

NEWS RELEASE

For Immediate Release: Friday, November 12, 2021

OVER 100 NEW YORK ENVIRONMENTAL AND COMMUNITY GROUPS CALL ON GOVERNOR HOCHUL TO MODERNIZE NY'S BOTTLE BILL CALL FOR A "BIGGER BETTER BOTTLE BILL"

(Albany, N.Y.) Environmental, civic, and social justice organizations today called on Governor Hochul to modernize New York's landmark recycling law, commonly known as the "Bottle Bill." Advocates representing over 100 New York groups gathered beside a fifteen-foot-tall "bottle" to highlight the successes of the four-decade-old law and to urge that it be expanded as part of the state's efforts to reduce litter, increase recycling, and boost support for municipal recycling and environmental justice programs.

First enacted in 1982, the law, officially the New York State Returnable Container Act, requires a 5-cent refundable deposit to be placed on eligible beverage containers. The law requires retailers who sell covered beverages to accept returns of empty containers for the products they sell and refund the deposits, and it requires beverage distributors to pay retailers a handling fee for the cost of collecting empty containers. The Bottle Bill was last expanded ten years ago to include water bottles.

Groups that signed the letter and participated in the rally include: **NYPIRG, Earthjustice, Environmental Advocates, League of Women Voters of New York State, Reloop, Sierra Club.** The groups argued that after four-decades of success, the time to increase New York's recycling rates, provide support for municipal recycling programs, and boost redemption access in underserved communities is now.

Specifically, the groups called for two changes to modernize the Bottle Bill:

Expand the types and number of beverage containers covered by the Bottle Bill. Other states from Maine to California include a diverse range of non-carbonated beverages, wine, and liquor to great success.

Increase the amount of the deposit to a dime and direct a portion of the additional revenues collected by the state to ensure better compliance and enhance access to redemption entities in currently underserved communities. States like Michigan and Oregon that have increased their deposit to a dime have seen increases in recycling and container redemption rates.

Over its 40-year history, the advocates say, New York's Bottle Bill has proven highly effective at reducing litter and increasing recycling rates. In 2020, New York's redemption rate was at 64%. The Bottle Bill reduces roadside container litter by 70%, and in 2020, 5.5 billion containers were recycled in the state. However, advocates say, it's time to modernize the law for a new era.

"A lot has changed in the 40 years since the passage of the Bottle Bill. While New Yorkers may listen to hip-hop instead of disco and carry phones in their pockets, one thing that hasn't changed is the need for a recycling program that works for all New Yorkers. It's time for the Bottle Law of the late 20th Century to join the 21st. Today we call upon Governor Hochul to modernize the Bottle bill by expanding the containers covered under the law to include wine, liquor, and non-carbonated beverage containers; increase the bottle deposit; and expand access to recycling redemption centers to the underserved areas that need them most," said **Blair Horner, Executive Director, NYPIRG.**

GROUPS URGE GOV. HOCHUL TO SUPPORT “BIGGER BETTER BOTTLE BILL,” PAGE 2

"The Bottle Bill has been one of the most successful environmental laws in New York history. Deposits on beverage containers reduce litter, create jobs, create or supplement income for struggling New Yorkers, boost recycling and save tax dollars. A number of years ago, we added single use water bottles to the state law and now it is time to modernize the law in other ways. It makes no sense to exclude non carbonated beverages, wine and liquor. And after 40 years, it's time to double the deposit and provide incentives for refillable containers," said **Judith Enck, former EPA Regional Administrator and President of Beyond Plastics.**

“New York’s bottle bill has been one of the most sensible and effective environmental policies in the history of New York. But for it to continue to be effective at preventing litter and reducing our solid waste burden, we need to make sure it is more up-to-date with expanded categories of returnables and increased deposits. We hope the Governor and Legislature make this a priority in the upcoming year. Now is the time to act“ said **Kate Kurera, Deputy Director, Environmental Advocates.**

“As New York State continues to face the detrimental impacts of climate change, legislators must move to decrease our waste by encouraging the practice of recycling. The Bottle Bill will help reduce waste not only in our landfills, but also in our streets, parks, and other natural spaces. The League of Women Voters of New York State is pleased to support the expansion of the Bottle Bill and hope to see it passed in the coming legislative session,” said **Laura Ladd Bierman, Executive Director, League of Women Voters of New York State.**

"It’s time for bottle bill modernization in New York state. Experience from systems in other states, and across the world, confirm that raising the minimum deposit to 10 cents can be a tipping point—the financial incentive that reverses ‘redemption apathy’ and drives consumers to return their containers. Additionally, the data shows that beverage containers included in deposit return systems are recycled at a much higher rate than those excluded. For towns and cities struggling to manage the glass stream in particular, expanding the bottle bill could help ease that burden and drive an increase in the overall recycling rate,” said **Elizabeth Balkan, Director, Reloop North America.**

“New York’s bottle redemption laws have for the past forty years facilitated the recycling of billions of beverage containers that once filled our landfills and littered our streets, parks and waterways. But the value of a nickel isn’t what it used to be, and the tastes and habits of New Yorkers have changed, expanding the types of single use containers not covered by the current law. This has left municipal recycling centers with increasing debt at a time when waste glass and plastic markets are depressed. It’s time for the legislature and Governor Hochul to make this landmark recycling law effective again-by funding more local zero waste programs and comprehensively covering all beverage containers with right-sized redemption fees,” said **Caitlin Ferrante, Conservation & Development Program Manager, Sierra Club, Atlantic Chapter.**

