

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

Bill No. 243

Support Y N

Date 3/16/09 CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

Time 1616

Cat AF AS AX B C

Type 1 2 WI

In reply, please refer to:
File:

HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

S.B. 243, Relating to the Deposit Beverage Container Program

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

**March 17, 2009
8:30 A.M.**

1 **Department's Position:** The Department of Health supports the intent of this bill but offers comments.

2 **Fiscal Implications:** Undetermined.

3 **Purpose and Justification:** This bill requires dealers with more than seventy-five thousand square feet
4 of retail space to operate redemption centers beginning October 1, 2009.

5 The Department of Health supports the intent of this bill to increase the number of certified
6 redemption centers available to the public. The Department does suggest that the requirement to provide
7 DBC redemption services should be considered for more deposit beverage dealers and not just those
8 with more than 75,000 square feet of interior retail space.

9 Thank you for the opportunity to testify on this measure.

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To: Representative Hermina M. Morita, Chair
 Representative Denny Coffman, Vice Chair
 Committee on Energy and Environmental Protection

Bill No. 243

Fr: Terry G. Telfer, President
 Reynolds Recycling

Support Y N

Date: Tuesday, March 17, 2009, 8:30 am in Conference Room 325

Date 3/16/09

Re: Testimony in Strong Opposition to SB243, Relating to the Deposit Beverage Container Program

Time By 1500

Cat AF AS AX B C

Thank you for the opportunity to testify on this bill.

Type 1 2 WI

Congratulations! Hawaii's Current network of Certified Redemption Centers has reached a recycling rate of over 81%! (per recent verbal testimony from DOH Deputy Director Larry Lau)

Hawaii's recyclers have worked hard, spent millions of dollars, and made long-term commitments to enable Hawaii's HI-5 program to work. It has done just that.

Hawaii has reached a level of redemption in 4 years, which California has not reached in over 25 years. That says a lot about the convenience and availability of redemption centers in Hawaii.

Of course, you could aim for a higher percentage, but history has shown that the only way to improve on that is to raise the deposit. Michigan, at 90-95%, has a 10-cent deposit on everything. Germany, at almost 100%, has the equivalent of a 25-cent deposit on deposit beverage containers. I do not believe that now is a good time to raise the deposit. I also do not believe that forcing "big-box" stores to take up redemption is the right move for the state.

Hawaii's current redemption law is ALREADY in line with the vast majority (9 of 11) of Deposit Beverage States (please see attachment from the Container Recycling Institute), requiring beverage dealers to become redemption centers, contract with a recycler, or allows them to "opt out" if there is a recycler in a reasonable distance.

Hawaii already has well over 100 recycling locations in the state. It is significantly more per capita than California. California has approximately 2000 redemption centers, has been a deposit state for over 25 years, and is currently having to subsidize their redemption centers, as they cannot make sufficient money to survive without a hand out. Hawaii has already surpassed their redemption rate, their number of redemption centers per capita, and all without government subsidies.

Address: 1122 Mikole Street, Honolulu, Hawaii 96819 Ph. 487-2802 Fax. 486-7753

While we believe that Reverse Vending Machines (RVM) can be very useful in HI-5 redemption, we know that many people would rather visit a redemption center with employees where their material can be weighed or counted, rather than having to use a recycling machine.

The 2008 Ward Research report to the DOH reported that 84% of HI-5 program participants chose to go to a fully staffed location rather than an automated center (6%), or a staffed center with RVM (10%).

While in concept some people may see this bill as a step forward, in reality, this bill has a number of unintended consequences that will not lead to a higher redemption rate, and will hurt small and large business here in Hawaii. Approximately 50 big box stores would be forced to enter the recycling market, and with the high cost of complying, this will increase the price of goods to Hawaii consumers.

This would significantly increase the density of redemption centers in communities statewide, which will make it very difficult for all redemption center operators to survive during these difficult economic times. This kind of density is the very reason the State of California has had to subsidize the operations of redemption centers in their state.

