

S. 15

To create a federal recycling system for bottles and cans,
modeling the successful approach implemented by Denmark,
and to promote sustainability, waste reduction, and economic
opportunity.

IN THE SENATE
July 30, 2023

Mr. Clark (for himself,) introduced the following bill, on behalf
of the Rosen Administration, as authored by President Rosen;

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

A BILL

1. SHORT TITLE.

This Act may be cited as the "Responsible Environmental Tactics Utilizing Recycling Networks Act" or the "RETURN Act".

2. FINDINGS AND PURPOSE.

2.1. FINDINGS.—

Congress finds the following:

- (1) Plastic and aluminum waste is a significant contributor to pollution and landfill overflows in the United States.
- (2) Comprehensive, effective recycling systems can reduce waste, decrease pollution, save resources, and contribute to the creation of a circular economy.
- (3) Denmark's bottle and can recycling system has achieved a return rate of over 90%, demonstrating the efficacy of deposit-refund systems in enhancing recycling rates.
- (4) The introduction of a similar system in the United States could not only improve recycling rates and promote sustainability, but also provide a potential source of income for economically disadvantaged individuals, including those experiencing homelessness.
- (5) Many individuals experiencing homelessness already participate in informal recycling initiatives as a means of income generation. A formal, nationwide deposit-refund system could legitimize and expand these efforts, providing a consistent source of income and incentivizing participation in an important environmental initiative.

3. DEFINITIONS.

In this Act:

- (a) "Beverage container" refers to an individual, sealed bottle or can made from glass, plastic, or aluminum that contains a beverage.
- (b) "Deposit-refund system" is a mechanism where consumers pay an upfront deposit on a beverage container at the point of purchase, which is fully or partially refunded when the container is returned for recycling.
- (c) "Secretary" refers to the Secretary of the Department of Environmental Protection.
- (d) "Collection centers" refers to designated sites where consumers can return beverage containers for recycling and receive a refund of their deposit.
- (e) "Retailers" refers to businesses that sell beverages in containers directly to consumers.
- (f) "Manufacturers" refers to entities that produce and package beverages in containers for distribution to retailers.

- (g) "Public awareness campaign" refers to the promotional and educational efforts undertaken to inform the public about the deposit-refund system and encourage their participation.
- (h) "Educational materials" refers to informational resources produced to guide consumers, retailers, manufacturers, and operators of collection centers in understanding and participating in the deposit-refund system.
- (i) "Partnerships for outreach" refers to cooperative arrangements with local governments, schools, community organizations, and businesses to promote the deposit-refund system and encourage recycling.
- (j) "Targeted outreach" refers to specific efforts to reach and educate demographic and socioeconomic groups that may have lower recycling rates or lack access to recycling facilities.

4. ESTABLISHMENT OF A DEPOSIT-REFUND SYSTEM.

4.1. CREATION OF SYSTEM.—

The Secretary shall create a uniform federal deposit-refund system for beverage containers. This system shall encompass all five states and U.S territories.

4.2. UPFRONT DEPOSIT.—

Every beverage container sold in the United States shall carry an upfront deposit, collected at the point of sale. This deposit will be refunded in full to any individual or entity that returns the container to a designated collection center for recycling.

4.3. DEPOSIT AND REFUND AMOUNTS.—

The Secretary shall determine the deposit and refund amounts. Factors to consider shall include but are not limited to, the type of material (glass, plastic, or aluminum), the size of the container, and the costs associated with recycling each type of material. The Secretary shall review and adjust these amounts annually, considering inflation, changes in the costs of recycling, and other relevant economic factors.

4.4. PARTICIPATION OF RETAILERS AND MANUFACTURERS.—

Beverage manufacturers and retailers must participate in the deposit-refund system by collecting deposits at the point of sale and coordinating with the Secretary to ensure that consumers can return beverage containers for a refund of the deposit.

4.5. MANAGEMENT OF DEPOSIT FUNDS.—

The Secretary shall establish a dedicated fund to manage collected deposits. Deposits shall be refunded from this fund

upon the return of containers. Any unclaimed deposits shall be used to maintain and improve the deposit-refund system, as well as to fund other environmental and waste management initiatives as determined by the Secretary.

4.6. REGULATORY OVERSIGHT.—

The Secretary shall establish rules and regulations for the enforcement of this system, including penalties for non-compliance, measures to prevent fraud, and procedures to audit participating retailers and manufacturers. The Secretary shall also provide guidelines for consumers, retailers, and manufacturers to ensure clarity and ease of participation in the deposit-refund system.

5. COLLECTION AND RECYCLING.

5.1. ESTABLISHMENT OF COLLECTION CENTERS.—

The Secretary, in collaboration with local government entities and private sector participants, shall establish a network of collection centers across the United States and its territories. These centers should be conveniently located, accessible, and well-distributed to maximize participation in the deposit-refund system.