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SUPPORT MODERNIZING THE NEW YORK STATE BOTTLE DEPOSIT LAW

November 12, 2021

Kathy Hochul
Governor
Executive Chamber
Capitol Building
Albany, N.Y. 12234

Re: Modernizing New York's Returnable Container Act ("Bottle Bill")

Dear Governor Hochul,

The undersigned organizations write to express our strong support for modernization of New York's Returnable Container Act,¹ commonly known as the 'Bottle Bill.' It is time to update the law to include popular non-carbonated beverages, wine, spirits, and hard cider. While expanding the deposit is necessary, it is also essential to increase the redeemable deposit value to 10-cents to increase the rate of recovery. To prepare for this, we need to make the program more convenient and equitable for all New Yorkers. Enacted in 1982, the 'Bottle Bill' requires a 5-cent refundable deposit on eligible beverage containers to encourage their return to avoid litter and waste. Ahead of the program's 40th anniversary, we look to modernize this effective program for the next 40 years so that we end beverage container litter and waste and grow New York's "circular economy."

We urge that you include a plan to modernize the Bottle Bill as part of your FY22-23 executive budget.

Modernization of the 40-year-old Bottle Bill will further enhance litter control (most notably in underserved lower income communities), help stimulate recycling efforts, encourage the use of refillable containers, and is a matter of economic justice that will provide badly needed funding for communities that face low redemption rates due to inadequate access to retailers and redemption centers. States with Bottle Bills have a much higher rate of recycling than states without. For example, states that have a bottle deposit are 46% more likely to recycle PET plastic bottles than states that do not.²

As you know, the Bottle Bill has achieved the initial goals set for it. The Bottle Bill has:

- Reduced litter in underserved communities, waterways, and along beaches;
- Increased recycling rates; and
- Helped create a funding stream for important environmental programs.

After its four-decades of success, we believe that the Bottle Bill should be modernized. There are two important steps needed to modernize the law:

Expand the number of beverage containers covered by the Bottle Bill. New York would not be the first state to include non-carbonated beverages, wine, and liquor. Maine's Bottle Deposit Law includes all

¹ New York State Department of Environmental Conservation, "New York's Bottle Bill," <http://www.dec.ny.gov/chemical/8500.html>.

² Container Recycling Institute, "Container Deposits: The Rockstars of Recycling," <https://legislature.vermont.gov/Documents/2022/WorkGroups/House%20Natural/Bills/H.175/Witness%20Documents/H.175~Susan%20Collins~Container%20Deposit%20Handout~2-24-2021.pdf>.

containers covered in New York's existing Bottle Bill plus wine, spirits, hard cider, and most non-carbonated beverages. Maine has a 5-cent deposit for all beverages, except wine and liquor, which have a 15-cent deposit. Other states with Bottle Deposit Laws that include non-carbonated beverages include California, Hawaii, and Oregon.³

Increase the amount of the deposit to a dime. The impact of the nickel deposit that was approved in 1982 has eroded over time. A mere inflation update would make that deposit nearly fifteen cents.⁴ And in order to ensure that those who wish to redeem their deposits can easily do so, we also recommend that a portion of the additional revenues collected by the state be used to ensure better compliance and enhance access to redemption entities. Michigan and Oregon have already increased their deposit to ten cents, leading to an immediate increase in recycling redemption rates.⁵

There are many reasons to support the above measures, but three are most important:

First, expanding the Bottle Bill will increase New York's recycling rates and reduce litter. Over its nearly 40-year history, New York's Bottle Bill has been the state's most effective recycling and litter prevention program.⁶ According to the Department of Environmental Conservation (DEC), the Bottle Bill reduces roadside container litter by 70%, and in 2020, 5.5 billion containers were recycled.⁷ Further, litter is not adequately cleaned up as often in low-income neighborhoods as in more affluent neighborhoods. Enhancing the Bottle Bill will reduce the litter across the board, including in underserved neighborhoods. Lastly, waste reduction merits priority before recycling in the waste management hierarchy.⁸ Expansion of the Bottle Bill could help incentivize the use of refillable containers, since manufacturers are required to handle used single-use containers.⁹

Second, expanding the Bottle Bill will help municipal recycling. Municipal curbside programs and bottle deposit programs are more effective together and create a comprehensive approach to recycling. Municipal recycling programs are particularly struggling with glass breaking in their recycling streams, which can make the rest of the materials much more difficult to recycle. Enhancing the Bottle Bill would take additional glass bottles out of curbside bins.

Third, modernization can help stimulate job creation and ease consumer access. Adding containers and a higher deposit will likely create new jobs and benefit redemption center workers. It will also be a boon to the thousands of often poor, immigrant, elderly, or homeless "canners" that clean up empty containers from streets. Investing a portion of the additional revenues collected by the state to ensure better and more uniform compliance and expanded access to redemption opportunities will enhance equity and allow currently underserved communities to more fully benefit from this historically effective law.

We urge your support for this important environmental initiative. Including these Bottle Bill modernizations in your 2022-2023 Executive Budget will bolster the state's efforts to reduce litter, enhance recycling, create

³ National Coalition of State Legislatures, "State Beverage Container Deposit Laws," March 13, 2020. <https://www.ncsl.org/research/environment-and-natural-resources/state-beverage-container-laws.aspx>.

⁴ U.S. Bureau of Labor Statistics, CPI Inflation Calculator, https://www.bls.gov/data/inflation_calculator.htm.

⁵ Container Recycling Institute, "Redemption Rates of and Other Features of 10 U.S. State Deposit Programs," 2021.

