



May 5, 2025

Chair Sen. Rebecca Rausch  
Chair Rep. Christine Barber  
Joint Committee on the Environment and Natural Resources  
24 Beacon Street – Room 215 and Room 167  
Boston, MA 02133

## **Re: Testimony in Opposition to H. 1038 Related to Recycled Content Mandates**

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Dear Chairs Rausch and Barber, and Vice Chairs Fernandes and Cataldo and Members of the Committee:

As President of the The Glass Packaging Institute (GPI), I write in opposition to the glass provisions of H. 1038, a bill being considered in the committee today related to circularity in recycling. While we support and work in many states, including support in Massachusetts for expansion and reform of the state's bottle bill, as well as extended producer responsibility proposals, ***the requirement in H. 1038 is flawed and unenforceable and appears to be a copy of legislation in New Jersey that mistakenly transformed a manufacturing requirement in California.***

Our focus and opposition is entirely related to **Section 4** related to the inclusion of recycled content mandates for glass SOLD in the state, in what is otherwise a plastics focused bill.

GPI is the North American trade association for the glass food and beverage manufacturing companies, glass recycling and other partners and suppliers to the industry. The industry works closely with policymakers around the country on issues surrounding sustainability, recycling, energy, and greenhouse gas emissions goals. We desire to work with the legislature to increase glass recycling in Massachusetts because much of the state's glass that is not included in the bottle bill program needlessly goes to landfill.

This measure appears to largely be a copy of a bill that became law in New Jersey during the pandemic when testimony was all virtual and limited. Unfortunately, the bill proponents in New Jersey who sought to include this section did so with the mistaken belief that they were modeling the provision after a law in California – which is not accurate and a mistake. Subsequently, the NJ Dept of Environmental Protection has worked for three years to implement the law and has been unable to promulgate regulations and still is struggling to figure out how to enforce the glass requirements.

There is a California law that has existed for over twenty years that requires glass manufacturers in the State of California to demonstrate that they use recycled glass content for the glass **MADE** in California, not sold in California. It is tied to the existence of the California Beverage Container Redemption program (CRV or “bottle bill”) and is designed

to ensure that good quality glass collected through the CRV is used by glass manufacturers in California. **There is no requirement for recycled content in glass sold in California.** There is also no bottle bill in New Jersey, or much supply of good clean quality glass in or from New Jersey.

When the proponents of the recycled content law in New Jersey that H 1038 is modeled after were amending their proposal, they mistakenly thought the glass requirement in statute was new in 2021 and neglected to read the section of law that indicated it was for glass made in California. The only entities that can report on the use of recycled content in making new containers are the manufacturers of the glass. Small and medium sized brands often get their glass through global wholesalers whose supply fluctuates from year to year.

Glass recycling has highly regionalized markets, and while bottle bill glass from Massachusetts and neighboring states in New England all has positive markets and is returned to the glass container supply chain, there is nothing about a requirement for glass sold in Massachusetts that will improve the recycling of glass from the curbside commingled system due to contamination.

Glass is also a very different material than plastic, and the manufacturing process and material conversion into packaging is performed in very different ways in the value chain of making glass containers. Recycled glass is glass. It has no different makeup than what someone may refer to as “virgin” glass, because once the raw materials have been made into glass, it is all the same. Recycled glass is a key component of all glass made in the United States, but it has very strict industry standards for contamination that are difficult to meet from curbside commingled glass that must go through extensive processing to be able to be used in any end-market that uses a glass furnace – including container, fiberglass and some other construction applications.

**Section 4 will do nothing to improve glass recycling in the state of Massachusetts** and will merely set up a costly administrative bureaucratic program that collects recycled content data from food and beverage manufacturers around the world who seek to sell products into the state in glass. At worst, it will drive more food and beverage companies to switch to plastic packaging, the opposite goal of the legislation. There is nothing in the bill that increases the supply of quality glass.

### **Glass Container Recycling Background and Recommendations**

The glass container manufacturing industry has a significant stake in the effectiveness of glass recycling programs, and recycled glass is a key component of the manufacturing process. The industry released a blueprint of how to achieve a 50% national glass recycling rate in the Spring of 2021. The industry seeks as much usable glass as possible to make new bottles because for every 10% of recycled glass included in the manufacturing process, energy costs can be reduced 3-5%, with a corresponding reduction of greenhouse gas emissions when increasing levels of recycled glass are used to produce new containers.

Some have suggested a recycled content mandate for glass to help create markets for residential curbside glass. This ignores the disconnect between the need for a quality level required for glass container furnace, and the largely poor performance derived from many single-stream recycling providers. What are needed are policies that will improve the standards of quality, reduce residual contamination, and produce cleaner streams of

material (for all commodities, but especially glass) coming from residential and commercial markets. This is directly tied to improving the connected recycling supply chain and recycling programs.

