

March 12, 2019

Honorable Andrea Stewart-Cousins, Temporary President and Majority Leader  
New York State Senate  
Legislative Office Building, Room 907  
Albany, NY 12247

Honorable Carl Heastie, Speaker  
New York State Assembly  
Legislative Office Building, Room 932  
Albany, NY 12248

**Re: Expansion of New York’s Returnable Container Act (“Bottle Bill”)**

Dear Majority Leader Stewart-Cousins and Speaker Heastie:

The undersigned organizations write to express our strong support for expansion of New York’s Returnable Container Act, commonly known as “the Bottle Bill,” to include most non-carbonated beverages, wine, spirits, and hard cider. We were extremely excited by the proposal included in the Governor’s Executive Budget, and we encourage the Legislature to build upon this proposal by adding wine, spirits, and hard cider. As the state and country faces a recycling crisis and plastic pollution fouls our waters and communities, updating the Bottle Bill, with its proven track record of solid waste diversion and litter prevention, is a common-sense solution.

Enacted in 1982, the Bottle Bill requires a 5-cent refundable deposit on eligible beverage containers. The program originally covered beer and soda sold in New York and was later expanded to include wine coolers. The law requires retailers who sell covered beverages to accept empty containers for products that 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.

Benefits to expanding the Bottle Bill include:

- Less litter in waterways and along beaches
- Increased recycling rates
- Less consumer confusion about which containers have deposits
- All players in the beverage industry would be on an equal playing field
- The burden on municipal recycling systems would be eased

**Expanding the Bottle Bill will increase New York’s recycling rates and reduce litter.** Over its 30-year history, New York’s Bottle Bill has been the state’s most effective recycling and litter prevention program.<sup>1</sup> In 2017, New York’s redemption rate was at 65%.<sup>2</sup> According to the Department of Environmental Conservation (DEC), the bottle bill reduces roadside container litter by 70%, and in 2016, 5.1 billion containers were recycled.<sup>3</sup>

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 2018 Hudson River Sweep, plastic beverage bottles were the third largest type of litter found.<sup>4</sup> The 2018 New York State Beach Cleanup, which had cleanup sites from the shores of Lakes Erie and Ontario to the shores off Long Island, found plastic bottles as the 7<sup>th</sup> largest type of litter cleaned up – 13,072 plastic bottles were collected.<sup>5</sup> According to a recent report, experts estimate that over eight million metric tons of plastic waste ends up

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<sup>1</sup> 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>

<sup>2</sup> Container Recycling Institute, Bottle Bills in the USA: New York, <http://www.bottlebill.org/legislation/usa/newyork.htm>

<sup>3</sup> DEC, New York’s Bottle Bill, <http://www.dec.ny.gov/chemical/8500.html>

<sup>4</sup> Riverkeeper, “Hudson River plastic pollution – Detailed data from Riverkeeper Sweep 2018,” June 22, 2018, <https://www.riverkeeper.org/blogs/docket/plastic-pollution-data-sweep-2018/>

<sup>5</sup> New York State Beach Cleanup, “2018 NYS Beach Cleanup Advanced Results,” September, 2018, <http://www.nysbeachcleanup.org/>

in the world's oceans each year, and that amount is likely to increase dramatically over the next decade unless states and nations act.<sup>6</sup>

**Expanding the Bottle Bill to include wine, spirits, and hard cider is needed to help municipal recycling.** Not only would the expansion of the state Bottle Bill increase recycling rates and make New York's environment and communities cleaner, but it would also help municipal recycling programs that are currently facing a recycling crisis. China, which had been accepting massive amounts of plastic waste, stopped accepting contaminated plastic waste imports in January 2018, creating a standard many municipal recycling programs cannot meet.<sup>7</sup>

Municipal recycling programs are particularly struggling with glass contaminating their recycling streams. When glass breaks in curbside containers, it contaminates the rest of the materials and renders much of it unrecyclable for the municipality. The expansion of the Bottle Bill must include wine, spirits, and hard cider in order to remove this contaminant from their waste stream and restore profit to other materials.

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%.<sup>8</sup>

**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. Maine has a 5-cent deposit for all beverages, except wine and liquor, which have a 15-cent deposit. Maine's redemption rate in 2017 was 84%.

Other states with Bottle Deposit Laws that include non-carbonated beverages include: California, Hawaii, and Oregon.

Ten-years after the Bottle Bill was last expanded, it's time to finish the job to include most non-carbonated beverages, wine, spirits, and hard cider. Thank you for consideration of our comments, and we look forward to working with you to boost recycling in New York this budget season.

Sincerely,

Kevin Chlad  
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<sup>6</sup> Schwartz, J., "Study Finds Rising Levels of Plastics in the Oceans," *The New York Times*, February 12, 2015, [https://www.nytimes.com/2015/02/13/science/earth/plastic-ocean-waste-levels-going-up-study-says.html?\\_r=0](https://www.nytimes.com/2015/02/13/science/earth/plastic-ocean-waste-levels-going-up-study-says.html?_r=0).

<sup>7</sup> Watson, Sara, "China Has Refused To Recycle The West's Plastics. What Now?," NPR, June 28, 2018, [www.npr.org/sections/goatsandsoda/2018/06/28/623972937/china-has-refused-to-recycle-the-wests-plastics-what-now](http://www.npr.org/sections/goatsandsoda/2018/06/28/623972937/china-has-refused-to-recycle-the-wests-plastics-what-now).

<sup>8</sup> Container Recycling Institute, Bottle Bills, [www.container-recycling.org/index.php/issues/bottle-bills](http://www.container-recycling.org/index.php/issues/bottle-bills)

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CC: Honorable Andrew M. Cuomo