⁶ New York State Association of Counties, "Bottle Bill White Paper," June 2016, p.1, <http://www.nysac.org/files/NYSAC%20Bottle%20Bill%20White%20Paper.pdf>

⁷ New York State Department of Environmental Conservation, New York's Bottle Bill, <http://www.dec.ny.gov/chemical/8500.html>

⁸ New York State Department of Environmental Protection, <https://www.dec.ny.gov/chemical/8502.html>

⁹ Container Recycling Institute, <https://www.container-recycling.org/index.php/53-facts-a-statistics/glass/428-the-decline-of-refillable-beverage-bottles-in-the-us>.

jobs, expand equity, and ease consumer participation. We look forward to working with you to ensure a cleaner environment.

Sincerely,

350 Brooklyn
350 NYC
Addisleigh Park Civic Organization
Advocates for Springfield
All Our Energy
All People's Garden Inc.
Alliance for a Green Economy
Aytzim: Ecological Judaism
Bash the Trash Environmental Arts LLC
Beyond Plastics
Big Reuse
Bronx Climate Justice North
Broome Tioga Green Party
Cafeteria Culture
Catholic Charities Tompkins/Tioga Justice & Peace Ministry
CBH Global Development and Design
Center for Justice & Democracy
Church Women United in New York State
Citizen Action of New York
Community Church of New York
Compost International
Development Resource Group
Dutchess County Progressive Action Alliance
Earthbilt
Earthjustice
Eastern Long Island Chapter Surfrider Foundation
Empire Stat Consumer Project
Environmental Advocates NY
Environmental Stewardship Committee - New York Society for Ethical Culture
Fifth Avenue Committee
Food & Water Watch
Foodscraps360.com, LLC
Fossil Free Tompkins
Grassroots Environmental Education
Green Education and Legal Fund
Hazon
Hell's Kitchen Neighborhood Association
Hudson River Sloop Clearwater, Inc.
Hudson Valley Green Party
Ithaca-SHIP.org
Jamesville Positive Action Committee (JAMPAC)
League of Women Voters of New York State

Little Lakes Sustainability Network
Long Island Progressive Coalition
Lower East Side Ecology Center
Mamaki
Metro N.Y. Catholic Climate Movement
Mothers Out Front Dutchess County
Mothers Out Front-ADK team
New Paltz Bottles for Change
New Paltz Climate Action Coalition
New York Communities for Change
NYPIRG
Newburgh Clean Water Project
Niagara Health Quality Coalition
North American Climate, Conservation and Environment (NACCE)
North Bronx Racial Justice
North Fork Environmental Council
NY Buddhist Climate Action Network
Occupy Bergen County
Operation SPLASH
Parks & Trails New York
PAUSE - People of Albany United for Safe Energy
Peacemakers of Schoharie County
People for a Healthy Environment
PJC Office of Sisters of Charity of New York
Pound Ridge Organics
Pratt Envirolutions
Pratt institute Department of Math & Science
Pratt Institute Student Government Association
Protect the Adirondacks!
Putnam Progressives
Radiant Realm
RAFT - Residents Allied for the Future of Tioga
Residents Allied for the Future of Tioga (RAFT)
Riverkeeper
Sacred River Healing
Schenectady Neighbors for peace
Seneca Lake Guardian
Shut Down Indian Point NOW!
Sierra Club Atlantic Chapter
Sisters of Charity Federation
Sisters of St. Joseph of Rochester
Solidarity Committee--Capital District
South Asian Fund For Education, Scholarship and Training Inc (SAFEST)

South Beach Civic Association
Students Against a Vanishing Environment
SUNY New Paltz Environmental Task Force
Sure We Can
Surfrider Foundation NYC
Sustainable Tompkins
Sustainable Warwick
Syracuse University, Dept. of Communication &
Rhetorical Studies
T.H.R.I.V.E.
The Black Institute
The People's Own Organic Power Project
The SEEDS Chapter of Hunter College
The Story of Stuff Project
Thomas Berry forum for ecological dialogue at
Iona College

Tom Fox & Associates
Tompkins County Climate Protection Initiative
Town of Ithaca Conservation Board
Town of Ithaca Conservation Board
Ulster Activists
United for Action
Upper Green Side
Upper WestSide Recycling
WE ACT for Environmental Justice
Weather Medic Inc
WESPAC Foundation, Inc.
Western New York Environmental Alliance
Zero Waste Capital District
Zero Waste Columbia

cc: Elizabeth Fine, Counsel to the Governor
Rajiv Shah, Assistant Counsel to Governor
Basil Seggos, Commissioner, Department of Environmental Conservation
Jeffrey Pearlman, Special Counsel to the Governor

NEW YORK'S "BOTTLE BILL" AT 40: SUCCESSSES AND REFORMS

Ahead of the 40th anniversary of the Bottle Bill, at a time when society is drowning in discarded plastic waste and local recycling programs are in crisis on several fronts, it's time to update and expand the state's highly-successful container deposit redemption program. In a business-as-usual scenario, the ocean could contain by weight more plastics than fish by mid-century.¹ Clearly, reducing the amount of plastic waste -- and waste in general -- is a critical way to avoid "doomsday" environmental scenarios.

