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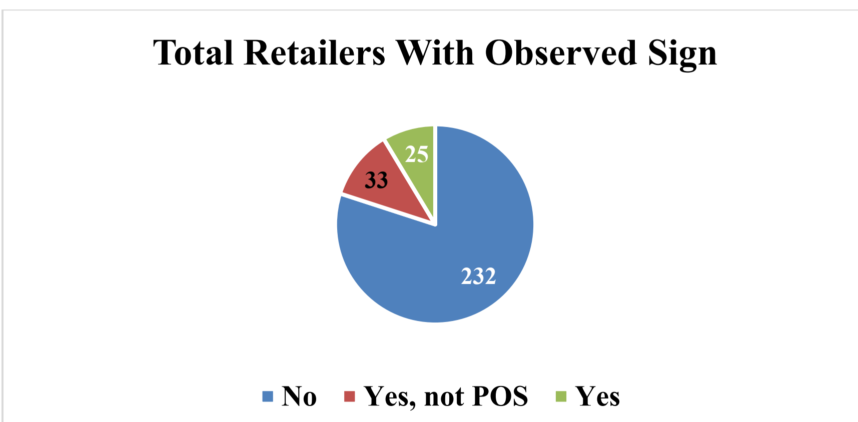
NEWS RELEASE

"BOTTLE BILL" COMPLIANCE CHECK FINDS WIDESPREAD FAILURE TO POST LEGALLY REQUIRED SIGNS

NY LAW REQUIRES POSTING OF THE BOTTLE BILL'S "BILL OF RIGHTS"

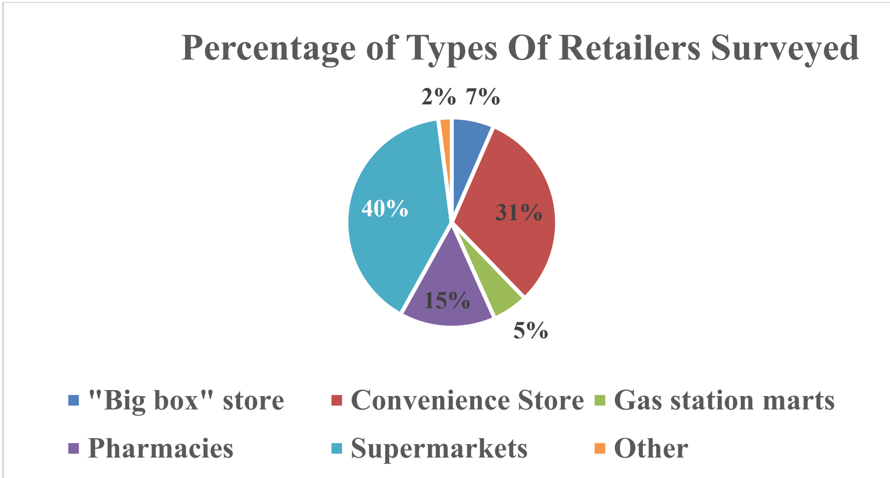
GROUPS URGE HOCHUL ADMINISTRATION TO ENFORCE THE LAW, BACK BROADER MODERNIZATION LEGISLATION (S.5684/A.6543)

(Albany, N.Y.) A coalition of environmentalists, charities, and civic groups today released a compliance check survey showing a widespread failure of retailers to post a Bottle Bill "Bill of Rights" sign as required by state law. The survey of nearly 300 retailers across New York State found that 80 percent failed to visibly post the signs and that more than 10 percent more did not post those signs at the "point of sale" as required by the state.

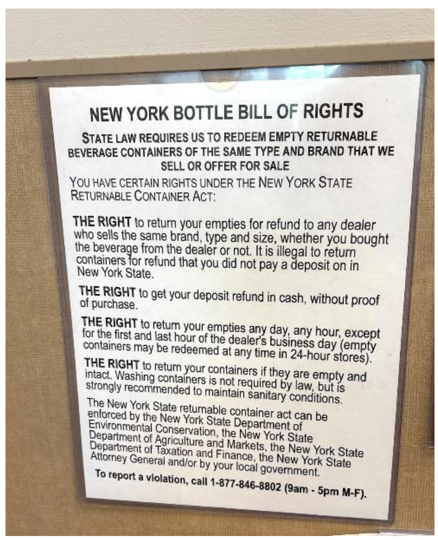


In a letter to Governor Hochul, the groups called on the Administration to "direct the DEC to act to ensure that all retailers are aware of, and comply with, New York's "Bottle Bill" signage law."

