



**LEGISLATIVE MEMORANDUM NO: 135-2022 CONTACT: Ryan Thorsen Carson PHONE: 212-349-6460 ext. 1166**

## **S. 237**

### **IN SENATE, BILL NUMBER 9164, INTRODUCED BY SENATOR MAY**

**AN ACT** to amend the environmental conservation law, in relation to returnable bottles

#### **SUMMARY OF PROVISIONS:**

This legislation proposes to implement an expansion and modernization of the state’s Bottle Bill. Relates to returnable bottles; adds wine, liquor, distilled spirit coolers, and cider and wine products to the definition of "beverage"; provides that beginning April 1, 2025, the handling fee will be six cents for each beverage container accepted by a deposit initiator from a dealer or operator of a redemption center.

#### **STATEMENT OF SUPPORT:**

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.<sup>1</sup> Clearly, reducing the amount of plastic waste – and waste in general – is a critical way to avoid this “doomsday” environmental scenarios.

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.

Much of New York is struggling with an ongoing solid waste crisis, brought about by China’s recent decision to stop receiving the state’s trash. 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

<sup>1</sup> Ellen Macarthur Foundation, “The New Plastics Economy: Rethinking the Future of Plastics,” 2016.

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ton for scrap material.<sup>2</sup> Expanding the Bottle Bill would reduce or eliminate these costs for municipal programs by creating a financial incentive for consumers to return and an obligation 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.<sup>3</sup> 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.<sup>4</sup> Increasing New York State’s deposit will bring new money into the canning community.

Specifically, there are two key changes that contained in this legislation that modernize the Bottle Bill:

- **The legislation 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.<sup>5</sup>
- **The legislation increases the amount of the deposit to a dime** and directs 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.<sup>6</sup>

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.<sup>7</sup> However, the law can do far more. By adding new containers and increasing the deposit, New York can increase recycling rates, reduce strain on municipal waste systems, and further reduce litter.

**NYPIRG urges your support of this important legislation.**

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<sup>2</sup> Container Recycling Institute, “Cost of Curbside Recycling for Beverage Containers,” May 31, 2018, <http://www.container-recycling.org/index.php/publications>.

<sup>3</sup> Eunomia, “Employment and Economic Impact of Container Deposits- New York,” March 6th, 2019.

<sup>4</sup> 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>.

<sup>5</sup> 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](https://www.bottlebill.org/images/PDF/BottleBill10states_Summary41321.pdf)

<sup>6</sup> Container Recycling Institute, “Redemption Rates of and Other Features of 10 U.S. State Deposit Programs,” 2021.

<sup>7</sup> New York State Department of Environmental Conservation, “New York’s Bottle Bill,” <http://www.dec.ny.gov/chemical/8500.html>, Accessed October 2021.