This could also potentially shift consumers away for the smaller sized local-retailers (based upon square footage) such as Times, Foodland and Longs. Many recyclers like Reynolds currently operate redemption centers in the same shopping complexes as these establishments, and our customers typically take their deposits and spend them at surrounding stores. If larger retailers are forced to become redemption centers, consumer behavior may result in not only recyclables, but also dollars flowing into their stores and away from smaller local retailers.

As a leader in Hawaii's recycling industry, Reynolds Recycling remains committed to protecting Hawaii's future by recycling today, and in the future. We have been serving Hawaii's recycling needs for over 28 years, and would be more than happy to work with you on any legislation in this area. Unfortunately, understanding the market as we do, we must respectfully, but strongly oppose SB243.

Thank you.

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Beverage Container Deposit Systems in the United States: Key Features								
State	Dates	Beverages and or Containers Covered	Amount of Deposit	Redemption Rate(s)		Reclamation System	Unredeemed Deposits	Handling Fee
				Material Beverage	%			
California California Beverage Container Recycling and Litter Reduction Act (AB 2020)								
Enacted	9/29/86	Beer, malt, all soft drinks, fruit drinks, sport drinks, water, coffee & teas, wines & distilled spirits coolers	>24 oz.: 8¢	overall aluminum	65% (i) 80% (i)	State certified redemption centers, registered curbside operations, dropoffs	Property of state: used for program administration and grants to non-profits	See note (b)
Implemented	9/1/87			glass	67% (i)			
Updated (expanded)	1/1/00	Vegetable Juice	<24 oz.: 4¢	PET	42% (i)			
Unique Features	Containers are returned to licensed redemption centers, not to retailers; unclaimed deposits go to administration & recycling program funding, processing fees assessed on beverage container manufacturers to offset cost of recycling low scrap value material							
Connecticut Beverage Container Deposit and Redemption Law								
Enacted	4/12/78	Beer, malt, carbonated soft drinks, carbonated mineral water	5¢	No statistics available		Retail stores and redemption centers	Retained by distributor/bottler	beer 1.5¢ soft drinks 2¢
Implemented	1/1/80							
Amended	6/9/86							
Unique Features	"Dislocation fund" for workers who lost their jobs due to bottle bill; handling fees vary with beverage type							
Delaware Litter Control Act/ Beverage Container Regulation								
Enacted	6/30/82	Beer/malt/ale/soft drinks; mineral water/soda water <2 qt.	5¢	No statistics available		Retail stores and redemption centers	Retained by distributor/bottlers	20% of deposit (1¢)
Implemented	1/15/83							
Unique Features	Exempts aluminum cans from the deposit system							
Hawaii Solid Waste Management, Deposit Beverage Container Law (Act 176)								
Enacted	6/25/02	Beer, mixed spirits, mixed wine, coffee & teas, carbonated soft drinks, non-carbonated water	5¢	No statistics available		State certified redemption centers (RC), see note (c)	Property of state: used for program administration	See note (d) Not less than the prevailing container fee
Full Implementation	1/1/05							
Unique Features	Distributors pay beverage container fee 1-1.5¢ per deposit container, unclaimed deposits fund program administration & local recycling programs; redemption centers must submit reports regularly							
Iowa Beverage Container Deposit Law								
Enacted	4/1/78	Beer, carbonated soft drinks & mineral water, wine coolers, wine & liquor	5¢	overall 93% (ii)		Retail stores and redemption centers	Retained by distributor/bottlers	1¢
Implemented	6/2/79							

Unique Features	Wine/liquor containers included; deposit containers banned from landfills since 1990; if agreement exists w/licensed center, retailer can refuse containers						
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Maine		Maine Returnable Beverage Container Law					
Enacted	11/2/76	All beverages except dairy products and unprocessed cider	Wine/liquor: 15¢ All others: 5¢	No statistics available	Retail stores and redemption centers	All unredeemed deposits become property of state (since '04)	3¢ (if COAG) 3.5¢ (if no COAG)
Implemented	6/1/78						
Updated/expanded	1/1/90						
Unique Features	Retailer may refuse if licensed center within certain radius; commingling agreements (COAG) allowed--triggers lower handling fee						

