale to a consumer; or

16 “(ii) sells or offers to sell in commerce
17 beverages in beverage containers to a con-
18 sumer.

19 “(B) BEVERAGE VENDING MACHINES.—
20 The Administrator shall promulgate regulations
21 that define ‘beverage retailer’ for any case in
22 which a beverage in a beverage container is sold
23 to a consumer through a beverage vending ma-
24 chine.

1 “(5) CONSUMER.—The term ‘consumer’ means
2 a person who purchases a beverage container for any
3 use other than resale.

4 “(6) REFUND VALUE.—The term ‘refund value’
5 means the amount specified as the refund value of
6 a beverage container under section 12002.

7 “(7) UNBROKEN BEVERAGE CONTAINER.—The
8 term ‘unbroken beverage container’ includes—

9 “(A) a beverage container opened in a
10 manner in which the container was designed to
11 be opened; and

12 “(B) a beverage container made of metal
13 or plastic that is compressed if the statement of
14 the amount of the refund value of the container
15 is still readable.

16 “(8) WINE COOLER.—The term ‘wine cooler’
17 means a drink containing less than 7 percent alcohol
18 (by volume)—

19 “(A) consisting of wine and plain, spar-
20 kling, or carbonated water; and

21 “(B) containing a non-alcoholic beverage,
22 flavoring, coloring material, fruit juice, fruit ad-
23 junct, sugar, carbon dioxide, or preservatives
24 (or any combination thereof).

1 **“SEC. 12002. REQUIRED BEVERAGE CONTAINER LABELING.**

2 “(a) IN GENERAL.—Except as provided in section
3 12007, no beverage distributor or beverage retailer may
4 sell or offer for sale in interstate commerce a beverage
5 in a beverage container unless there is clearly, promi-
6 nently, and securely affixed to, or printed on, the con-
7 tainer a statement of the refund value of the container
8 in the amount of 10 cents (as adjusted under subsection
9 (c)).

10 “(b) SIZE AND LOCATION OF STATEMENT.—The Ad-
11 ministrator shall promulgate regulations establishing uni-
12 form standards for the size and location of the refund
13 value statement on beverage containers.

14 “(c) ADJUSTMENTS OF REFUND VALUE.—

15 “(1) IN GENERAL.—The Administrator shall
16 adjust the amount of the refund value of the con-
17 tainer under subsection (a)—

18 “(A) on the date that is 10 years after the
19 date of enactment of this subtitle, to reflect
20 changes in the Consumer Price Index for all-
21 urban consumers published by the Department
22 of Labor since the date of enactment of this
23 subtitle; and

24 “(B) on the date that is 10 years after the
25 initial adjustment made under paragraph (1),
26 and each 10 years thereafter, to reflect changes

1 in the Consumer Price Index for all-urban con-
2 sumers published by the Department of Labor
3 since the most recent adjustment.

4 “(2) ROUNDING.—The Administrator shall
5 round any adjustment under paragraph (1) to the
6 nearest 5 cent increment.

7 **“SEC. 12003. COLLECTION OF REFUND VALUE.**

8 “(a) COLLECTION FROM RETAILERS BY DISTRIBUTU-
9 TORS.—In the case of each beverage in a beverage con-
10 tainer sold in interstate commerce to a beverage retailer
11 by a beverage distributor, the distributor shall collect from
12 the retailer the amount of the refund value shown on the
13 container.

14 “(b) COLLECTION FROM CONSUMERS BY RETAIL-
15 ERS.—In the case of each beverage in a beverage container
16 sold in interstate commerce to a consumer by a beverage
17 retailer, the retailer shall collect from the consumer the
18 amount of the refund value shown on the container.

19 “(c) OTHER COLLECTIONS.—No person other than
20 a person described in subsection (a) or (b) may collect a
21 deposit on a beverage container.

22 **“SEC. 12004. RETURN OF REFUND VALUE.**

23 “(a) PAYMENT BY RETAILER.—If a person tenders
24 for refund an empty and unbroken beverage container to
25 a beverage retailer who sells (or has sold at any time dur-

1 ing the 90-day period ending on the date of tender) the
2 same brand of beverage in the same kind and size of con-
3 tainer, the retailer shall promptly pay the person the
4 amount of the refund value stated on the container.

5 “(b) PAYMENT BY DISTRIBUTOR.—

6 “(1) IN GENERAL.—If a person tenders for re-
7 fund an empty and unbroken beverage container to
8 a beverage distributor who sells (or has sold at any
9 time during the 90-day period ending on the date of
10 tender) the same brand of beverage in the same kind
11 and size of container, the distributor shall promptly
12 pay the person—

13 “(A) the amount of the refund value stated
14 on the container; plus

15 “(B) an amount equal to at least 2 cents
16 per container to help defray the cost of han-
17 dling.

18 “(2) TENDERING BEVERAGE CONTAINERS TO
19 OTHER PERSONS.—This subsection shall not pre-
20 clude any person from tendering a beverage con-
21 tainer to a person other than a beverage distributor.

22 “(c) AGREEMENTS.—

23 “(1) IN GENERAL.—Nothing in this subtitle
24 precludes an agreement between a distributor, a re-
25 tailer, or other person to establish a centralized bev-

1 erage collection center, including a center that acts
2 as an agent of the retailer.

3 “(2) AGREEMENT FOR CRUSHING OR BUN-
4 DLING.—Nothing in this subtitle precludes an agree-
5 ment between a beverage retailer, a beverage dis-
6 tributor, or other person for the crushing or bun-
7 dling (or both) of beverage containers.