5.2. OPERATION OF COLLECTION CENTERS.—

Collection centers may be operated by retailers, beverage manufacturers, recycling companies, or other public or private entities as approved by the Secretary. Operators of collection centers shall be responsible for accepting returned containers, issuing refunds, and arranging for the proper recycling of collected containers.

5.3. STANDARDS FOR COLLECTION AND RECYCLING.—

The Secretary shall establish standards for the collection and recycling of beverage containers, to ensure a high level of environmental responsibility and efficiency in the recycling process. These standards shall include, but are not limited to, rules for sorting containers by material, requirements for cleanliness and condition of returned containers, and guidelines for the safe and sustainable transportation of collected containers to recycling facilities.

5.4. MONITORING AND EVALUATION.—

The Secretary shall monitor the operation of collection centers to ensure adherence to established standards, effective recycling practices, and accurate issuance of refunds. Regular evaluations shall be conducted to assess the performance and impact of collection centers, with findings used to guide improvements and adjustments to the system.

5.5. EDUCATION AND TRAINING.—

The Secretary shall develop and implement education and training programs for operators of collection centers, to ensure a high standard of service, accurate refund issuance, and compliance with recycling standards. These programs should also help operators understand the goals and benefits of the deposit-refund system and their role in its success.

5.6. TECHNOLOGICAL INTEGRATION.—

The Secretary shall encourage and support the use of technologies to facilitate the operation of collection centers, including automated return machines, digital tracking of deposits and refunds, and data analysis tools to monitor performance and impacts. Technological integration should aim to make the process of returning containers and receiving refunds as efficient and user-friendly as possible, while ensuring the integrity and accuracy of the system.

6. ROLE OF MANUFACTURERS AND RETAILERS.

6.1. PARTICIPATION IN THE SYSTEM.—

Beverage manufacturers and retailers are required to participate in the deposit-refund system. Their responsibilities include collecting deposits at the point of sale, participating in the recycling process, and accepting returned containers for refunding, either directly or through designated collection centers.

6.2. COOPERATION WITH COLLECTION CENTERS.—

Manufacturers and retailers can opt to establish agreements with collection centers to accept returned containers on their behalf. These agreements must be approved by the Secretary and ensure the fair and timely issuance of refunds to consumers.

6.3. REPORTING AND ACCOUNTABILITY.—

Manufacturers and retailers are required to regularly report to the Secretary on the volume of beverage containers sold, deposits collected, and containers returned for recycling. They must also cooperate with audits and inspections conducted by the Secretary to ensure compliance with the deposit-refund system and accuracy of reporting.

6.4. ENVIRONMENTAL STEWARDSHIP.—

Manufacturers and retailers are encouraged to promote the recycling of beverage containers and the deposit-refund system as part of their environmental stewardship efforts. They may

also explore additional ways to minimize the environmental impact of their products, such as by using recyclable materials, reducing packaging, and improving the efficiency of their manufacturing and distribution processes.

7. PUBLIC AWARENESS AND EDUCATION CAMPAIGN.

7.1. PUBLIC AWARENESS.—

The Secretary shall conduct a comprehensive public awareness campaign to educate the public about the deposit-refund system, its benefits for the environment and communities, and how to participate. The campaign should include a variety of communication channels, such as public service announcements, social media, websites, print materials, and community events.

7.2. EDUCATIONAL MATERIALS.—

The Secretary shall develop clear, easy-to-understand educational materials that explain the deposit-refund system. These materials should cover the basics of the system, the location of collection centers, and the benefits of recycling.

7.3. PARTNERSHIPS FOR OUTREACH.—

The Secretary shall partner with local governments, schools, community organizations, and businesses to spread awareness and promote participation in the deposit-refund system. These partnerships could involve activities such as community recycling events, educational presentations, and joint promotional campaigns.

7.4. TARGETED OUTREACH.—

The Secretary shall ensure that the public awareness campaign effectively reaches all demographic and socioeconomic groups, with targeted outreach efforts for communities that have lower recycling rates or lack access to recycling facilities. The campaign should also highlight the potential for the deposit-refund system to provide a source of income for economically disadvantaged individuals, including those experiencing homelessness.

8. REPORT TO CONGRESS.

The Secretary shall annually report to Congress on the progress of the deposit-refund system, including the number of containers collected and recycled, and any recommendations for improvements to the system.

9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

10. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, or the application of the provisions of this Act to any person or circumstance, shall not be affected thereby.

11. EFFECTIVE DATE.

This Act shall take effect one year after the date of its enactment to allow for the necessary preparations for the deposit-refund system.