Bottle Bill "Bill of Rights" Page 2



The groups also noted that *"The lack of the required signage is no small matter. If consumers are unaware that they can return their used beverage containers to the store at which they purchased them, it adds at best an inconvenience – since the container would have to be returned somewhere else – or an increased price – since the consumer may simply be unaware of their rights and discard the used container."*



Lastly, the groups urged the governor to make modernization of the Bottle Bill a legislative priority next session. The groups cited Bigger, Better, Bottle Bill (S.5684/A.6543) as their preferred approach.

Approval of the "Bigger, Better, Bottle Bill" would benefit state revenues, save local taxpayers money, support struggling businesses, and charities that provide critical services to the needy. Among other measures, the bill expands the current redemption system from just carbonated beverages and water to all containers (other than dairy and 100% juice beverages). It raises the deposit from a nickel (set in 1982!) to a dime, which will result in a dramatic increase in returned containers – thus reducing litter and trash to be dumped.

Bottle Bill 40 Campaign

November, 2025

Policy Close Up

Four-Decades-Old "Bottle Bill" and Retailer Compliance with the law's consumer "Bill of Rights"

Summary: Over four decades ago, New York State adopted the Returnable Container Act, popularly known as the "Bottle Bill." Over those years, the Bottle Bill 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.

A key component of the Bottle Bill is consumer knowledge of the redemption program. **Unless a consumer knows of their ability to redeem a container back to a retailer that sells it, they may not attempt to redeem it; it may end up in a landfill.** In order to ensure that consumers have this knowledge, state law requires that retailers post a sign about the redemption process. *Considering the cost of groceries remains elevated, and consumers commonly report spending their deposit refund on groceries, it is important all consumers are aware of where they can regain their deposit money.*

This analysis examines whether retailers are, in fact, complying with the signage requirement – **the signs appear to be few and far between**. It is not a comprehensive compliance check but is one that is consistent with experience. *The Hochul Administration is responsible for ensuring that consumers are aware of their rights under the law. This review must ignite in the Administration a real interest in not only ensuring that the law is followed but modernized as well.*

Background:

The Legislature made its intent clear in its findings in support of the Bottle Deposit Law. In its findings, the legislation stated: *"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."* [1]

The Bottle Bill has succeeded in meeting the goals of the legislation. **The Bottle Bill 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 Bottle Bill has helped establish funding streams – through the collection of unclaimed deposits – that bolster other important environmental programs. These "unclaimed" deposits are, to some extent, the result of the difficulty in redeeming a used container. **Posting the sign, as required by law, would help ensure that consumers can receive their deposit.** Not only is the law supposed to reduce litter (it has), boost recycling (it has), it is supposed to be convenient for consumers.

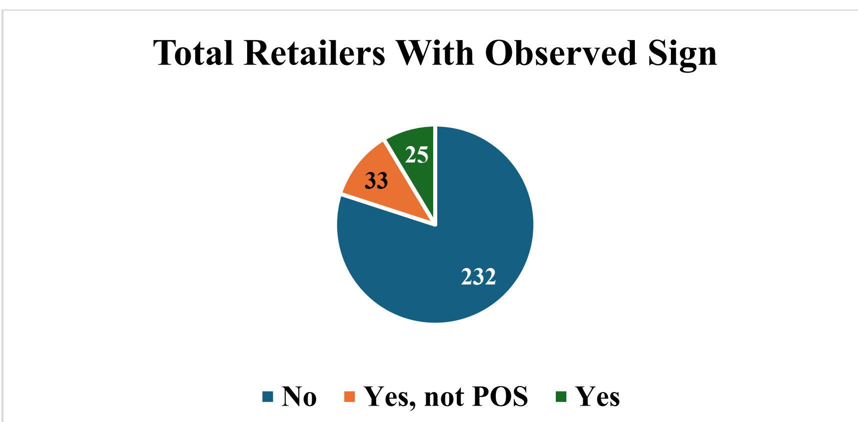
New York's "Bottle Bill of Rights"

New York law is unequivocal in its requirement that retailers selling covered beverages must post a sign at the **point of sale**.[2] In other words, **the sign is required to be posted at point of sale under law**.