New York's Current Bottle Bill

First enacted in 1982, the New York State Returnable Container Act, commonly known as the "Bottle Bill," requires a 5-cent refundable deposit to be placed on eligible beverage containers. The program originally covered beer and soda sold in New York and was soon after was expanded to include wine coolers. The law requires retailers who sell covered beverages to accept returns of empty containers for the products they sell and refund the deposits. The law also requires beverage distributors to compensate retailers for the cost of collecting and recycling empty containers by paying them a small handling fee per container. In 2009, the law was expanded to include bottled water, and the handling fee was increased from 2 cents, which it had been set at since 1997, to 3.5 cents. 2022 will mark the 40th anniversary of this law. **It is an appropriate time to review and improve it.**

Effective Litter Reduction And Bolsters Recycling

Over its nearly 40-year history, New York's Bottle Bill has proven to be a highly effective program to reduce litter and increase recycling rates. In 2020, New York's redemption rate was at 64%.² The Bottle Bill reduces roadside container litter by 70%, and in 2020, 5.5 billion containers were recycled in the state.³

Additionally, states with bottle deposit laws have better recycling rates than non-deposit states. According to the Container Recycling Institute, states with bottle deposit laws have a beverage container recycling rate of around 60%, while non-deposit states only reach about 24%.⁴ In Michigan the deposit fee is ten cents (10¢), and the redemption rate in 2019 was 89%. Vermont has a fifteen-cent (15¢) fee on liquor bottles and a nickel on others and its redemption rate in 2020 was 77%.⁵

FACTS

New York's Bottle Bill reduces roadside litter by 70%.

Adding a bottle deposit on non-carbonated beverages, wine, spirits, and hard cider would increase recycling rates across the state.

Michigan and Oregon have increased their bottle deposits, leading to higher recycling rates.

Earth's oceans are expected to contain one ton of plastic for every three tons of fish by 2025.

An expanded Bottle Bill would save municipalities money by reducing the costs to collect and process materials.

A modernization of the Bottle Bill would create 4,145 new jobs.



¹ Ellen Macarthur Foundation, "The New Plastics Economy," 2016, <https://ellenmacarthurfoundation.org/the-new-plastics-economy-rethinking-the-future-of-plastics>.

² Container Recycling Institute, Bottle Bills in the USA: New York, <https://www.bottlebill.org/index.php/current-and-proposed-laws/usa/new-york>.

³ New York State Department of Environmental Conservation, "New York's Bottle Bill," <http://www.dec.ny.gov/chemical/8500.html>.

⁴ Container Recycling Institute, Bottle Bills, <https://www.container-recycling.org/index.php/issues/bottle-bills>.

⁵ Container Recycling Institute, "Redemption Rates and Other Features of 10 U.S. State Deposit Programs," 2021. https://www.bottlebill.org/images/PDF/BottleBill10states_Summary41321.pdf.

A Solution to the Recycling Crisis

Not only would the expansion of the state's Bottle Bill increase recycling rates and make New York's environment and communities cleaner, it would also help municipal recycling programs that are currently facing a recycling crisis. Municipal recycling programs are particularly struggling with glass containers in their recycling streams. When glass breaks in curbside containers it can render much of the other materials unrecyclable for the municipality, or "contaminated". The expansion of the Bottle Bill to include wine, spirits, and hard cider would take a significant amount of the containers that municipalities are struggling with off their hands.

Even when recyclable materials are not contaminated by broken glass, the costs of recycling containers that are not covered under the state's Bottle Bill are too high for many municipalities. For example, the costs associated with collecting and processing PET plastic bottles and glass per ton are higher than revenues per ton for scrap material.⁶ Expanding the Bottle Bill would reduce or eliminate these costs for municipal programs by creating a financial incentive (the deposit) for consumers to return and an obligation (the law) for retailers to accept these containers, relieving the burden on local government recycling programs.

Additionally, an expansion of the Bottle Bill would result in increased economic opportunities for New Yorkers. If the law is modernized, New Yorkers can expect 4,145 new jobs to be created.⁷ Additionally, many low-income New Yorkers, often within immigrant, elderly, or homeless communities, rely upon the practice of "canning" to supplement income. According to *Sure We Can*, an estimated 10,000 New Yorkers are part of the city's canning community.⁸ Increasing New York State's deposit will bring new money into the canning community.

Modernizing the Bottle Bill

The Bottle Bill was last expanded ten-years ago. After four-decades of success, there are three important steps needed to modernize the law:

Expand the Bottle Bill to include wine, spirits, hard cider, and most non-carbonated beverages. A deposit system can dramatically reduce litter and solid waste that would otherwise be discarded. Many other states have already added these containers to their laws. For example, Maine's law covers *all* beverages except dairy products and unprocessed cider.⁹ New York can expand its coverage too.

Increase the deposit from 5-cents to 10-cents and use revenues to support recycling equity. States with higher deposit fees have higher redemption rates than states with a five cent fee. In Michigan the deposit fee is ten cents, and the redemption rate in 2019 was 89%. Vermont has a fifteen cent fee on liquor bottles and the redemption rate in 2020 was 77%.¹⁰ Increasing the deposit could also generate more revenues for the state, with those additional revenues used to address limits on redemption options in low-income communities and other litter and solid waste problems in such communities. The impact of the nickel deposit that was approved in 1982 has eroded over time. A mere inflation update would likely make that deposit nearly *fifteen* cents.¹¹ It's past time for New York to raise its deposit to a dime.

Boost accessibility. Enforcement of the law is spotty. Use additional revenues to boost enforcement and to expand redemption centers into "food deserts" that limit consumers' ability to redeem their deposits.

For more information, contact Ryan Carson at NYPIRG, rcarson@nypirg.org

⁶ Container Recycling Institute, "Cost of Curbside Recycling for Beverage Containers," May 31, 2018, <http://www.container-recycling.org/index.php/publications>.

