



For immediate release:
Tuesday, January 28, 2025

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NYPIRG ANALYSIS: “MODERNIZING” BOTTLE BILL COULD GENERATE AS MUCH AS \$100 MILLION FOR ENVIRONMENTAL PROGRAMS

(Albany, N.Y.) The New York Public Interest Research Group (NYPIRG) today released an analysis showing that New York’s environmental efforts would be boosted by as much as \$100 million if the state’s “Bottle Bill” was modernized. The analysis was submitted to lawmakers considering the state’s environment budget for FY26.

“New York has a solid waste crisis with the state Department of Environmental Conservation predicting that landfills will close in about two decades. Where will the trash go?” said NYPIRG’s Blair Horner. “The DEC has called for policies that establish a ‘circular economy’; one in which New York’s trash is reduced, reused, or recycled. The four-decade-old Bottle Bill is an example of that approach. Modernizing the Bottle Bill will not only help with that crisis, but it would also generate as much as \$100 million for the state’s recycling efforts.”

The analysis was released as state lawmakers held a hearing on Governor Hochul’s proposed environment budget. In NYPIRG’s budget testimony, it argued that in about two decades, the state’s landfills will fill up, the pace of recycling has decreased, and more and more packaging fills up municipal solid waste facilities. The executive budget does not do enough to address the crisis. The executive budget ignores improvements to the state’s most successful recycling program – the “bottle bill” (S237-C and A6353-A of 2024). Moreover, the governor has offered nothing about how best to reduce other packaging waste, certainly nothing on the scale found in the Packaging Reduction and Recycling Infrastructure Act (S1464/A1749).

NYPIRG urged lawmakers to modernize the Bottle Bill by:

Expanding 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.

Increasing 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 would generate millions of dollars for the state.* 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.

Increasing the “handling fee.” Increase the “handling fee,” which has not been increased in 15 years. The “handling fee” is the funding stream for redemption centers to handle redeemable containers. The costs of running a business have significantly increased over the past 15 years, but the handling fee has not. As a result, over 100 centers have had to close, thus undermining the program, reducing consumer convenience, and costing the state jobs.

Policy Close Up

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

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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. After four decades, what is clear is that New York must 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.

Moreover, modernization of the law would generate nearly \$100 million more than it does now in the first year of implementation, revenues that can be used to invest in the state’s flagging recycling efforts and to improve its administration.

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 growing inadequate availability of facilities where consumers can go to redeem their deposits, also known as redemption centers.

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 <i>Products</i> (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, while the remaining 20% is retained by distributors.⁷

Effective Litter Reduction

After its 40-year-plus history, New York’s Bottle Bill has been the state’s most effective recycling and litter prevention program.⁸ In 2023, New York’s redemption rate was at 68%.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

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. 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.²⁵

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.²⁶ 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.²⁷ Lastly, 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.²⁸ Increasing New York State’s deposit will bring new money into the canning community.

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.²⁹

A recent analysis has estimated that the Bottle Bill has created thousands of jobs in New York State.³⁰ If the Law was modernized, that analysis estimated that an additional 4,145 direct jobs would be created.³¹ 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.

Modernizing the Bottle Bill

Assemblymember Deborah Glick and Senator Rachel May introduced a Bigger Better Bottle Bill (A.6353-A and S.237-C, respectively) in the 2024 legislative session. The Bottle Bill was last expanded more than ten years ago. After over 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.³² 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%.³³ Vermont has a fifteen cent fee on liquor bottles and the redemption rate for liquor containers in 2020 was 83%.³⁴ *Increasing the deposit would generate millions of dollars for the state.*³⁵ *An expanded Bottle Bill could also save municipalities at least \$70 million by reducing the costs to collect and process materials.*³⁶ 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.³⁷ It’s past time for New York to raise its deposit to a dime.

Increase the “handling fee.” Increase the “handling fee,” which has not been increased in 15 years. The “handling fee” is the funding stream for redemption centers to handle redeemable containers. The costs of running a business have significantly increased over the past 15 years, but the handling fee has not. As a result, over 100 centers have had to close, thus undermining the program, reducing consumer convenience, and costing the state jobs.

