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**2023 Joint Legislative
Environmental Conservation Hearing
Regarding New York's Bottle Bill**

**Submitted on Behalf of the
New York State Environmental Conservation
Police Officers Benevolent Associations**

**By: Matthew Krug, Vice President/CAO &
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State Job Location: Region 5**

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October 23, 2023

Good evening, Madame Chairwomen, and respected members of the panel.

My name is Matt Krug, and I am the Director of Environmental Conservation Officers and serve on the Board of Directors of the Police Benevolent Association of New York State.

Last year, Environmental Conservation Officers completed over 25,000 complaints for endangered species, nuisance bears, spills, air pollution as well as the returnable container law.

Field officers routinely handle complaints which range from failing to accept containers, limiting the number of containers received, broken recycling machines, and the sale of non-deposit containers. When retailers fail to accept containers, they not only unfairly profit from their behavior but they also negatively affect individuals that routinely clean up our roadways for that five-cent reward.

Our Bureau of environmental crimes investigators handle our more complex investigations regarding large-scale trans-shipping of beverage containers from adjoining states where deposits are not initiated as well as fraudulent activity surrounding the redemption of returnable containers. These investigations are labor intensive and difficult to prosecute.

In 2015 we had a dedicated investigator assigned to NYC for returnable container enforcement, this led to an investigation into North Bergen Beverage in New Jersey and eventually resulted in a one-million-dollar penalty against that company. However, our limited number of investigators most often results in their diversion to crimes that impact public health and safety rather than bottle bill enforcement

NYS Tax and Finance collected approximately 100 million dollars from unclaimed bottle deposits in 2015 alone. That same year, ECOs and investigators handled 173 complaints regarding the returnable container law. By 2022 that number increased to 368 complaints, with over half of those in NYC.

While these complaints continue to mount, along with other expanded duties, the numbers of officers and investigators has stagnated or decreased from our 1970s era staffing levels. As of last week, we had 278 sworn officers statewide.

When I began my career in 2008, we had 19 field officers and three investigators assigned to NYC. But currently we only have eleven field officers and two investigators covering the Big Apple.

In February of this year, I testified before this committee requesting more funding to hire conservation officers and equipment for the division. Sadly, this year's law enforcement budget actually saw reductions to the tune of 1.7 million dollars from our overtime budget. Reduced staffing along with reduced overtime leads to reduced enforcement and effectiveness of our environmental laws.

If the returnable container law is amended, I urge this committee to push for increasing the number of conservation officers and investigators above and beyond our allotted number of 342. If just a quarter of the unclaimed deposits went to the division of law enforcement, we could hire an addition 90 field officers and at least twenty investigators who should be assigned to greater NYC area. Increasing the number of environmental conservation officers would lead to a higher quality of life for those in environmental justice areas by cutting down on dumped garbage and air pollution in those neighborhoods.

I thank you for this opportunity to present testimony on behalf of my fellow environmental conservation officers and am happy to answer any questions you might have.

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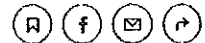
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One family pocketed \$7.6 million by taking cans and bottles from Arizona and recycling them in California. That's fraud, prosecutors say.

Charles R. Davis Jul 26, 2023, 6:13 PM EDT



A recycling technician loading an 800-pound block of compressed aluminum cans at OCC Recycling Center in Costa Mesa, California, on July 14, 2022. Paul Bersebach/MediaNews Group/Orange County Register via Getty Images

Prosecutors say a family that made \$7.6 million from recycling defrauded the state of California.

The family, based in Southern California, is accused of recycling materials purchased in Arizona.

More than \$1 million worth of "illegally imported beverage containers" was found, a statement says.

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A California family that earned millions of dollars just by recycling cans and bottles has now been accused of multiple felonies that could lead to years behind bars.

In a felony complaint filed this month, state prosecutors charged eight family members in Riverside County with defrauding the state by importing used bottles and cans from Arizona — some 178 tons in 8 months — and recycling them in California.

The recycling operation earned the family \$7.6 million, according to a statement from the office of California's Attorney General, Rob Bonta. Investigators also found a stash of "illegally imported beverage containers" worth another \$1 million.

When someone purchases a plastic or aluminum bottle in California, they typically pay an extra 5 to 10 cents in "California Redemption Value," or CRV, which the consumer can get back by returning the items to one of the state's more than 1,200 recycling centers. Arizona has no such program.

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"California's recycling program is funded by consumers, and helps protect our environment and our communities," Bonta said. "Those

who try to undermine its integrity through criminal operations will be held accountable."

In the criminal complaint, prosecutors accused family members of unlawfully conspiring to commit grand theft and defrauding the California recycling program on a "chronic and ongoing basis" by seeking reimbursement for out-of-state containers and containers that had already been redeemed within California.

Felony grand theft in California is punishable by up to three years in state prison. Redeeming out-of-state containers to the degree the family is accused could increase the sentence by another three years.

Court documents did not identify an attorney for the defendants, who have not been convicted of a crime.

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Last year, six people were charged in a similar Arizona-to-California recycling operation that prosecutors said netted more than \$10 million by fraudulently redeeming more than nine tons of empty beverage containers.

At least 93 people in California were convicted of recycling fraud between 2010 and 2019, according to a report by the nonprofit Consumer Watchdog.

Have a news tip? Email this reporter: cdavis@insider.com

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