⁷ Eunomia, "Employment and Economic Impact of Container Deposits- New York," March 6th, 2019.

⁸ Berardi, Francesca, "Inside The World Of NYC 'Canners' Who Survive By Collecting Recyclable Cans & Bottles," Gothamist, <https://gothamist.com/news/inside-the-world-of-nyc-canners-who-survive-by-collecting-recyclable-cans-bottles>.

⁹ Container Recycling Institute, "Redemption Rates and Other Features of 10 U.S. State Deposit Programs," 2021. https://www.bottlebill.org/images/PDF/BottleBill10states_Summary41321.pdf

¹⁰ Ibid.

¹¹ U.S. Bureau of Labor Statistics, CPI Inflation Calculator, https://www.bls.gov/data/inflation_calculator.htm.

Policy Close Up

Four Decades of the Bottle Deposit Law; Successes and Steps Toward Modernization

New York Public Interest
Research Group

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Summary: Four decades ago, New York State adopted the New York State Returnable Container Law (“the Law”), popularly known as the “Bottle Bill.” Over those years, the Law has been expanded and changed, but its core features are the same: for containers covered by the law, consumers pay a 5-cent deposit and can redeem that nickel upon return of the container. Ahead of the program’s 40th anniversary, we look to modernize this effective program for the next 40 years, end beverage container litter and waste, and help grow New York’s “circular economy.”¹

This analysis examines the impacts of the Law, examines areas in which other states’ programs are more expansive, and makes recommendations on how best to modernize the law. In short, the Law has been tremendously successful in reducing litter and bolstering recycling efforts. Modernization measures can build on those successes and further benefit the state’s solid waste strategies.

Background:

The Legislature made its intent clear in its findings in support of the Bottle Deposit Law. In its findings, the legislation stated unequivocally:

“requiring a deposit on all beverage containers, along with certain other facilitating measures, will provide a necessary incentive for the economically efficient and environmentally benign collection and recycling of such containers.”²

Our review of the track record of the Bottle Deposit Law finds that it has succeeded in meeting the goal of the legislation. **The Law has helped reduce litter and it has taken solid waste that would have otherwise ended up in landfills or incinerators and instead diverted those resources into recycling programs.**

Moreover, in a way not contemplated by the original sponsors, the Law has helped establish funding streams – through the collection of unreclaimed deposits – that bolster other important environmental programs.

Of course, that is not to say that the Law is beyond improvements. The 5-cent deposit established in 1982 has not been adjusted. **Had it been merely adjusted for inflation; the deposit would be nearly 15 cents today.**

And, while the Law has been expanded to include water bottles and wine coolers since it was originally passed, many more products fall outside its scope.

Lastly, in some areas, there is inadequate availability of facilities where primarily low-income consumers can go to redeem their deposits.

New York’s Current Bottle Bill

Enacted in 1982, the New York State Returnable Container Act,³ commonly known as “the Bottle Bill,” requires a 5-cent refundable deposit to be placed on eligible beverage containers. Upon passage the Bottle Law covered only beer and soda sold in New York. The Law requires retailers who sell covered beverages to accept returns of empty containers for the products they sell and refund the deposits. The Law also requires beverage distributors to compensate retailers for the cost of collecting and recycling empty containers by paying them a small handling fee per container. For consumers, the impact on common beverages is as follows:⁴

| Beverages currently covered by the Bottle Law | Beverages <i>not</i> covered |
|--|-------------------------------------|
| Carbonated Soft Drinks | Milk Products |
| Sparkling Water | Wine and Liquors |
| Carbonated Energy Drinks | Hard Ciders |
| Carbonated Juice (anything less than 100% juice, containing added sugar or water) | Non-Carbonated Tea |
| Carbonated Tea | Non-Carbonated Sports Drinks |
| Soda Water | Non-Carbonated Juice |
| Beer and Other Malt Beverages | Non-Carbonated Energy Drinks |
| Mineral Water - Both carbonated and non-carbonated mineral water | Beverages in Drink Boxes or Pouches |
| Wine Products (such as wine coolers) | Waters that do contain sugar |
| Water which does not contain sugar, including flavored or nutritionally enhanced water | |

Retailers who sell beverages covered by the Law must perform *three* actions.

- *First*, retailers must pay the deposit value (5-cents) for each container purchased from the Deposit Initiator.⁵
- *Second*, retailers must collect from the consumer the deposit value for each container purchased.
- *Third*, retailers are required to accept eligible containers for return/redemption and refund to the consumer the deposit value for returned/redeemed containers. (Retailers are only required to accept for redemption the brands, varieties, and sizes of deposit containers that they offer for sale.⁶)

For deposits that are not redeemed, New York State controls those nickels and then allocates 80% of those unredeemed deposits to the state general fund and environmental protection fund, and 20% retained by distributors.⁷

Effective Litter Reduction

Over its nearly 40-year history, New York’s Bottle Bill has been the state’s most effective recycling and litter prevention program.⁸ In 2020, New York’s redemption rate was at 64%.⁹ According to the New York State Department of Environmental Conservation (DEC), the bottle bill reduces roadside container litter by 70%, and in 2020, 5.5 billion containers were recycled.¹⁰

Expanding the Bottle Bill to include additional plastic containers is urgently needed to reduce plastic pollution littering New York’s waters and beaches. During Riverkeeper’s 2021 Hudson River Sweep, plastic bottles were the most common type of litter found.¹¹ The 2019 New York State Beach Cleanup, which had cleanup sites from the shores of Lakes Erie and Ontario to the shores of Long Island, found plastic bottles to be the 8th most frequent type of litter cleaned up, with bottle caps and cans also among the top twelve.¹² According to a recent report, experts estimate that over eight million metric tons of plastic waste end up in the world’s oceans each year, and that amount is likely to increase dramatically over the next decade unless states and nations act.¹³ In a business-as-usual scenario, the ocean could contain by weight more plastics than fish by mid-century.¹⁴