Massachusetts		Beverage Container Recovery Law					
Legislative override of governor's veto	6/4/81	Beer, malt, carbonated soft drinks, & mineral water	5¢	overall 68.6% (iii)	Retail stores and redemption centers	All unredeemed deposits become property of state (since '95)	2.25¢ (originally 1¢)
Implemented	1/1/83						
Unique Features	Wholesalers must file monthly reports w/Dept. of Revenue re: deposit & refund						

Michigan		Michigan Beverage Container Act					
Enacted	11/2/76	Beer, carbonated soft drinks & mineral water, wine coolers, canned	Refillable: 10¢ Nonfill: 10¢	overall 97.3% (iv)	Retail stores	75% to state for envt'l programs, 25% to retailers	See note (e)
Implemented	12/3/78						
Unique Features	Only state with a 10 cent deposit						

New York		New York State Returnable Container Law					
Enacted	6/15/82	Beer, malt, carbonated soft drinks & mineral water, wine coolers	5¢	soft drink 61.6% (v) beer 77.4% (v) wine coolers 65.2% (v) overall 70.2% (v)	Retail stores and redemption centers	Retained by distributor/bottlers	2¢ (as of 12/01/98)
Implemented	7/1/83						
Unique Features	Requires reporting of containers sold and redeemed by bottlers and distributors						

Oregon		The Beverage Container Act					
Enacted	7/2/71	Beer, malt, carbonated soft drinks, & mineral water	Standard refillable: 2¢; all others 5¢	overall 84% (vi)	Retail stores	Retained by distributor/bottlers	none
Implemented	10/1/72						
Unique Features	Only deposit law without a handling fee						

Vermont		Beverage Container Law (1972), Solid Waste Act (1987)					
Enacted	4/7/72	Beer, malt, carbonated soft drinks, mixed wine drinks; liquor	liquor: 15¢ All others: 5¢	overall 90-95% (vii)	Retail stores and redemption centers	Retained by distributor/bottlers	3.5¢ (originally 1¢)
Implemented	7/1/73						
Unique Features	If retailer is located conveniently near a licensed center and thereby gains state approval, retailer may refuse containers; liquor inclusion						

- (a) Rates are for time periods indicated in the notes.
- (b) 1.8¢/container, paid by state to redemption center; very large & small volume centers exempted (eligible centers process minimum avg. of 60,000 containers/mon). Max payment per center: \$2300/month (127,778 units)
- (c) Retailer exemptions vary depending on local population density, proximity to a redemption center, and store size.
- (d) Fee based on the previous quarter's recycling rate: if previous quarter's rate is less than 70%, the fee is 1¢/container, otherwise 1.5¢
- (e) No handling fee, but 25% of unclaimed deposits remain with retailers to offset handling costs.

- [i] California Department of Conservation, Division of Recycling, 11/04 (Jan.-June 2004 rates).
- [ii] Iowa DNR, Waste Management Division, as per phone conversation with Jeff Geerts on 8/29/01 (year 2000 estimate).
- [iii] Massachusetts Department of Environmental Protection, MA Bottle Bill Return Rates Chart (Jan.-Sept., 2004).
- [iv] Michigan Department of Treasury, Bottle Deposit Information Chart, 1990-2003.pdf (year 2003 preliminary rates).
- [v] New York State Dept. of Environmental Conservation, Beverage Container Deposit & Redemption Statistics (October 1, 2001 to September 30, 2002).
- [vi] Oregon Department of Environmental Quality, as per e-mail communication from Peter Spendelow on 8/2/01 (year 2000 estimate).
- [vii] Vermont Solid Waste Division, as per phone conversation with Cathy Stacey on 9/24/01 (year 2000 estimate).

Container Recycling Institute, May 2005.

