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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND REGULATORY
REFORM ACT

Introduced By: Representatives Handy, Carson, Ruggiero, Naughton, and Williams

Date Introduced: February 26, 2015

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-64.13 of the General Laws entitled "Rhode Island Regulatory
2 Reform Act" is hereby amended by adding thereto the following section:

3 **42-64.13-11. Coordinated products stewardship program management.** – (a) The
4 general assembly finds and declares:

5 (1) It is in the best interest of the citizens of the state of Rhode Island for the department
6 of environmental management and the Rhode Island resource recovery corporation to coordinate
7 efforts to develop, implement, promote and continuously improve recycling, waste minimization,
8 and waste diversion programs that are environmentally and economically sustainable.

9 (2) Producers and manufacturers have a responsibility to help manage the waste their
10 products create at the end of the products' useful life. In order to effectively carry out their
11 responsibility, producers have a right to expect clear, reliable, common sense direction
12 accompanied by regular communications from state agencies charged with managing these
13 programs.

14 (3) Under § 42-17.1-2(10), the director of the department of environmental management
15 is charged with cooperating with the solid waste management corporation (now known as the
16 resource recovery corporation) and to provide to the corporation such facilities, administrative
17 support, staff services and such other services within the department as the corporation shall
18 reasonably require for its operation; under chapter 19 of title 23, the Rhode Island resource

1 recovery corporation is charged with seeking the best mix of public and private processing,
2 recycling and disposal systems, programs, and facilities for both commercial and municipal waste
3 to meet Rhode Island's needs.

4 (4) The statewide standards established pursuant to these authorities may be inadequate to
5 protect the natural resources of our state and need to be reevaluated based on current solid waste
6 industry practices, programs, and recyclables market data.

7 (5) Many municipalities have implemented solid waste diversion and recycling programs
8 in response to and in accordance with chapters 18.9 and 19 of title 23, and strive to reduce costs
9 associated with these responsibilities.

10 (6) Dissimilar standards and approaches to managing increasing numbers of product
11 stewardship programs and extended producer responsibility programs have resulted in a
12 bifurcated system wherein local governments, the corporation, covered product manufacturers,
13 recyclers, and the department manages the statutory requirements of each product program using
14 a variety of methods resulting in diverse outcomes.

15 (7) The lack of a uniform process tends to burden businesses, the corporation and
16 municipalities that require a predictable regulatory environment in order to be successful.

17 (8) Clear, predictable and reliable standards and a regulated process are needed to foster a
18 business climate that will grow our economy while ensuring the protection of our natural
19 resources.

20 (b) No later than December 31, 2016, the Rhode Island division of planning in
21 consultation with the task force established in subsection (c) of this section, shall prepare and
22 submit to the governor, the senate president and the speaker of the house a report that is based
23 upon current waste system industry best practices, current sorting technologies, global
24 commodity market forces, and waste system planning needs, and solid waste system movement
25 and waste hierarchy knowledge. The report shall make recommendations that ensure the
26 protection of this state's natural resources while balancing the need for economic development
27 and shall:

28 (1) Include an assessment of the current Rhode Island extended producer responsibility
29 (EPR) and product stewardship laws, programs, governance, rules, regulations, policies, and
30 practices under chapters 19, 24.8, 24.9, 24.10, 24.12, and 90 of title 23, and §§ 42-17.1-2(2) and
31 42-17.1-2(10);

32 (2) Evaluate for comparison and contrast current United States and international
33 EPR/product stewardship program management models;

34 (3) Identify gaps in oversight, enforcement, and implementation of existing Rhode Island

1 programs; and

2 (4) Recommend statutory and/or regulatory changes that are required to streamline and
3 effectively manage existing and future EPR and/or product stewardship programs.
4 Recommended changes may include organizational, functional, or responsibility realignment
5 adjustments to either the department or the corporation or both. Recommendations need not be
6 restricted to these two (2) entities and, upon the establishment of such standards by the general
7 assembly, municipalities shall not adopt or enforce any local ordinances or requirements for
8 product stewardship that exceed or otherwise conflict with such recommended statewide
9 standards.

10 (c) The Rhode Island division of planning shall establish a task force and appoint
11 members thereto representing a balance of the interests to ensure the protection of this state's
12 natural resources while recognizing the need for economic development and at a minimum shall
13 include:

14 (1) The director of the department of environmental management, or designee;

15 (2) The director of the office of regulatory reform, or designee;

16 (3) The executive director of the Rhode Island resource recovery corporation, or
17 designee;

18 (4) The executive director of the Rhode Island commerce corporation, or designee;

19 (5) One representative each from an environmental entity and a waste hauler's
20 association;

21 (6) At least two (2) municipal representatives;

22 (7) At least two (2) representatives from the business and/or manufacturing community or
23 an association representing the community; and

24 (8) At least one representative (not necessarily one person possessing all requirements)
25 with experience in recycling sorting technology and logistics, local recyclables markets, and
26 global recyclables commodities marketing and logistics.

27 (d) Implementation – The executive director of the Rhode Island resource recovery
28 corporation in consultation with the director of the office of regulatory reform shall submit no
29 later than January 31, 2017, to the governor, the speaker of the house and the senate president
30 proposed legislation establishing an EPR and product stewardship program management structure
31 identified in the report issued pursuant to subsection (b) of this section.

32 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND REGULATORY
REFORM ACT

1 This act would require the division of planning to submit a report in consultation with a
2 task force to the governor, the house speaker and the senate president by December 31, 2016, to
3 eliminate regulatory conflicts among the department of environmental management, the resource
4 recovery corporation and municipalities and establish a uniform process in the areas of protection
5 of natural resources, recycling and product stewardship programs. This act would also authorize
6 the formation of a task force to ensure protection of the state's natural resources.

7 This act would take effect upon passage.

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