

Environmental Protection Regulation, Chapter 10, Deposit For Beverage Containers

22.10.1522.1 SCOPE

For the purpose of this regulation, beer or other malt beverages and mineral waters, soda water and carbonated soft drinks in liquid form and intended for human consumption shall be subject to the requirement that a deposit of not less than five cents shall be paid by the consumer on each beverage container sold at the retail level and refunded to him upon return of the beverage container. For the purpose of this regulation, "sold at the retail level" shall mean any and all transactions where the consumer takes physical possession of the beverage container for consumption other than at the place of sale, and shall not apply to beverages for sale and consumption upon the premises of establishments licensed for that purpose, except as provided herein.

A container is defined as a vessel composed of glass, metal, paper, plastic, or any combination of those materials, not made of biodegradable material, or of any other materials capable of containing a beverage at the time of sale to the consumer.

22.10.1522.2 LABELLING

- (a) Each container, subject to this regulation shall contain a label specifying, in letters of not less than one-eighth inch type size, the word "Vermont" and the refund value of the container. Such label shall be emplaced upon the container by embossing or imprinting of the normal product label or, in the case of a metal beverage container, on the top of the container. A sample copy of any label, required under this subsection, shall be filed with the Secretary of Natural Resources and, in the case of containers of beer or other malt beverages, a concurrent filing shall be made with the Department of Liquor Control.
- (b) The labeling requirements of this section shall not apply to beverage containers which are certified by the Secretary of Natural Resources as being capable of being refilled at least five times. This certification shall not preclude a manufacturer from labeling such refillable beverage containers, in the manner specified by Section 22.10.1522.2(a) of these regulations, upon filing of a copy of the label to be used as therein required. If, however, a manufacturer elects to so label such refillable beverage containers, such labeling shall be required on all such containers sold by him in this State.
- (c) In the event that beverage containers required to be labelled under Section 22.10.1522.2(a), or labelled by the manufacturer at this election under Section 22.10.1522.2(b), are received by a distributor without containing the required, or elected, label, the distributor, with the prior approval of the Department of Liquor Control, may merchandise such beverage containers in establishments licensed by the Department of Liquor Control for consumption, provided however that all such beverage container shall contain an applied label approved by the Department of Liquor Control and the Secretary of Natural Resources.

- (d) The labeling requirements of this regulation shall not apply to beer or other malt beverages contained in kegs, half-kegs, quarter-kegs, or pony-kegs provided that a deposit on the container is charged to the consumer for the use thereof and refunded to him upon return to the seller.
- (e) Subsections (a) and (b) of this Section shall take effect on September 1, 1975.

22.10.1522.3 REDEMPTION OF CONTAINER; RETURN OF DEPOSIT

Any purchaser of a container, upon which he has paid a deposit, shall be entitled to redeem his deposit upon return of a container to a retail store, or to a redemption center established in accordance with 10 V.S.A., Section 1521(7) and/or 10 V.S.A., Section 1523.

- (a) Except as provided in 10 V.S.A., Section 1523(b) and 22.10.1522.4(b) and (c) of these regulations:
 - (1) a retailer shall not refuse to accept from any person any empty beverage containers of the kind, size and brand sold by the retailer, or refuse to pay to that person the refund value of a beverage container as established by 10 V.S.A., Section 1522.
 - (2) a manufacturer or distributor may not refuse to accept from a retailer, or a person operating a redemption center, any empty beverage containers of the kind, size and brand sold by the manufacturer or distributor, or refuse to pay the retailer, or a person operating a redemption center, the refund value of a beverage container as established by 10 V.S.A., Section 1522.
- (b) A retailer, with the prior approval of the Secretary, may refuse to redeem beverage containers if a redemption center, or centers, is established, under Section 22.10.1522.4(b) and (c) of these regulations, which serves the public need.
- (c) A retailer, a person operating a redemption center, or a distributor, may refuse to redeem beverage containers which are not clean.

22.10.1522.4 REDEMPTION CENTERS

- (a) Any person or retailer may establish a redemption center for the redemption of deposits on beverage containers, with the prior agreement of affected parties.
- (b) A retailer, or group of retailers, may petition the Secretary of Natural Resources for the establishment of a redemption center.
 - (1) the names and addresses of the retailer or retailers to be served by the redemption center.

- (2) the proposed location of the redemption center or availability of structural space to accommodate the redemption center.
 - (3) the names and addresses of any person or persons who will operate the redemption center, and a signed statement to that effect, signed by the person or persons so designated, that he will operate the redemption center.
 - (4) the names and addresses of all manufacturers and distributors to be affected by the establishment of the redemption center.
- (c) The Secretary shall, upon due notice to the public and other affected parties, hold a Public Hearing upon the petition. After investigation and Hearing, the Secretary, after determination of need and service to be provided the establishment of a redemption center, shall issue his order authorizing the distributors or retailers affected and servicing the community or area involved to establish a redemption center or alternate method of redemption, or shall deny if found adverse to the public need.

