

Adirondack Council ♦ Citizens Campaign for the Environment ♦ Citizens' Environmental Coalition ♦ Clean and Healthy New York ♦ Container Recycling Institute ♦ Council of Park Friends for Clark Reservation State Park ♦ Environmental Advocates of New York ♦ Green Education and Legal Fund, Inc. ♦ Group for the East End ♦ Hudson River Sloop Clearwater ♦ Huntington Breast Cancer Action Coalition ♦ Jamesville Positive Action Committee ♦ Land Trust Alliance ♦ League of Women Voters of New York State ♦ Long Island Drinking Water Coalition ♦ Long Island Environmental Voters Forum ♦ Long Island Pine Barrens Society ♦ Natural Resources Defense Council ♦ New York City Environmental Justice Alliance ♦ New York City Zero Waste Coalition ♦ New York Lawyers for the Public Interest ♦ New York League of Conservation Voters ♦ New York-New Jersey Trail Conference ♦ New York Public Interest Research Group ♦ Parks & Trails New York ♦ Prevention is the Cure ♦ Riverkeeper ♦ Sierra Club Atlantic Chapter ♦ Sure We Can

SUPPORT EXPANSION OF THE BOTTLE BILL AND INCREASED FUNDING FOR THE EPF IN THE FY 2013-14 STATE BUDGET

Our organizations urge the Legislature and Governor Cuomo to expand New York's Bottle Bill to include additional noncarbonated beverages and to transfer a portion of the revenues the state now collects from the unclaimed beverage container deposits to the State's Environmental Protection Fund (EPF). This measure, which the Assembly included in its budget proposal (A3008C, Part F), would provide much-needed funding to the EPF while making our communities cleaner and boosting New York's recycling rates.

This year marks the 30th anniversary of the Bottle Bill, New York's most successful recycling and litter prevention program. Over 100 billion bottles and cans have been returned and recycled because of the 5-cent refundable deposit. The Bottle Bill has also created thousands of jobs across New York. Since 2009, when the Bottle Bill was updated, hundreds of new redemption centers have opened, providing local employment and convenient return facilities in their communities. The plastic, glass, and metal collected through the Bottle Bill are in high demand by recycling industries. Without a deposit, most beverage containers end up littering our communities or in the trash.

The N.Y.S. Department of Environmental Conservation has recommended the expansion of the Bottle Bill to include all beverage containers (Beyond Waste: A Sustainable Materials Management Strategy for New York State, December 2010). This not only advances the state's policy goals to promote recycling and waste prevention, it also advances the state's goals of reducing greenhouse gas emissions. According to the DEC, the Bottle Bill has helped conserve more than 285 billion BTUs of energy and avoid the release of more than 4.8 million metric tons of greenhouse gases.

Currently, NY's bottle bill covers beer, soda, wine coolers, and water that does not have sugar added. The Assembly proposal would expand the program to include additional noncarbonated beverages such as iced teas, sports drinks, energy drinks, sugar-added waters and juice drinks containing less than 70% juice. This is almost identical to the language of the "Bigger Better Bottle Bill" which was endorsed by all three of the current statewide elected officials in New York and more than 700 organizations,

businesses, and municipalities in the years leading up to 2009 when the law was expanded to include bottled water. According to the Container Recycling Institute, this would increase the number of containers covered by the Bottle Bill by at least 14%. Assuming redemption rates stay the same, this would generate an additional \$15 million a year in revenue for the EPF from any unclaimed deposits.

We applaud the Governor, Senate and Assembly for all including language that would transfer \$15 million a year from the unclaimed container deposits to the EPF, as well as any additional revenues collected above the current year's levels. Our groups strongly support this provision.

However, we have concerns about some of the changes in the Governor's proposed "Cleaner, Greener NY Act of 2013" (TED, Article VII, Part F) and included in the Senate proposal. Some of these changes will make it harder for consumers to return their empty containers and could have the effect of raising more money for the state by reducing the number of bottles and cans that are recycled. This is contrary to the intent of the Bottle Bill.

Chief among our concerns are the provisions that would impact the convenience of the bottle return system for New Yorkers. The Governor's proposal lowers the take-back requirements for all stores under 10,000 square feet in New York, allowing them to take back only 72 bottles and cans per person per day instead of 240 as currently required by law, provided they meet certain minimal requirements. It mandates that stores, redemption centers and distributors must reject containers unless they are "reasonably clean," whereas for the past 30 years stores have had the discretion to reject containers if they are dirty or damaged. The Governor's proposal also rolls back many of the changes in the 2009 law that helped encourage more redemption centers, which provide convenient return facilities for customers returning large quantities of bottles.

Instead of making it harder for consumers to return bottles and cans, we urge the Legislature and the Governor to work together to truly advance a "cleaner, greener" New York. We support reforms to the Bottle Bill that would not only increase recycling and prevent litter, but also help local recycling businesses grow and bring in more revenue for the state – a triple win for New York. These reforms include expanding the definition of "water" to include sugar waters; requiring a deposit on additional noncarbonated beverages, such as teas, sports drinks, and juices; raising the deposit; and encouraging the use of refillable beverage containers by allowing beverage companies to keep 100% of the unclaimed deposits if they use refillables.

It is also critically important to resume collecting and publishing data about beverage container redemption in order to monitor the environmental effectiveness of the program and identify potential areas of underreporting. Additional investment in DEC staffing to monitor and enforce the program would more than pay for itself and result in better overall compliance with the program.

Our groups look forward to working with the Legislature and the Governor to strengthen and update New York's Bottle Bill as part of the 2013-14 state budget.

For more information contact Laura Haight, lhaight@nypirg.org, 518-436-0876 ext. 258

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