

The County Perspective

Legislative Solutions to Increase the Effectiveness of the Bottle Bill

Comments submitted by the
New York State Association of Counties
and
New York State Association for Solid Waste Management



NYSAC
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

to the

**Senate and Assembly Standing Committees on
Environmental Conservation**

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Introduction

On behalf of the New York State Association of Counties (NYSAC) and the New York State Association for Solid Waste Management (NYSASWM), thank you for your opportunity to submit testimony on legislative solutions to increase the effectiveness of the Bottle Bill.

NYSAC is a membership association of the 62 counties of New York State whose mission is to foster excellence in county government and unify the voice of county officials. Since 1925, we have represented and advocated for the interests of county leaders and the residents they serve.

Our affiliate, NYSASWM, is the oldest solid waste management association in New York State, representing solid waste managers who oversee municipal and private disposal and recycling infrastructure statewide. Their membership consists of organizations and individuals that provide landfilling, waste-to-energy, recycling, composting, collection, and transportation services for non-hazardous solid waste materials generated within New York State. With decades of operational experience and billions of dollars invested in solid waste management, NYSASWM uniquely understands the operational realities of providing reliable, environmentally protective, safe, and cost competitive services to residents and businesses.

In light of shifting dynamics within the global recycling market, local governments and solid waste authorities recognize the pressing need to address the financial and operational challenges facing New York's recycling system. As stewards of both the environment and taxpayer dollars, our primary focus is ensuring that recycling programs are sustainable, accessible, and affordable for decades to come.

To this end, **NYSAC and NYSASWM support expanding the Bottle Bill to include additional glass containers.** Adding glass wine and liquor bottles to the redemption program will increase recycling rates, promote the cleaner and more efficient separation of materials, and reduce the financial strain that glass causes for municipal recycling programs. However, **we caution against adding plastic and aluminum beverage containers to the Bottle Bill without compensating recycling program operators for lost revenue.** The sections that follow expand on these recommendations and provide additional background on the challenges facing local recycling programs.

The Recycling Landscape in New York State

More than 1.4 million tons of residential curbside materials are recycled annually across New York State. Local recycling programs help to protect the environment, create jobs, and preserve our state's limited landfill space. Despite these benefits, counties and municipalities that provide for curbside recycling have been grappling with skyrocketing costs, attributable to a combination of challenges:

- **Market Changes:** The imposition of China's National Sword policy in 2018 significantly curtailed the import of recyclable materials from the United States. This policy shift led to a surplus of materials in domestic markets, causing price drops and rendering it more arduous to secure buyers.

- Contamination: Contamination poses a substantial hurdle for curbside recycling efforts, as non-recyclable materials infiltrate recyclable streams, reducing the quality and value of materials and making them less attractive to potential buyers.
- Glass: Glass, whether in single-stream or dual-stream recycling systems, disrupts the recycling process by contaminating other materials and diminishing their value. Glass also inflicts substantial wear and tear on recycling sorting equipment, and most curbside glass is ultimately disposed of at a cost to municipal recycling programs.
- Underfunding: Current state support for local recycling programs is insufficient, leaving many communities struggling to cover the costs of collecting and processing recyclables.

Strengthening the Bottle Bill Through a Glass-Only Expansion

NYSAC and NYSASWM urge the Legislature to concentrate their Bottle Bill expansion efforts on glass beverage containers exclusively. Adding glass wine and liquor bottles to the Returnable Container Act would have both environmental and financial benefits:

- Increased Glass Recycling: In New York, residents deposit over 125,000 tons of glass bottles and jars annually into their curbside recycling bins. By introducing a deposit value for glass, we can encourage consumers to utilize redemption centers, the most viable market for glass recycling, and transform glass into new products.
- Reduced Contamination: Glass is prone to breaking and contaminating other materials when mixed in recycling bins. For example, glass shards can mix with paper or cardboard, diminishing the quality and value of those materials for recycling. Reducing the amount of glass in curbside bins will make other recyclable materials more marketable and likely to be recycled into new products.
- Relief for Local Governments: Separating glass from other recyclables requires additional sorting and processing at recycling facilities, which are both labor and equipment-intensive and increases operational costs for recycling programs. Adding glass containers to the Bottle Bill will reduce costs related to processing glass and contamination, providing financial relief to local governments. It will also enhance the value of other materials, resulting in more revenue for local recycling programs.
- Increased Funding for the Environmental Protection Fund (EPF): The addition of more glass containers to the Bottle Bill will channel more revenue into the EPF, which can then be allocated to enhancing recycling operations, infrastructure, and education throughout the state.