Globally, single use plastic production does not seem to be slowing down. A recent report in *Science* detailed that plastic production is increasing, with new containers expected to increase six-fold by 2030.¹⁵

While the Bottle Bill has helped reduce litter across the state – keeping empty containers off streets, out of parks and preventing them from washing into storm drains and rivers – there is evidence that in many low-income neighborhoods, litter is less frequently and less adequately cleaned up compared with more affluent neighborhoods.¹⁶

For many of New York’s most marginalized residents, recycling within these communities is a needed lifeline. By doubling the deposit, New York could significantly increase the income of many people who rely on the practice of “canning,” collecting bottles and cans for unredeemed deposits, while simultaneously reducing the environmental inequities between more and less prosperous communities regarding litter and container pollution.¹⁷

A Critical Response to the Recycling Crisis

As reported by the New York State Department of Environmental Conservation (DEC), waste reduction merits priority before recycling in the waste management hierarchy.¹⁸ (“Reduce, Reuse, Recycle,” as the well-known slogan urges.) Expansion of the Bottle Bill can also help incentivize the use of refillable containers. For example, states with deposit laws have a higher share of refillable beer bottles than states without deposit laws¹⁹ Refillable containers help reduce solid waste, which must otherwise be disposed of in landfills or other garbage facilities. Many refillable containers can be used up to 50 times prior to their recycling.²⁰ An expansion of the Bottle Bill can help prevent the need to dispose of new solid waste.

Municipal recycling programs are particularly struggling with glass breaking in their recycling streams. When glass breaks in curbside containers it can make the rest of the materials much more difficult for the municipality to recycle. The expansion of the Bottle Bill to include non-carbonated beverage containers, wine, spirits, and hard cider, would remove from curbside recycling a significant portion of the glass containers that municipal recycling programs are struggling with. Currently, glass containers pose a daunting challenge for municipal recycling programs already grappling with a decision by China to stop accepting some of the United States’ trash.²¹

Even when recyclable materials are not contaminated by broken glass, the costs of recycling containers that are not covered under the state’s Bottle Bill are too high for many municipalities. For example, the costs associated with collecting and processing PET plastic bottles and glass per ton are higher than revenues per ton for scrap material.²² States that have a bottle deposit are 46% more likely to recycle PET plastic bottles than states that do not.²³ Expanding the Bottle Bill would reduce or eliminate these costs for municipal programs by creating a financial incentive (the deposit) for consumers to return and an obligation (the law) for retailers to accept these containers, relieving the burden on local government recycling programs.

Municipal curbside programs and bottle deposit programs are more effective together and create a comprehensive approach to recycling. States with Bottle Bills have better recycling rates than non-deposit states. According to the *Container Recycling Institute*, states with Bottle Bills have a beverage container recycling rate of around 60%, while non-deposit states only reach about 24%.²⁴

Expanding Economic Opportunities

Adding containers and a higher deposit will likely create new jobs and benefit redemption center workers. It will also be a boon to the thousands of often poor, immigrant, elderly, or unhoused “canners” who clean up empty containers from streets.²⁵

A recent analysis has estimated that the Bottle Bill has created thousands of jobs in New York State.²⁶ If the Law was modernized, that analysis estimated that an additional 4,145 direct jobs would be created.²⁷ A further expansion of the bill to include non-carbonated beverages, wine, spirits, and hard cider would create greater opportunities for redemption center workers. Doubling the bottle deposit would increase the rate of redemption while also boosting the money pocketed by the “canner” community. According to *Sure We Can*, a Brooklyn non-profit organization, an estimated 10,000 New Yorkers are a part of New York City’s canning community. Increasing New York State’s deposit will bring new money into low-income and unhoused communities.

For many New York consumers, investing a portion of the additional revenues collected by the state to ensure better and more uniform compliance and expanded access to redemption opportunities will enhance equity and allow currently underserved communities to benefit more fully from this historically effective law.

Strengthening the Bottle Law: “Best Practices in Other States”

Expanding the Bottle Bill to include additional containers and increase the deposit to ten cents will increase New York’s redemption rates. Maine’s Bottle Deposit Law includes all containers covered in New York’s existing Bottle Bill plus wine, spirits, hard cider, and most non-carbonated beverages, and Maine’s redemption rate was 84% in 2017. Likewise, states with higher deposit fees have higher redemption rates than states with a five-cent (5¢) fee. In Michigan the deposit fee is ten cents (10¢), and the redemption rate in 2019 was 89%. Vermont has a fifteen-cent (15¢) fee on liquor bottles and a nickel on others and its redemption rate in 2020 was 77%.²⁸

Boosting Accessibility to Redeem Bottle Bill-Covered Containers

What makes Bottle Bills work best and most equitably is making it easy for all consumers to redeem their deposits. The Law’s success in reducing litter and raising recycling rates hinges on redemption opportunities. As mentioned earlier, nearly two-thirds of eligible containers are currently redeemed, yet a large percentage are not. New York State uses the revenues to fund worthy environmental programs, but obstacles to redemption can create financial difficulties and unfair burdens for some consumers.