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Mr. K's Recycle & Redemption Center

Bill No. 243

Support Y N

Date 3/16/09

Time 1743

Cat AF AS AX (B)

Type 1 (2)

March 16, 2009

To: Energy & Environmental Protection Committee

Chair: Hermina Morita

Vice-Chair: Danny Coffman

Aloha

This testimony is in regards to SB243, which to us is also related to SB884. Both of these acts have the potential to dramatically change the face of the redemption program here in Hawaii.

The paperwork involved in operating a Certified Redemption Center is not a small amount. The State does not want the responsibility of overseeing many redemption centers. In section 2-E of SB243, it states that all restaurants, hotels, and bars can now become redemption centers. With all these business joining the redemption business, the state will be overwhelmed and understaffed to handle the paperwork.

SB 884, currently on deck for the House Finance Committee, is seeking to transfer the "excess balance" from the deposit beverage container deposit special fund into the general fund. This will eliminate resources needed to operate an effective deposit beverage container program here in Hawaii. If SB243 calls for the State to assist Counties in creating Redemption centers where there is a need, as stated in SB243 section 2-D, these "excess" resources will be needed.

How can the state be looking at taking away from the deposit beverage container deposit special fund (SB884), and ask the redemption program to expand at the same time (SB243)?

What about all the small "mom-and-pop" stores whose businesses will suffer from the effect of SB243? This act will encourage consumers to shop at "big box" stores, as they will be able to "one-stop shop." It's not fair for the mini-marts to have to suffer less business from the act of SB243, and it's not fair to the larger supermarkets to be required to provide redemption locations at their places of business. Redemption is not their business, and to operate a certified redemption center, they will need to allocate company resources to operate the redemption center. The redemption center business is not a clean one. We spend our days sorting through stale beer and juice bottles. Bringing the container redemption operations into a supermarket may violate health codes.

Mr. K's Recycle & Redemption Center in Hilo is a small independently owned and operated redemption center in Downtown Hilo. We opened our doors this past January, 2009. Between SB884 and SB243, smaller redemption centers such as Mr. K's will not survive. In the actualization of economic stimulus, please recognize that these bills are not good for the local economy. As a new business, it's hard to survive, and now these small redemption operations may have to compete with large supermarkets for customers. The big will get bigger, and the small will fold.

Thanks for your time and attention to this matter

Thomas T. Kadota LTD, owner

Mr. K's Recycle & Redemption Center



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
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Bill No. 243

Support Y N

Date 3/16/09

Time 1744

Cat AF AS AX B C

Type 1 2 WI

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

March 17, 2009, 8:30 A.M.

(Testimony is 5 pages long)

TESTIMONY IN STRONG SUPPORT OF SB 243

Aloha Chair Morita and Members of the Committee:

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, strongly supports SB 243, requiring that certain retailers take back deposit containers at their store.

The single best way to ensure easy, convenient redemption for Hawaii's consumers is to mandate that grocery stores and retailers of a certain size take back the bottles and cans that they sell, just like every other deposit law state.

Hawaii's bottle law has proven to be an overwhelming success for Hawaii's environment, with three billion bottles and cans being diverted from Hawaii's landfills. Beyond waste diversion, the new recycling law reduced litter, created jobs, and provided new opportunities for churches, charities, and schools to fundraise. The recycling program proves that a little change can make a big difference.

Despite its success with redeeming over three billion beverage containers, **the bottle law can be improved**. Residents have rightfully complained about the cumbersome redemption process, with infrequent redemption centers and spotty hours of operation (and service).¹ A recent Department of Health study indicated 29% of respondents would prefer to redeem their containers at stores or the place where the bottles were bought. To this end, 27% of respondents complained in a recent study that it was "too much of a hassle" to redeem containers. "When respondents were asked how much of the redemption center they normally use changed in the past year, 66% of them said that it worsened a little.

Hawai'i is currently the only state with a bottle law that does not require grocery stores to 'close the loop' on recycling. Hawai'i should require that stores over a certain size (or over a certain sales threshold) provide redemption, exempting most "mom and pop" stores. SB 243 will do this, requiring that large, "big box" stores over 75,000 square feet provide for redemption. Stores would not need to staff a redemption center; they could simply install "reverse vending machines" at the store or in the parking lot.

