NEWS RELEASE

For Immediate Release: May 18th, 2022

Contact: Ryan Carson, NYPIRG, 508-649-9528, rcarson@nypirg.org

Statewide Groups and Legislators Hold 40th Birthday Party for the "Bottle Bill"

Advocates Call on State Legislature to Pass Bill This Session to Expand and Modernize NY's Most Successful Recycling and Extended Producer Responsibility Law

Facing a mounting waste crisis, advocates and elected officials call for expansion of the landmark Returnable Container Act to further reduce litter, increase recycling up to 90%, and boost support for municipal recycling and environmental justice programs

(Albany, N.Y.) On Wednesday, advocates and elected officials hosted a recycling birthday party in support of Assemblymember Steve Englebright and Senator Rachel May's "Bigger Better Bottle Bill" (S.9164 and A.10184), introduced last week, 40 years after passage of the first Bottle Bill. Featuring a giant 15-foot bottle, an enormous birthday card signed by legislators to the Governor, and a birthday cake, the event celebrated the success of the landmark recycling law, and emphasized the need to modernize the law for 40 more years of success.

Over its 40-year history, 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. Now, advocates say, it's time to modernize the law for a new era.

Last week, Assemblymember Englebright and Senator May introduced the modernized Bigger Better Bottle Bill, which would expand the types and number of beverage containers covered by the law, and increase the deposit to a dime. These actions are critical to increase New York's recycling rates, provide support for municipal recycling programs, and boost redemption access in underserved communities. A recent report by ReLoop found that New York's expanded bottle deposit program would likely result in an increase in recycling up to 90%.

Legislators were joined at the party by statewide advocacy organizations including NYPIRG, League of Women Voters, Beyond Plastics, and the Empire State Redemption Association.

"After 40 years as the state's most effective litter prevention and circular economy policy, the Bottle Bill is not over the hill, it's over the landfill," **said Ryan Thoresen Carson, Environmental Campaign Coordinator with NYPIRG**. "The waste crisis is becoming dire. Microplastic pollution has been detected in human blood for the first time, with scientists finding the tiny particles in almost 80% of the people tested. But instead of ramping up recycling and reducing reliance on plastics, plastic production is increasing. New Yorkers deserve better. To protect health and the

environment, it is essential that we pass the Bottle Bill to increase recycling, divert containers from incinerators and municipal landfills, and reduce waste."

"The Bottle bill is New York's most successful recycling program. The Bottle Bill reduced curbside container litter by 70 percent and has encouraged the recycling of billions of plastic, glass, and aluminum containers. The law has created new jobs and expanded New York's economy. Growing the Bottle Bill to include a more inclusive list of beverages, we can expect an even greater number of containers to be recycled and an even greater reduction of container litter in our streets," said Assemblymember Steve Englebright.

"Waste reduction is one of the critical aspects of reaching New York State's ambitious climate goals, and the expansion of the state's Returnable Container Act is one of the best ways to achieve both increased recycling and greenhouse gas reductions. It is truly a win-win for the environment and all New Yorkers. It is my great privilege to sponsor the expanded "Bottle Bill" with Assemblymember Englebright and, in doing so, to carry the torch passed along from the original sponsors of the bill 40 years ago. Today's celebration is a time to recognize their visionary work and renew their vision in the form of the Bigger, Better Bottle Bill. Thank you to all the advocates and sponsors of today's event. Your efforts keep this movement strong and focused and look forward to working with all of you to get this legislation passed," said Senator Rachel May.

Specifically, the Bigger Better Bottle Bill includes two modernizations, it:

- Expands 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 with great success.
- Increases the amount of the deposit to a dime. States like Michigan and Oregon that have increased their deposit to a dime have seen increases in recycling and container redemption rates.

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 has been one of the most effective environmental laws in the state's history. It is time to modernize it and make massive improvements in cleaning up every corner of our state. An updated bottle bill will mean less plastic pollution in our streams, rivers and the Atlantic Ocean. The time has come for the State Legislature and Governor Hochul to act on this vital issue in the final weeks of the state legislative session," said Judith Enck, former EPA Regional Administrator and President of Beyond Plastics.