8 **“SEC. 12005. ACCOUNTING FOR UNCLAIMED REFUNDS AND**
9 **PROVISIONS FOR STATE RECYCLING FUNDS.**

10 “(a) UNCLAIMED REFUNDS.—

11 “(1) PAYMENTS TO STATES.—At the end of
12 each calendar year, each beverage distributor shall
13 pay to each State an amount equal to the sum by
14 which the total refund value of all containers sold by
15 the distributor for resale in that State during the
16 year exceeds the total sum paid during that year by
17 the distributor under section 12004(b) to persons in
18 the State.

19 “(2) USE BY STATES.—The total amount of un-
20 claimed refunds received by any State under this
21 section shall be available to carry out pollution pre-
22 vention and recycling programs in the State.

23 “(b) REFUNDS IN EXCESS OF COLLECTIONS.—If the
24 total amount of payments made by a beverage distributor
25 for any calendar year under section 12004(b) for any

1 State exceeds the total amount of the refund values of all
2 containers sold by the distributor for resale in the State,
3 the excess shall be credited against the amount otherwise
4 required to be paid by the distributor to that State under
5 subsection (a) for a subsequent calendar year, designated
6 by the beverage distributor.

7 **“SEC. 12006. PROHIBITIONS ON DETACHABLE OPENINGS**
8 **AND POST-REDEMPTION DISPOSAL.**

9 “(a) DETACHABLE OPENINGS.—No beverage dis-
10 tributor or beverage retailer may sell, or offer for sale,
11 in interstate commerce a beverage in a metal beverage
12 container a part of which is designed to be detached in
13 order to open the container.

14 “(b) POST-REDEMPTION DISPOSAL.—No retailer or
15 distributor or agent of a retailer or distributor may dis-
16 pose of any beverage container labeled pursuant to section
17 12002 or any metal, glass, or plastic from the beverage
18 container (other than the top or other seal of the con-
19 tainer) in any landfill or other solid waste disposal facility.

20 **“SEC. 12007. EXEMPTED STATES.**

21 “(a) IN GENERAL.—

22 “(1) EXEMPTION.—Sections 12002 through
23 12005 and sections 12008 and 12009 shall not
24 apply in any State that—

1 “(A) has adopted and implemented re-
2 quirements applicable to all beverage containers
3 sold in the State if the Administrator deter-
4 mines the requirements to be substantially simi-
5 lar to the requirements of sections 12002
6 through 12005 and sections 12008 and 12009;
7 or

8 “(B) demonstrates to the Administrator
9 that, for any 1-year period following the date of
10 enactment of this subtitle, the State achieved a
11 recycling or reuse rate for beverage containers
12 of at least 80 percent.

13 “(2) TERMINATION OF EXEMPTION.—If (fol-
14 lowing a determination by the Administrator under
15 paragraph (1)(B) that a State has achieved an 80
16 percent recycling or reuse rate) the Administrator
17 determines that the State has failed, for any 1-year
18 period, to maintain at least an 80 percent recycling
19 or reuse rate of beverage containers, the Adminis-
20 trator shall notify the State that, on the expiration
21 of the 90-day period following the notification, sec-
22 tions 12002 through 12005 and sections 12008 and
23 12009 shall apply with respect to the State until a
24 subsequent determination is made under paragraph

1 (1)(A) or a demonstration is made under paragraph
2 (1)(B).

3 “(b) DETERMINATION OF TAX.—No State or political
4 subdivision of a State that imposes a tax on the sale of
5 any beverage container may impose a tax on any amount
6 attributable to the refund value of the container.

7 “(c) EFFECT ON OTHER LAWS.—Nothing in this
8 subtitle affects the authority of any State or political sub-
9 division of a State—

10 “(1) to enact or enforce (or continue in effect)
11 any law concerning a refund value on containers
12 other than beverage containers; or

13 “(2) to regulate redemption and other centers
14 that purchase empty beverage containers from bev-
15 erage retailers, consumers, or other persons.

16 **“SEC. 12008. PENALTIES.**

17 “(a) IN GENERAL.—A person who violates section
18 12002, 12003, 12004, or 12006 shall be subject to a civil
19 penalty of not more than \$1,000 for each violation.

20 “(b) ACCOUNTING FOR UNCLAIMED REFUNDS AND
21 PROVISIONS FOR STATE RECYCLING FUNDS.—A person
22 who violates section 12005 shall be subject to a civil pen-
23 alty of not more than \$10,000 for each violation.

1 **“SEC. 12009. REGULATIONS.**

2 “Not later than 1 year after the date of enactment
3 of this subtitle, the Administrator shall promulgate regula-
4 tions to carry out this subtitle.

5 **“SEC. 12010. EFFECTIVE DATE.**

6 “Except as provided in section 12009, this subtitle
7 takes effect on the date that is 2 years after the date of
8 enactment of this subtitle.”.

9 (b) TABLE OF CONTENTS.—The table of contents for
10 the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is
11 amended by adding at the end the following:

“Subtitle K—Beverage Container Recycling

“Sec. 12001. Definitions.

“Sec. 12002. Required beverage container labeling.

“Sec. 12003. Collection of refund value.

“Sec. 12004. Return of refund value.

“Sec. 12005. Accounting for unclaimed refunds and provisions for State recycling funds.

“Sec. 12006. Prohibitions on detachable openings and post-redemption disposal.

“Sec. 12007. Exempted States.

“Sec. 12008. Penalties.

“Sec. 12009. Regulations.

“Sec. 12010. Effective date.”.

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