There are two areas in which the underlying implementation of the Bottle Bill can cause such problems:

- *First*, insufficient consumer education and enforcement causes a problem. Retailers are required to accept deposit containers that they sell, but what happens when they refuse? Additional educational advertising about consumers’ return and redemption rights, plus more effective enforcement of the law is key to ensuring that the law is followed.
- *Second*, access to institutions that accept returnables is woefully inadequate, especially in some of New York’s “disadvantaged communities,” as defined by New York State Law, including low-income communities and communities of color. Consumers should be able to redeem their deposits, but what happens if consumers live in communities that lack easy access to such retailers or other businesses?

We look at both separately:

Education and Enforcement

By and large, compliance with the law hinges on the actions taken by consumers. Therefore, it is essential that consumers know their rights under the Law and that the state acts to enforce those consumer rights. If a consumer is turned away by the original retailer, the consumer can file a complaint with the state²⁹ (assuming that they know of this option). This consumer “right to report” is a vitally important but too-little-known consumer right regarding the Law.

There have been significant instances in which enforcers acted against companies that were routinely ignoring the Law. In both 2002 and again in 2018, the New York State Attorney General’s office reported sanctions against violators.³⁰ In addition, an audit by the State Comptroller into the collection practices of the NYS Department of Taxation and Finance, identified failures to enforce penalties against the original retailers.³¹ However, given that there have been numerous instances documented by enforcement officials in which the Law was ignored, it is vitally important that the state make it clear to all consumers at the point of sale that all consumers can file complaints against non-compliant retailers and that such complaints will be addressed quickly and impactfully.

Opportunity and Access

Of course, even if the law was universally understood and effectively enforced, difficulties in redeeming a deposit can still lead to unnecessary costs for consumers, especially in “disadvantaged communities,” as defined by New

York State, including many communities that are lower-income or communities of color. Which New Yorkers and what communities are most excluded from the environmental and economic benefits of the 40-year-old Bottle Bill, and how could they be better served by a modernized law?

To examine this question, we reviewed a listing of all of New York State’s beverage container redemption centers³² and compared that data with communities that have been designated by the U.S. Department of Agriculture (USDA) as “food deserts.”³³ We chose “food deserts” as a recognized federal designation for communities that have difficulties in accessing food retailers.

Using the USDA “food deserts” information, we identified 177 New York State census tracts that lacked adequate retail availability to healthy food markets or other redemption centers within a one-half mile radius. In other words, the residents of these communities pay the current five-cent bottle deposit like all other New York State consumers but face significant difficulties redeeming their containers and recovering their deposits.³⁴

All those census tracts were contained in urban areas. They included:

- Five in Dutchess County, two located in Poughkeepsie.
- Thirty-three in Erie County, the vast majority located within the city of Buffalo.
- Thirty-five in Monroe County, the vast majority in the city of Rochester.
- Fourteen in Suffolk County, eight in Nassau County and ten in Westchester County.
- Nineteen in New York City.³⁵

Together, the USDA and US Census data indicate that nearly 645,000 New Yorkers live in a “food desert” with inadequate access to redemption centers.³⁶ These 645,000 New Yorkers are currently denied the equal opportunity to simply “get back” the same five-cent deposit that they and every other New York State consumer puts forward and is entitled to receive back as part of the most effective recycling program in New York State history. Of course, there are likely to be other communities that have difficulties in redeeming their deposits. This analysis only highlights ones where the data is reasonably clear.

A modernized New York Bottle Bill for our current era must address and improve upon these historic inequities by creating greater access to deposit redemption and recycling opportunities in traditionally excluded communities, including communities of color, low-income communities and those without easy transportation access. All New Yorkers deserve to benefit equitably from a modernized Bottle Return Law in terms of litter reduction and recycling efficiencies; consumers also deserve equity in our opportunities to recover and redeem our temporary investments in the system that makes those environmental achievements possible. Increasing access to redemption opportunities in historically underserved communities is essential to updating New York’s most effective recycling legislation for the modern era. Equity demands investing a substantial portion of additional state revenues generated by expanding the types of containers and increasing the deposit to stimulate economic opportunity for the traditionally “disadvantaged communities,” as defined in New York State law. Likewise, these consumers and communities must have fully accessible opportunities to redeem and recover their temporary investments in – and fully reap the benefits of – New York State’s most historically effective recycling law.

Modernizing the Bottle Bill

The Bottle Bill was last expanded ten-years ago. After four-decades of success, there are three important steps needed to modernize the Law:

1. **Expand the Bottle Bill to include wine, spirits, hard cider, and most non-carbonated beverages.** A deposit system can dramatically reduce litter (particularly plastic litter) and solid waste that would otherwise be discarded. Many other states have already added these containers to their laws.³⁷ New York would not be the first state to include non-carbonated beverages, wine, and liquor. Maine’s Bottle Deposit Law includes all containers covered in New York’s existing Bottle Bill plus wine, spirits, hard cider, and

most non-carbonated beverages. Other states with Bottle Deposit Laws that include non-carbonated beverages include California, Hawaii, and Oregon.³⁸ New York should too.

2. **Increase the deposit from 5 cents to 10 cents and use revenues to support recycling equity.** States with higher deposit fees have higher redemption rates than states with a five-cent (5¢) fee. In Michigan the deposit fee is ten cents (10¢), and the redemption rate in 2019 was 89%. Vermont has a fifteen-cent (15¢) fee on liquor bottles and the redemption rate for liquor containers in 2020 was 77%.³⁹ Increasing the deposit could also generate more revenues for the state, with those additional revenues used to address limits on redemption options in low-income communities and other litter and solid waste problems in such communities.
3. **Boost accessibility.** Better educate the public about how to file a complaint against a retailer who refuses to redeem a deposit and return it to the consumer. We recommend signage at the point of sale, and public education on how the law works and what can be done if a consumer encounters a problem.