There are many other productive policy options that will improve the recycling of glass in Massachusetts and the circularity of that material back in to glass containers. Quality and contamination are key differentiators to the value and potential end-markets for recycled glass. **We estimate that nearly 60 percent of the glass cullet that makes it back to a container plant for reuse originates from the ten bottle bills states, which provide the highest volume of clean, source-separated glass.** This separation drastically reduces contamination, increases the value, and provides the best opportunity to return the glass to a manufactured product. ***The number one thing that Massachusetts can do to immediately improve the recycling and circularity of glass from Massachusetts is to expand the coverage of the bottle bill program to include all beverage containers.***

I have included our testimony from last year regarding the expansion of the bottle bill in Massachusetts:

### **Massachusetts Container Deposit Program**

Even though Massachusetts' container deposit program covers less than half of the beverage products that it could cover, the state has glass container recovery rates above the national average state recovery rate and provides for recycled glass that is generally free of contaminants, and in high demand from the two primary end users, the container and fiberglass industries. Our industry values the quality recycled glass recovered from the Massachusetts bottle bill program.

Importantly, these bottles avoid the fate and costs associated with landfill disposal. This is particularly critical for glass, and a reason why the expansion of the Massachusetts bottle bill would dramatically reduce the amount of glass going to landfills in the state. Curbside material that flows through many material recovery facilities *can* be recycled, but it is completely dependent on the capabilities of the facility receiving the material and the yield is far lower. Smaller particles generally less than 3/8th inch are referred to as "fines" in the industry and can be used for roadbed, aggregate, mineral replacement or emerging products such as pozzolan. The benefit of the container redemption system is that it preserves the potential of highest best use, while also allowing for a broader variety of end-market uses that include the same ones as single stream commingled curbside collection.

The fact that five states in the New England region have bottle deposit programs has led to the infrastructure in the region being geared for cleaner streams of material. There are several glass processing facilities capable of handling cleaner material from the state's bottle bill, as opposed to few in the region that can handle largely contaminated curbside commingled stream. Recent data from state waste characterization studies and data on beverage container sales in the state suggests there are nearly 350k tons of beverage container glass in Massachusetts. Furthermore, our estimates are that approximately one-third of that material is getting recovered and recycled back into the supply chain for new bottles or fiberglass, while two-thirds of that tonnage flows through curbside collection or goes directly to landfill. Of the amount collected curbside, only about 20 percent of that may make it back into supply chain, and the remainder is going to aggregate or landfill.

Expanding the bottle bill would flip that equation, and potentially double the amount of glass being diverted from landfill and recovered for the broader regional supply chain from Massachusetts. This will save the cities and counties of Massachusetts a great deal of money as well, from avoiding landfill tip fees to pay for over 100k tons of glass that are sent to state landfills every year but could end up being recycled into new bottles.

**(Amendment 67 – reference to 2024 proposals)** would modernize and strengthen the current program. By increasing the deposit from five to ten cents (encouraging higher rates of redemption, as seen in Oregon and Michigan), and the addition of spirits, wine and other beverage types would bolster overall recycling rates, increase the recyclable quality of the containers recovered.

The amendment also increases the handling fee for both redemption centers and retailers, assisting in their expenses as integral and important elements of the broader redemption chain. By exempting retailers with less than 2,000 square feet, outlets with truly fewer space can better manage their food and beverage operations. Continuing to study and learn from best recycling practices, as outlined in **the proposal**, would also provide future value and benefit to the container deposit program.

All container deposit material in the Northeast region, including glass bottles from Massachusetts' program has strong end-markets. We know what the end-markets are, and they include several bottle plants in the region, as well as fiberglass production facilities as well as aggregate, filtration, highway reflection and other traditional sand substitutes. The bottle bill glass in Massachusetts has bottle to bottle end-markets in New York, Ontario and Quebec, and possibly Pennsylvania and New Jersey. Those plants all need more material and have indicated they would welcome wine and spirits container glass from Massachusetts.

There are many other policies that we would be more than happy to engage in constructive dialogue to support the increase in recycling and circularity of glass in Massachusetts. I would be honored to testify and into greater detail on these points, and the differences with the California (New Jersey) bill that is being cited as a model. I reiterate the request to strike Section 4 from this legislation, and the pledge of the glass industry to work with the state to enact meaningful policies to improve glass recycling in Massachusetts.

Thank you for your consideration of our comments. GPI and its member companies look forward to additional opportunities to engage with the State on recycling related issues.

Sincerely,

A handwritten signature in dark ink, appearing to read "Scott DeFife", with a stylized flourish at the end.

Scott DeFife  
President