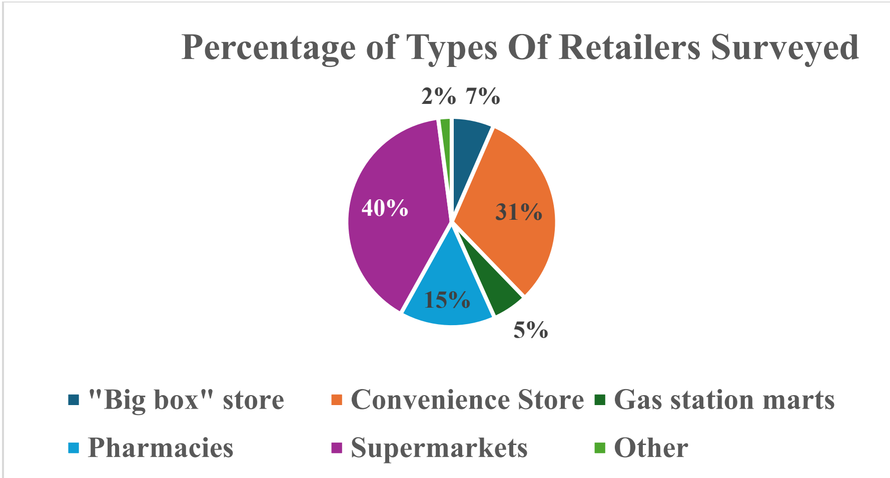
"NEW YORK BOTTLE BILL OF RIGHTS
STATE LAW REQUIRES US TO REDEEM EMPTY RETURNABLE BEVERAGE CONTAINERS OF THE SAME TYPE AND BRAND THAT WE SELL OR OFFER FOR SALE
YOU HAVE CERTAIN RIGHTS UNDER THE NEW YORK STATE RETURNABLE CONTAINER ACT:

- THE RIGHT to return your empties for refund to any dealer who sells the same brand, type and size, whether you bought the beverage from the dealer or not. It is illegal to return containers for refund that you did not pay a deposit on in New York state.
- THE RIGHT to get your deposit refund in cash, without proof of purchase.
- THE RIGHT to return your empties any day, any hour, except for the first and last hour of the dealer's business day (empty containers may be redeemed at any time in 24-hour stores).
- THE RIGHT to return your containers if they are empty and intact.
- Washing containers is not required by law, but is strongly recommended to maintain sanitary conditions.
- The New York state returnable container act can be enforced by the New York state department of environmental conservation, the New York state department of agriculture and markets, the New York state department of taxation and finance, the New York state attorney general and/or by your local government."

Such sign must be no less than eight inches by ten inches in size and have lettering a minimum of one quarter inch high, and of a color which contrasts with the background. The department shall maintain a toll-free telephone number for a "bottle bill complaint line" that shall be available from 9:00 a.m. to 5:00 p.m. each business day to receive reports of violations of this title. The telephone number shall be listed on any sign required by this section." [emphasis added] During the month of October, volunteers from advocacy groups went to nearly 300 retailers in all areas of New York to see if the required signage was visible. **The results were negative**.



As seen above, 232 of the 290 (80%) retailers checked appeared to have had no visible sign, plus another 33 (11.4%) had signs posted but were not at the point of sale – *required* under the law.