Such an improvement to our bottle law will streamline the redemption process and provide residents with convenient recycling where they shop, when they shop.

¹ See "Tracking Participation In and Attitudes Toward the HI-5 Deposit Beverage Container Recycling Program" (April 2008), available at http://hawaii.gov/health/environmental/waste/sw/sw/hi5/support/HI5_2008SurveyReport.pdf

We strongly recommend, however, that this measure be amended to include regular grocery stores in the beverage container redemption program. We recommend that stores 10,000 feet and larger be required to take back bottles and cans, just like they do in every other bottle law state (see attached pages on take-back requirements from other states). Setting the size limit at 10,000 square feet would provide more opportunities to recycle for residents (at the Foodlands, Safeways, etc. where they shop) while excluding the smaller, mom-and-pop stores (for comparison, most “7-11” stores in Hawai‘i are smaller than 10,000 square feet).

As a reminder to this Committee, the legislature has tried previously to encourage the voluntary use of reverse vending machines by offering rebates to retailers and recyclers who use them. The rebates ranged from \$30,000 to \$90,000 (depending on store size), effectively covering a majority of the cost of such machines. These enticements failed to increase the number of stores participating in the redemption program. It is unfortunate that the retailers and grocery stores have refused to play a role in Hawaii’s beverage container program by providing easy, convenient recycling – just as they do in the other bottle law states where they operate. SB 243—properly amended to include more of the everyday grocery stores that residents patronize—will ensure that they participate in this recycling program to keep the products that they profit from out of our landfills and off our beaches.

Please review the attached listing of retailer “take back” requirements from other bottle law states. We hope this committee amends SB 243 to include more stores in Hawaii’s bottle law program.

Thank you for the opportunity to testify.

REVIEW OF REGULATIONS FROM OTHER BOTTLE LAW STATES

1. Maine

- Anyone who sells, beverages in redeemable containers, including vending machines, is a dealer. Me. Rev. Stat. Ann. tit. 32, §1862(5).
- “[A] dealer may not refuse to accept from any consumer or other person not a dealer any empty, unbroken and reasonably clean beverage container of the kind, size and brand sold by the dealer . . .” Me. Rev. State. Ann. tit. 32, §1866(1).
- A dealer may refuse to accept containers if the type of the container and the dealer are covered by an order permitting a redemption center. Me. Rev. State. Ann. tit. 32, §1866(2).
- **LIMIT:** 240 containers per person per day. Me. Rev. State. Ann. tit. 32, §1866(2-A).
- A dealer may refuse to accept containers during no more than 3 hours each day. If the dealer chooses to do this, the hours during which he or she will not accept containers must be posted. Me. Rev. State. Ann. tit. 32, §1866(2-B).
- The only exemption is for apple cider produced in the state. Code. Me. R. §01-001-15.

Link to Statute: <http://janus.state.me.us/legis/statutes/32/title32sec1867.html>

Link to Regulations: <http://www.maine.gov/sos/cec/rules/01/001/001c360.doc>

2. Vermont

- The Vermont statute requires all **retailers** to accept and pay the refund for any beverage containers “of the kind, size and brand sold by the retailer . . .” 10 V.S.A. §1523(a)(1).
- Containers may be redeemed during no less than 40 hours per week, during regular operating hours. 10 V.S.A. § 1522(d).
- A retailer may refuse to accept containers, with the prior approval of the Secretary of the Agency of Natural Resources, if there is a redemption center serving the public need. 10 V.S.A. § 1523(b).

- Retailers may refuse to accept containers that are dirty, broken, or were not purchased in Vermont. 10 V.S.A. § 1532(c).