Concerns with Adding More Plastic and Aluminum to the Bottle Bill

NYSAC and NYSASWM currently **oppose** the comprehensive expansion of the Bottle Bill outlined in S.237 (May)/A.6353 (Glick). Specifically, we strongly oppose the inclusion of additional plastic and aluminum containers in the redemption program, as this would have a detrimental impact on the continued viability of local recycling programs.

Plastic and aluminum containers are critical commodities for curbside recycling programs. The commodity value of aluminum and plastic helps to fund municipal recycling and offset the expense of sorting and processing cost-negative materials like glass. Removing these commodities from the curbside recycling stream would make recycling programs less economically viable. This could have profound consequences for taxpayers and the environment, as it would force program operators to increase rates or scale back services.

In the event that additional plastic and aluminum containers are added to the Bottle Bill, it is imperative that New York State reimburse municipal recycling programs for the loss of material value, estimated to be over \$10 million per year. The State should also evaluate and make local governments whole for any loss of commodity value that is attributable to increasing the bottle-return deposit.

Additional Recommendations for Legislative Action

As the Legislature explores legislative solutions to improve our recycling system, we respectfully request your consideration of the following additional recommendations.

Prioritize EPR for Packaging and Printed Paper

Both NYSAC and NYSASWM strongly urge the Governor and Legislature to prioritize the enactment of a stewardship program for packaging and printed paper before expanding the Bottle Bill. Doing so will provide municipalities with a financial buffer, insulating them from the potential economic strain resulting from the loss of community value. By enacting packaging stewardship first, we can better protect local governments and taxpayers.

Reform the E-Waste Program

The NYS Electronic Equipment Recycling and Reuse Act was signed into law in 2010 to require manufacturers to provide New Yorkers with free and convenient recycling options for computers, televisions, and other electronics. However, manufacturers have not consistently fulfilled their obligation to both manage and adequately fund the program, effectively shifting the burden of collecting and processing e-waste back onto municipalities.

We urge the Legislature to amend the e-waste statute to provide relief to local governments and taxpayers, including eliminating the ability for manufacturers to satisfy convenience requirements with an unrealistic mail-in option.

Reject Waste Disposal Surcharges

State agencies and lawmakers have proposed imposing a fee per ton on all waste generated in New York State to disincentivize disposal and provide financial support for reduction, reuse, and recycling. While well-intentioned, a back-end fee will increase costs for consumers without the desired effect of changing behavior.

Local governments and solid waste authorities already employ fee structures that cover the cost of their programs and encourage waste reduction. Our members, who are under immense pressure to keep taxes and fees low, strongly oppose this proposal and

encourage the Legislature to instead explore other legislative solutions, such as extended producer responsibility, to increase recycling rates and make products more readily recyclable.

If disposal surcharges are implemented, comprehensive solid waste management systems with Local Solid Waste Management Plans approved by the NYSDEC should be exempted from such fees. It does not make sense for money from communities with integrated recycling programs to go to the State only to then have these programs apply to get it back.

Conclusion

Thank you again for the opportunity to comment on how to increase the effectiveness of the Bottle Bill and our recycling system at large. It is imperative that any modifications or expansions to the Bottle Bill be carefully coordinated with local governments and solid waste authorities to ensure that redemption programs do not come at the expense of other recycling initiatives or public services. We appreciate your attention to this matter and look forward to working collaboratively to develop sustainable and cost-effective solutions to our state's recycling challenges.