As seen above, surveyors covered a wide range of retail establishments. There was no clear pattern in which types appeared to comply with the law's signage requirement. However, "big box" retailers and supermarkets usually had on-site redemption options (*e.g.*, reverse vending machines) for consumers. While the existence of those options is evidence that those retailers accept redeemable beverage containers, by and large those entities did not post the legally required signage. New York's apparent failure to ensure that legally required signage is posted likely means that many consumers simply do not know that retailers are required to redeem used beverage containers. Thus, New Yorkers could be paying more or are otherwise inconvenienced. **The law must be enforced.**

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 Bill 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. The impact is as follows:[4]

Beverages currently covered by the Bottle Law	**Beverages *not* 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 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] Retailers are then compensated by beverage distributors for each container they take back, known as a "handling fee".)

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

A Win-Win: Litter Reduction, Increased Recycling, More Jobs

Over its 40-year history, New York's Bottle Bill has proven to be a highly effective program to reduce litter, increase recycling rates and support a local "circular economy". The Bottle Bill reduces roadside container litter by 70%[8], diverting 6.4 billion cans and bottles each year from the environment and landfills and putting them towards productive use at recycling facilities.[9] New York's bottle bill supports an estimated 3,275 direct jobs across hundreds of redemption centers, and New York-based material processors and container manufacturers. On average, containers with a deposit are three times more likely to be recycled in America than those without.[10]

A Solution to the Recycling Crisis

Modernization of the state's Bottle Bill increases recycling rates and makes New York's environment and communities cleaner; it would also help municipal recycling programs that are currently facing a recycling crisis. The costs of recycling containers that are not covered under the state's Bottle Bill are too high for many municipalities. Expanding the Bottle Bill would reduce 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, thus reducing local governments' waste disposal and litter collection costs. Enactment could generate $100 million for the state[11] and save localities as much as $108 million.[12]

Strengthening the Bottle Law: "Best Practices in Other States"

- **Make returning containers and regaining one's deposit money easy and convenient** – Connecticut made sure all medium size and larger chain stores were providing container takeback services and they raised the 'handling fee' to create more redemption centers for high volume returns. Now all Connecticut residents have guaranteed access to recycle and regain their deposit money.
- **Incentivizing higher return rates** – States can achieve return rates close to 90% with a meaningful, 10¢ deposit instead of 5¢. Oregon, with its 10¢ deposit has an 87% return rate, vs. 68% in NY. [13]
- **Making more beverages eligible for a refund** – All recyclable beverage cans and bottles should be eligible for a deposit refund, not just those that happen to contain soda, beer or water. For example, Maine essentially includes all beverage categories in the state's bottle deposit program besides milk.
- **Common-sense system integrity measures** - Clearly define fraudulent activity as illegal and make penalties higher than the potential reward. Connecticut and California reinvest a small portion of unredeemed deposit revenue to the State Police for program enforcement.

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[1] Title 10 (Litter and Solid Waste Control) of Article 27 of the Environmental Conservation Law.
[2] New York State Environmental Conservation Law 27-1007(2)
[3] Title 10 (Litter and Solid Waste Control) of Article 27 of the Environmental Conservation Law.
[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, "New York State Returnable Container Act," https://dec.ny.gov/environmental-protection/recycling-composting/bottle-bill/get-money-back.
[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 Department of Environmental Conservation, "New York's Bottle Bill," http://www.dec.ny.gov/chemical/8500.html.
[9] NY DEC Communication with Container Recycling Institute. 2024 based on CY2023 data.
[10] Testimony to the U.S. Senate Environment and Public Works Committee, Container Recycling Institute. 2023. Data refers to the average recycling rate by deposit value 67% vs 25%. https://www.epw.senate.gov/public/index.cfm/2023/9/examining-solutions-to-address-beverage-container-waste
[11] New York Public Interest Research Group, "Modernizing" Bottle Bill Could Generate As Much As $100 Million For Environmental Programs." https://www.nypirg.org/pubs/202501/NYPIRG_Bottle_Bill_Release_1.28-merged.pdf.
[12] Eunomia, "New York State Case Study – Expanded Bottle Bill Impact on Municipal Collections." https://www.nypirg.org/pubs/202504/BBBB_Muni_Savings_4.22.25.pdf
[13] See "New York" and "Oregon" on Bottlebill.org. Container Recycling Institute. 2025.