After the state failed to act on New York's mounting solid waste crisis in the state budget, the legislators and advocates called attention to New York's municipalities' struggle with the expense of recycling. For one, when glass breaks in curbside containers it can render the whole bin unrecyclable, landing otherwise recyclable materials in landfills. The expansion of the Bottle Bill to include non-carbonated beverage containers, wine, spirits, and hard cider would remove a significant portion of the glass containers that municipal recycling programs are struggling with.

On top of that, the costs of recycling the containers that are not covered under the state's current 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.

States that have a bottle deposit are 46% more likely to recycle bottles than states that do not. 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.

"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 and discourage the production of waste. An updated bottle bill and an EPR bill will tackle the growing problem plastic waste poses to our natural environment. It is time we hold producers responsible for the irreversible impact they are having on our climate," said Erica Smitka, Deputy Director of the League of Women Voters.

"As the President of the Empire State Redemption Association, representing over 125 redemption centers across the state, we believe it's essential that we expand the Bottle Bill to provide higher recycling rates for our municipalities and communities. Curbside recycling programs have a 9% recycling rate while container return systems in New York provide a 64% rate. As the human race battles against a historic waste crisis, New York must continue to be a social and environmental leader for the rest of the country. We call on the State Legislature to pass the Bottle Bill by the end of session," said Martin Naro, President of the Empire State Redemption Association.

"Expansion of the Bottle Bill just makes sense. It's New York's most effective recycling program, because it empowers and incentivizes people to participate. It promotes environmental justice by creating incomparable waste diversion while at the same time supporting the livelihoods of thousands of extremely marginalized New Yorkers. These workers need, and deserve, a raise for their decades of unrecognized effort. New York needs a bigger, better Bottle Bill," said Ryan Castalia, Executive Director of Sure We Can.

"I'm here all day sorting, day after day, and life has gotten more difficult. Prices for necessities are rising. If the deposit were raised to 10c, it would be fabulous for recyclers, since they would have more income. We help the environment, we clean the streets and the city. It would be amazing to raise the deposit to 10c, because we've earned it. We're fighting every day to clean our city and the planet," said Josefa Marin, canner and Sure We Can Board Member.

"On the 40th Anniversary of New York's Bottle Bill, it's time for us to modernize the program by expanding the types and number of beverage containers covered and by increasing the deposit amount. The environmental work of waste advocates and the Canning community is critical, and these updates will move us toward our Zero Waste goals by increasing recycling and container redemption rates. I would like to thank Assemblymember Englebright and Senator May for their leadership on the issue. The state legislature must pass this bill to accelerate progress toward building an equitable and sustainable waste management system in New York City and State," said New York City Councilmember Sandy Nurse, Chair of the Committee on Sanitation and Solid Waste Management.

"There's no better way to celebrate the 40th birthday of New York State's bottle bill than by passing legislation to modernize the law and further expand recycling in New York State," **said Assemblymember Linda B. Rosenthal (D/WF - Manhattan).** "Since 1982, the law has reduced roadside litter by 70% and increased recycling rates; now it's time to take it to the next level. Increasing the deposit amount and expanding to more types of containers is a proven way to increase recycling. As plastic pollution becomes a growing threat, it's imperative that we do our part."

###

NEW YORK'S "BOTTLE BILL" AT 40: SUCCESSES 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 is expected to contain one ton of plastic for every three tons of fish by 2025, and by 2050, more plastics (by weight) than fish.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 Michigan and Oregon have already increased their deposit to 10 cents, leading to an immediate increase in recycling redemption rates.⁵

FACTS

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

Adding a bottle deposit on noncarbonated 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: Rethinking the Future of Plastics," 2016.

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, Accessed October 2021.

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

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

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. 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. 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. 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 for liquor containers in 2020 was 83%. 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. 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, <u>rcarson@nypirg.ora</u>

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 Ibid.

¹² U.S. Bureau of Labor Statistics, CPI Inflation Calculator, https://www.bls.gov/data/inflation_calculator.htm.

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

PJIC 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