In determining whether the public need is served, the Secretary shall give due consideration to the convenience provided to the public, to the retailers, and to the manufacturers or distributors to be served by the redemption center. The Secretary shall likewise consider all potential effect upon services to be provided to elderly, disabled or indigent persons, as well as any increased cost or inconvenience to manufacturers or distributors, or to the general public.

- (d) For the purpose of this Regulation the following words and phrases mean:

“Shells” mean the standard trade package of cardboard, wood, plastic or other material, designed for the packaging, carrying or transportation of 6 or more beverage containers of 64 ounce or greater liquid capacity; 12 or more beverage containers of 28 ounce or greater, but less than 64 ounce, liquid capacity; or 24 or more beverage containers of less than 28 ounce capacity.

“Approximate sized containers” mean a container of cardboard or other material with length, width or height dimensions, any of which are not over one-sixth greater or one-sixth lesser than the equivalent dimensions of shells.

- (e) Each retailer who, by written affirmation, signifies his participation in the use of the services and facilities provided by a redemption center, shall deliver all shells obtained by him, in the transaction of covered beverage sales, to the redemption center.
- (f) Manufacturers or distributors shall redeem all beverage containers packaged in shells or approximate sized containers.

Manufacturers or distributors may refuse to redeem beverage containers not packaged in shells or approximate sized containers where the transportation of beverage containers in other carrying cases would constitute a safety hazards or the breakage of beverage containers in transportation or storage is likely to occur. However, in the case where a manufacturer or distributor refuses to provide shells or carrying containers acceptable to the manufacturer or distributor for the use of the redemption center in packaging beverage containers on a revolving deposit basis, the manufacturer or distributor shall accept beverage containers in such carrying cases of cardboard, wood, plastic or paper, including bags, as are available to the redemption center, packaged in the same quantity as would be the case in shells.

22.10.1522.5 REIMBURSEMENT OF RETAILERS AND REDEMPTION CENTERS

A retailer, or a person operating a redemption center, who redeems beverage containers shall be reimbursed by the manufacturer or distributor of such beverage containers in an amount which is at least twenty percent of the amount of the deposit returned to the consumer. The minimum amount of reimbursement shall be three cents per container.

This regulation shall not apply in the case of kegs, half-kegs, quarter-kegs, or pony-kegs, and no additional payment in excess of the actual redemption of the deposit shall be required.

22.10.1522.6 POSTING

- (a) Retailers may establish hours for the redemption of beverage container deposits, provided containers shall be redeemed during no fewer than 40 hours per week during the regular operating hours of the establishment, and that notice thereof is afforded the public upon a conspicuously placed poster obtained from the Secretary of Natural Resources.
- (b) A copy of these regulations shall be conspicuously posted in all establishments where beer or other malt beverages and mineral waters, soda water and carbonated soft drinks, in liquid form and intended for human consumption, are sold to the consumer at the retail level.

22.10.1522.7 DISCONTINUANCE OF BRANDS

A retailer or a distributor who discontinues the sale of a brand of beer or other malt beverage, mineral water, soda water or carbonated soft drink, shall redeem the deposit on the brand, type and size of beverage container as were sold by him prior to the discontinuance of the sale of that brand for a period of sixty days following the date of cessation of sales to the public; or, in the case of the transfer of distributorship, for a period as approved by the Department of Liquor Control.

22.10.1522.8 CERTIFICATION OF REFILLABLE BEVERAGE CONTAINERS

A manufacturer or a distributor shall submit a required for certification, to the Secretary of Natural Resources, for determination and certification that a beverage container can be refilled at least five times.

- (a) The request for certification shall be accompanied by:
 - (1) a description of the container, including; the container size, color, physical measurements, and any descriptive or trade name.
 - (2) a listing of the brands, or beverages, to be sold at retail in the beverage container upon which certification is being requested.
 - (3) a certification from the container manufacturer that the beverage container can be refilled at least five times, or from the manufacturer or bottler that he has tested the container and has found that it can be refilled at least five times; or
 - (4) a copy of any certification or approval issued by the United States Food and Drug Administration, or any other agency of the federal government; or any agency of this or any other State; or of any nationally recognized testing laboratory or certification body.
 - (5) such additional information as the Secretary shall require for the purpose of issuing this certification, after review of the request for certification.
- (b) Upon review of the request for certification, and the materials submitted therewith, the Secretary shall issue his certification that the beverage container can be refilled at least five times, or shall deny such certification.
- (c) Upon the granting of certification by the Secretary, the manufacturer or distributor shall file with the Secretary, and in the case of beverage containers for beer or other malt beverages, a concurrent filing with the Department of Liquor Control, a letter of intent to use such certified container, and a statement as to whether or not such containers will contain labels under the provisions of 22.10.1522.2(b) of these regulation.
- (d) A manufacturer or distributor aggrieved by an adverse determination by the Secretary may, at any time, request a Hearing upon the matter, as a contested case, under the provisions of Title 3 V.S.A., Chapter 25.
- (e) A request for certification shall not be required in the case of legally refillable containers utilized by manufacturers or distributors of mineral waters, soda water and carbonated soft drinks certified by the Secretary prior to July 1, 1975.

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