VIA EMAIL

November 11, 2025

The Honorable Kathy Hochul
Governor
Executive Chamber
Capitol Building
Albany, NY 12224

Re: Recommend actions to enforce New York's Returnable Container Act and take steps to modernize the law.

Dear Governor Hochul,

The undersigned organizations write to bring to your attention a significant weakness in your Administration's oversight of the Returnable Container Act, commonly known as the "Bottle Bill."

As you will see in the attached paper, our organizations' spot checks of retailers' compliance with the "Bottle Bill's" signage requirement found that the vast majority do not post them as mandated under the law. New York law is unequivocal in its requirement that retailers selling covered beverages must post a sign at the *point of sale* and that New Yorkers should know of their "Bottle Bill, Bill of Rights."[1]

According to the law, the sign must be no less than eight inches by ten inches in size and have lettering a minimum of one quarter inch high, and of a color which contrasts with the background. In addition, the law requires that the Department of Environmental Conservation (DEC) maintain a toll-free telephone number for a "bottle bill complaint line" that is available from 9:00 a.m. to 5:00 p.m. each business day to receive reports of violations of this title. The telephone number shall be listed on any sign required by this section.

During the month of October, volunteers from advocacy groups went to nearly 300 retailers in all areas of New York to see if the required signage was visible. The results were negative.

We found that 232 of the 290 (80%) retailers checked had no visible sign, plus another 33 (11.4%) had signs posted but were not at the point of sale – as *required* under the law. Surveyors covered a wide range of retail establishments. There was no clear pattern in which types appeared to comply with the law's signage requirement.

The lack of the required signage is no small matter. If consumers are unaware that they can return their used beverage containers to the store at which they purchased them, it adds at best an inconvenience – since the container would have to be returned somewhere else – or an increased price – since the consumer may simply be unaware of their rights and discard the used container.

Of course, failing to return the container has additional negative impacts, since taxpayers may be responsible for the costs of disposing those containers. And this at a time when the state's solid waste disposal system is facing a crisis, with landfills reaching capacity or the end of the permits.[2]

The law must be enforced.

In addition to bolstering enforcement, it is also time to update the four-decade-old "Bottle Bill." Such an update to the law should increase the deposit value (it's been a nickel since 1982), expand the law to currently uncovered containers such as popular non-carbonated beverages, wine, spirits, hard cider, and other beverages.[3] Expanding the type of beverages in the Bottle Bill deposit program will result in billions of bottles being diverted from landfills and incinerators. An expanded Bottle Bill will further reduce pollution, especially plastic pollution, all while lifting up workers in the recycling and redemption industry. Moreover, it would increase revenues for the state[4] and help save municipalities solid waste disposal costs.[5]

Therefore, we urge that you direct the DEC to act to ensure that all retailers are aware of, and comply with, New York's "Bottle Bill" signage law. In addition, we urge you to include in your upcoming legislative priorities legislation to modernize the state's "Bottle Bill."

Sincerely,

Eileen Leonard
350.org/NYC

Alexis Goldsmith
Beyond Plastics

Laurie Konwinski
Catholic Charities Tompkins/Tioga

Blair Horner
NYPIRG

Ella McGrail
Save The Sound

Ryan Castalia
Sure We Can

Kurt Krumperman, Lester Rosenzweig
Zero Waste/Capital District

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[1] New York State Environmental Conservation Law 27-1007(2)
[2] New York Department of Environmental Conservation, Solid Waste Management Plan, 2023.
[3] See Senate bill 5864/Assembly bill 6543 for recommended language.
[4] New York Public Interest Research Group, https://www.nypirg.org/pubs/202501/NYPIRG_Bottle_Bill_Release_1.28-merged.pdf.
[5] Eunomia, "New York State Case Study – Expanded Bottle Bill Impact on Municipal Collections," Prepared April 2025 https://www.nypirg.org/pubs/202504/Report_Expanded_Bottle_Bill_Impact_2025.pdf.