Website Statute: <http://www.leg.state.vt.us/statutes/sections.cfm?Title=10&Chapter=053>

3. Massachusetts

- Any dealer must accept any empty beverage container of the size, brand, and type which the dealer sells and pay the customer the refund for the container. Mass. Gen. Laws Ch. 94 §323(b).
- Dealers must accept containers during their normal business hours. Id.
- Dealers may refuse to accept containers contaminated with foreign material. Mass. Gen. Laws Ch. 94 §323(f).
- In addition to retail establishments, any person can establish a redemption center. Mass. Gen. Laws Ch. 94 §323(e).
 - A redemption center may choose what containers it will accept. Id.

Link to Massachusetts General Law: <http://www.mass.gov/legis/laws/mgl/94-321.htm>

4. Connecticut

- A dealer must accept “any empty beverage containers of the kind, size and brand sold by the dealer” at the dealer’s place of business unless the container contains foreign material or is not labeled in accordance with the statute. Conn. Gen. Stat. Ch. 446d §22a-245(b).
- A dealer may also refuse to accept containers if the dealer “sponsors, solely or with others, a redemption center which is located within a one-mile radius of such place of business and which accepts beverage containers of the kind, size and brand sold by such dealer at such place of business or unless there is established by others, a redemption center which is located within a one-mile radius of such place of business and which accepts beverage containers of the kind, size and brand sold by such dealer at such place of business.” Id.
- A dealer may also refuse to accept containers 60 days after the dealer discontinues the sale of a particular kind, size or brand of beverage, but the dealer must post notice of the date on which he or she will stop accepting that particular type of container. Id.
- A person may apply to the Commissioner of Environmental Protection to establish a redemption center. Conn. Gen. Stat. Ch. 446d §22a-245(a) (formerly §22a-79).
 - “Any person establishing a redemption center shall have the right to determine what kind, size and brand of beverage container shall be accepted. Any redemption center may be established to serve all persons or to serve certain specified dealers.” Id.

Link to Statute: <http://www.cga.ct.gov/2001/pub/Chap446d.htm#sec22a-243.htm>

5. New York

- A dealer is required to accept at his or her place of business “any empty beverage containers of the design, shape, size, color, composition and brand sold by the dealer . . .” NY Environmental Conservation Law §27-1007(1).
- A dealer may refuse to accept an empty beverage container if: (1) the container does not state a refund value; (2) the bottle is broken; (3) the can is corroded or dismembered; (3) the container contains a significant amount of foreign material. NY Environmental Conservation Law § 27-1009(1)-(2).
- The Department of Environmental Conservation is authorized to promulgate rules that would allow dealers and redemption centers to limit the kind and number of containers that particular facility will accept, but it has not done so. NY Environmental Conservation Law §27-1013.

Link to Statute: <http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS>

6. Delaware

- A dealer shall accept from a consumer any empty beverage container of the kind, size and brand sold by the dealer, and pay the consumer the refund on the appropriately labeled returnable beverage container. Del. Code Ann., tit. 7, §6057.
- A dealer may refuse to refund deposits on beverage containers if a redemption center or centers are established in the vicinity which serve the public need. Id.
- A dealer or redemption center may refuse to refund deposits on beverage containers which are broken, or unclean, or not empty. Id.
- **LIMIT:** Such dealer or center may refuse to accept beverage containers from any person who attempts to return 120 or more containers at the same time, or within a 1-week period. Id.
- Any dealer or distributor or manufacturer or person or any combination thereof may establish a redemption center subject to approval of the Department. Del. Code Ann., tit. 7, §6056(a).

Link to statute:

<http://www.delcode.state.de.us/title7/c060/sc03/index.htm>

Link to regulations: <http://www.dnrec.state.de.us/DNREC2000/Divisions/AWM/hw/sw/pdf/bevreg.pdf>

7. Michigan

- Dealers are required to provide “a convenient means whereby the containers of any kind, size, and brand sold or offered for sale by the dealer may be returned by, and the deposit refunded in cash” on the premises or within 100 yards of the premises. Mich. Comp. Laws §445.572(2).
- “Regional centers for the redemption of returnable containers may be established, in addition to but **not as substitutes for**, the means established for refunds of deposits prescribed in subsection (2).” Mich. Comp. Laws §445.572(3) (emphasis added).
- A dealer may refuse to pay a refund when accepting an empty container if that dealer does not require a deposit when he or she sells returnable beverage containers. Mich. Comp. Laws §445.572(5).
- A dealer or distributor has discretion to refuse to accept containers that do not clearly state the refund value of the container and “Michigan.” Mich. Comp. Laws §445.572(7)
- **LIMIT:** In addition, a dealer is not required to accept empty containers for a refund of more than \$25 on a single given day. Mich. Comp. Laws §445.572(10).