Modernization Generates An Estimated \$100 Million In State Revenues, Money That Can Used To Boost The State's Recycling and Strengthen The Law

As mentioned earlier, unredeemed deposits are collected and divided between the state and the containers' distributors. Eighty percentage (80%) of the monies collected from the unredeemed deposits are retained by state government, with \$23 million being appropriated to New York's "Environmental Protection Fund."³⁸ The law also states that if the amount of unredeemed deposits exceeds \$122.2 million, that excess is also used by the EPF.³⁹

What happens if the deposit is increased, which will boost redemption rates, as well as dramatically expand the number of redeemable containers?

To answer this question, this report relies on New York data, estimates, and experiences in other states to develop the projected financial benefit resulting from modernization legislation.⁴⁰

Basic Numbers

According to the New York State Department of Environmental Conservation, in 2023 the number of beverage containers that were covered under existing law and sold in that year was 9,333,342,418. Of that number, 6,376,291,019 were redeemed for their nickel deposits (68% redemption rate mentioned earlier).⁴¹ Thus, we calculate that there are 2,957,051,399 beverage containers that are not redeemed. Each one of those containers had a nickel deposit, we estimate that there is \$147,852,570 in unredeemed deposits.

Under New York law, that amount is split with 80 percent of it going to the state, we calculate that amount at \$118,282,056.⁴²

According to the Container Recycling Institute, 79 percent of all beverage containers are covered by the current law.⁴³ Using that percentage, we estimate that there are 11,814,357,491 beverage containers. Based on our calculations, there are 2,481,015,073 beverage containers *not* covered by the law. [NOTE: The CRI percentage likely includes some containers not included in modernization legislation – dairy and dairy-like products, 100% fruit juice, and 100% vegetable juice products. We do not have estimates on the percentages of these products, but we do not expect them to exceed 10% under the most generous circumstances. Thus, we feel like it would not make a significant difference in our calculations.]

In order to develop reasonable revenue projections, we relied on data from Oregon, a state that raised its deposit to a dime. Increasing the deposit should boost redemption rates and thus impact changes in revenue derived from modernization of the Bottle Bill. In the first year of the increase in its deposit, redemption rates increased 9 percent.⁴⁴ [Note: Oregon's redemption rate continued to increase over time. Assuming New York followed a similar track, the state should expect smaller revenues over time.]

Revenue impact from expanding the redemption requirement without an increase in the deposit. As seen above, there are 2,481,015,073 beverage containers *not* currently covered under the Bottle Bill.

Assume that in Year 1 there is simply an expansion in the law to all containers without any exceptions. *And there is not increase in the deposit.* In this scenario, there are 11,814,357,491 beverage containers redeemable under the new Bottle Bill, each worth a nickel. However, the redemption rate stays unchanged at 68 percent. Thus, we calculate that there are 3,780,594,397 unredeemed containers each worth a nickel or \$189,029,720. Based on our estimates, New York State would receive 80 percent or \$151,223,776, roughly \$33 million more than today.

Revenue impact from expanding the redemption requirement with an increase in the deposit.

However, if the deposit increases to a dime, those numbers change. First, using Oregon as a model, the redemption rate would increase to 77 percent (68%+9%). In this scenario, we assume that there are 11,814,357,491 beverage containers redeemable under the new Bottle Bill. If 77 percent are redeemed, we calculate that leaves 2,717,302,222 that are not – **each worth a dime.** Thus, we estimate that under this scenario \$271,730,222 would

be available to split between the state (80%) and distributors (20%). New York State would receive \$217,384,178, nearly \$100 million more than it gets today.

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>.
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- 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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- ³³ Ibid.
- ³⁴ Ibid.
- ³⁵ Reloop, “Reimagining the Bottle Bill, <https://bottlebillreimagined.org/wp-content/uploads/2022/06/Reimagining-the-Bottle-Bill-FINAL-JUNE-2022.pdf>. Reloop estimates that an enhanced program would generate \$171m – \$349m available for state investment, p. 33. In order to be conservative, we subtracted the \$129m currently generated from the program. Thus, our estimate of \$40m to \$200m.
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- ⁴¹ Communication with DEC, December 13, 2024.
- ⁴² Our estimate is less than that which was reported by the State, \$121,105,169. New York State Department of Taxation & Finance, “Fiscal year tax collections: 2022-2023,” https://www.tax.ny.gov/research/collections/fy_collections_stat_report/2022-2023-annual-statistical-reports.htm#:~:text=During%20SFY%202022%2D2023%2C%20the.business%20taxes%E2%80%942.426.5%20billion.
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