In addition, use revenues from expanded coverage and increasing the deposit to boost enforcement and to expand redemption centers into “food deserts” that currently limit consumers’ ability to redeem their deposits. The state should invest in expanding redemption opportunities in communities that currently lack adequate access to easy recovery of a container deposit.

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Endnotes

- ¹ For the purposes of this paper, “circular economy” means moving away from a throwaway economy into one where waste is eliminated and, resources are circulated. To find out more, see: <https://ellenmacarthurfoundation.org/topics/circular-economy-introduction/overview>.
- ² Title 10 (Litter and Solid Waste Control) of Article 27 of the Environmental Conservation Law.
- ³ Ibid.
- ⁴ New York State Department of Environmental Conservation, <https://www.dec.ny.gov/chemical/57687.html>.
- ⁵ According to the New York State Department of Environmental Conservation, a “deposit initiator” is the first bottler, distributor, dealer, or agent to collect the refund value (deposit) on a beverage container sold in New York State.
- ⁶ New York State Department of Environmental Conservation, “Frequently Asked Questions About the Bottle Bill,” <https://www.dec.ny.gov/chemical/57687.html>.
- ⁷ National Conference of State Legislatures, “State Beverage Container Deposit Laws,” March 13, 2020, <https://www.ncsl.org/research/environment-and-natural-resources/state-beverage-container-laws.aspx>.
- ⁸ New York State Association of Counties, “Bottle Bill White Paper,” June 2016, p.1, <http://www.nysac.org/files/NYSAC%20Bottle%20Bill%20White%20Paper.pdf>
- ⁹ Container Recycling Institute, Bottle Bills in the USA: New York, <https://www.bottlebill.org/index.php/current-and-proposed-laws/usa/new-york>.
- ¹⁰ New York State Department of Environmental Conservation, New York’s Bottle Bill, <http://www.dec.ny.gov/chemical/8500.html>
- ¹¹ Riverkeeper, “10th Annual Riverkeeper Sweep – Our Biggest Yet,” May 25, 2021, <https://www.riverkeeper.org/blogs/ecology/10th-annual-riverkeeper-sweep-our-biggest-yet/>
- ¹² New York State Beach Cleanup, “2018 NYS Beach Cleanup Advanced Results,” September 2018, <http://www.nysbeachcleanup.org/>
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- ¹⁵ Cockburn, H., “Climate change: Global plastic waste on course to increase six-fold by 2030, scientists warn,” September 18, 2020, *The Independent*, <https://www.independent.co.uk/climate-change/news/climate-change-plastic-pollution-global-waste-environment-b484442.html>.
- ¹⁶ Wunderly, C., “Income Level and Litter Rates: Does a community's average income level have an impact on the trash littering public areas?” April 13, 2021, <https://storymaps.arcgis.com/stories/78a741e394884f37a3cc35fa85d1850a>.
- ¹⁷ Kaori Gurly, L., NYC's Last Non-Profit Can Redemption Center Is Fighting to Stay Open,” *Vice*, May 28, 2020, <https://www.vice.com/en/article/v7ge39/nycs-last-non-profit-can-redemption-center-is-fighting-to-stay-open>.
- ¹⁸ New York State Department of Environmental Conservation, <https://www.dec.ny.gov/chemical/8502.html>
- ¹⁹ Container Recycling Institute, <https://www.bottlebill.org/index.php/benefits-of-bottle-bills/bottle-bills-promote-recycling-and-reduce-waste>.
- ²⁰ ReLoop, “Policy Instruments to Promote Refillable Beverage Containers,” <https://www.reloopplatform.org/wp-content/uploads/2017/10/Refillables-policy-Final-Fact-sheet-June30.pdf>.
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- ²⁷ Ibid, Table E-2.
- ²⁸ Container Recycling Institute, “Redemption Rates and Other Features of 10 U.S. State Deposit Programs,” 2021. https://www.bottlebill.org/images/PDF/BottleBill10states_Summary41321.pdf.
- ²⁹ New York State Department of Environmental Conservation, “Report an Environmental Violation Online,” see: <https://www.dec.ny.gov/regulations/67751.html>.

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³² New York State Department of Environmental Conservation, current as of July 29, 2021.

³³ U.S. Department of Agriculture, “Mapping Food Deserts in the United States,” <https://www.ers.usda.gov/amber-waves/2011/december/data-feature-mapping-food-deserts-in-the-us/>. More information on food deserts can be found here: <https://www.ers.usda.gov/data-products/food-access-research-atlas/documentation/>. The USDA’s “food deserts” designation is based on the 2010 census, but it is the most up-to-date information available.

³⁴ The USDA contains both rural and urban communities. We did not find any rural “food deserts” that had met the “rural” criteria of living in a “food desert” and not having access to a redemption center within ten miles.

³⁵ One census tract in the Bronx, three in Brooklyn, seven in Queens, eight in Staten Island.

³⁶ Calculations by NYPIRG.

³⁷ Container Recycling Institute, “Redemption Rates and Other Features of 10 U.S. State Deposit Programs,” 2021. https://www.bottlebill.org/images/PDF/BottleBill10states_Summary41321.pdf

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³⁹ Container Recycling Institute, “Redemption Rates and Other Features of 10 U.S. State Deposit Programs,” 2021. https://www.bottlebill.org/images/PDF/BottleBill10states_Summary41321.pdf.