Links to statute: [http://www.legislature.mi.gov/\(S\(y1ksaimj44igdd55i4yeumrg\)\)/mileg.aspx?page=getobject&objectname=mcl-initiated-law-of-1976](http://www.legislature.mi.gov/(S(y1ksaimj44igdd55i4yeumrg))/mileg.aspx?page=getobject&objectname=mcl-initiated-law-of-1976)

<http://www.deq.state.mi.us/documents/deq-wmd-swp-Bottle-Bill.doc>

8. Iowa

- Dealers must accept “any empty beverage container of the kind, size and brand sold by the dealer . . .” Iowa Code §455C.3(1)
- A dealer may refuse to accept any empty container that does not have a refund value on it. Iowa Code §455C.4(1).
- A dealer is also permitted to refuse to accept an empty beverage container if the dealer and the kind and brand of container are covered by an order approving a redemption center. Iowa Code §455C.4(2).
- Dealers may also refuse to accept alcoholic beverage containers that were originally sold at a state liquor store. Iowa Code §455C.4(3).
- Any person may establish a redemption center, subject to the approval of the Department of Natural Resources. Iowa Code §455C.6(1).

Link to statute: <http://web.legis.state.ia.us/IACODE/1999SUPPLEMENT/455C/index.html>

9. Oregon

- A dealer must accept “any empty beverage containers of the kind, size and brand sold by the dealer . . .” Or. Rev. Stat. § 459A.710(1)
- A dealer may refuse to accept any container if: (1) it does not state the refund value; (2) the dealer and the container are covered by an order approving a redemption center; (3) the container is visibly contaminated by any substance other than water, the original contents, or dust; (4) the container is damaged to the extent that the brand is unidentifiable. Or. Rev. Stat. § 459A.715(1)-(3).
- A dealer need not accept a container if the dealer: (a) Has not offered the product in the specific container size for sale within the past six months; (b) Has reasonable grounds to believe the container was sold at retail outside Oregon; or (c) Has reasonable grounds to believe that container was obtained from or through a distributor without paying the refund value . . . Or. Admin. R. 845-020-0035.
- **LIMIT:** In addition, a dealer may refuse to accept more than 144 containers from any one person in a single day. Or. Rev. Stat. § 459A.715(2)(b).
- Any person may establish a redemption center upon approval of the Oregon Liquor Control Commission. Or. Rev. Stat. §459A.735(1).

Link to Statute: <http://landru.leg.state.or.us/ors/459a.html>

Link to Administrative Rules: http://arcweb.sos.state.or.us/rules/OARS_800/OAR_845/845_020.html

10. California

- Every dealer must either allow for redemption of empty containers at all open cash registers in the dealer’s place of business or at a specified location on the dealer’s premises, or the dealer must post a conspicuous sign notifying customers of the name and address of the certified recycling center or location(s) nearest to the dealer, “which redeems all types of empty beverage containers at one location during at least 30 hours per week with a minimum of five hours of operation occurring during periods other than from Monday to Friday, from 9:00 a.m. to 5:00 p.m. . . .” Cal. Pub. Res. Code §14570.
- The Administrative Rules do not add any additional restrictions on recycling centers.

Link to Statute: <http://www.consrv.ca.gov/DOR/crcp/recyclers/Images/Act.pdf>

Link to Administrative Rules: <http://www.consrv.ca.gov/DOR/crcp/recyclers/Images/Regs.pdf>