



New York Association of Convenience Stores

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Joint Legislative Hearing to Examine Legislative Solutions to Increase the Effectiveness
of the Bottle Bill
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On behalf of the New York Association of Convenience Stores (NYACS), a trade organization representing the interests of 7,500 neighborhood convenience stores and 127,000 employees across New York State, I thank you for the opportunity to participate in today's hearing to review ways the state can increase the effectiveness of the Bottle Bill and prevent bottles from being sent to landfills.

NYACS members have been on the front-lines of the state's bottle bill program from day one. For forty years our members – considered “dealers” under state law - have paid deposits to distributors, collected them from customers, and paid refunds when bottles were returned. Over the past four decades the law has been in effect, however, a growing number of convenience stores now sell sandwiches, pizza and other prepared food under license from the state Department of Agriculture and Markets. When bottles are brought in for redemption, they are rarely washed out and are contained in bags that are sticky and unsanitary. The last thing c-stores need are magnets for bacteria, insects, and mice in the same vicinity as the food prep counter – particularly at the height of summer.

The situation worsens when third-party collectors fail to pick up empty bottles as frequently as the law requires, leaving back rooms full with weeks' worth of empties within steps of food storage and prep areas. NYACS members have reported that some distributors or their agents pick up far less frequently, and in some cases impose “minimums” of at least 10 or 20 bags of empties, or a full carton of a particular brand, before they will pick up at smaller stores. Repeated retailer requests for timelier pickup go unheeded. Such practices not only thwart the intent of the law and regulations, but clog smaller stores' limited storage space with mounds of empty bottles and cans for weeks at a time, compounding the sanitation issue described above.

For convenience stores with limited space, staff, and resources, being required to accept empty bottles while selling increasingly popular food products is untenable. In fact, in many instances these bottles will just be thrown out defeating the purpose of the program. Before the Bottle Bill is expanded to include new types of containers the state must address the clear flaws in the program's infrastructure. As it stands any expansion will almost guarantee these new bottles will be thrown out.

I believe there are legislative solutions that can make the Bottle Bill stronger and more effective – changes that should be implemented before the state considers expanding the program to other kinds of bottles. NYACS believes the state should invest in and prioritize redemption centers – which will create jobs and provide central locations for bottles to be returned. Without this investment, the bottle bill program will continue to be incomplete and burdensome for retailers and consumers.

The current Bottle Bill does allow c-stores to contract with redemption centers to accept the bottles on their behalf if the redemption center is within a half-mile of the store and a half-dozen other criteria are met including prescriptive hours and signage requirements. While well-intentioned, this provision is never utilized by stores and would make an already difficult process more confusing for both the c-store and the consumer. We believe that by making it easier for retailers and redemption centers to work together the Bottle Bill will be more successful.¹

NYACS Proposes language be included in the Bottle Bill that would encourage a consumer to bring bottles to a redemption center instead of a c-store if (1) the c-store is licensed by the Department of Agriculture and Markets; (2) the c-store has a written agreement with a redemption center within the same county; and (3) the c-store has a sign that identifies the center's hours and location. Vermont is considering a similar program.

The legislature should also consider funding the Beverage Container Assistance Program. Chairwoman Glick and Senator May carry legislation that attempts to address this issue by including state assistance payments of up to 50% for the costs related to the establishment of beverage container redemption centers, reverse vending machines, and

¹ Under the current law c-stores may limit the number of empty containers they accept if the following conditions apply:

1. C-Stores must continue to accept AT LEAST 72 containers.
2. C-Stores must have a written agreement with a redemption center or mobile center. The current law requires these centers be within one-half or one-quarter mile of the c-store.
3. The redemption center must be open from 9am – 7pm daily or in the case of a mobile center 8am – 8pm daily.
4. The c-store must have a sign that identifies the location and hours of the redemption center.
5. The c-store must have a consecutive two-hour period daily where they must accept up to 240 containers per customer.
6. The c-store must sell food or beverage as its primary business AND be less than 10,000 square feet.

the rehabilitation of real property or structures used for collecting, sorting, and packaging of empty beverage containers. NYACS believes this is a step in the right direction.

If the purpose of the Bottle Bill is truly to incentivize recycling, then barriers to that goal should be removed. Take the bottles out of convenience stores where food is being served and send them to redemption centers that are in the business of managing this program.

I thank you for the opportunity to comment and welcome any questions.