

# MT Returnables

Bottle Redemption Center

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## **Testimony of Jade Eddy**

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Joint Legislative Hearing to Examine Legislative Solutions to Increase Effectiveness of the Bottle Bill

February 2, 2024

The New York State Bottle Bill has not been updated in 16 years. This lack of care within New York government is causing the entire system to actively collapse. In the Fall of 2023, many people testified that bottle redemption centers were in crisis and in need of immediate action. Those pleas for help were again ignored. Since that hearing, more redemption centers have closed and the attorney general has opened a lawsuit against PepsiCo. We've been warning legislators that a litter issue was on the horizon. When redemption centers close, citizens lose access to easy bottle returns. Loss of access results in litter.

Not only does increased litter harm communities environmentally, but these closures effect all of New York financially. From the working mom needing \$20 to put in her gas tank to get to work, to the Boy Scout troops raising tens of thousands of dollars via bottle returns, all lose. Organizations across the state collect bottles and cans to fund their programs. And in the process, they help keep New York clean.

The material that comes out of redemption centers is vital to the system. The DEC has testified that the containers processed through redemption centers is the most recyclable due to its cleanliness and separation. Single stream services not only cost consumers money rather than give it back to them, but it almost contaminates the material, making most unusable in many recycling routes.

There are a multitude of issues with the current bottle bill. I will address those issues in order of priority:

### **Handling Fee**

The current text of the Bottle Bill in no way has any written obligation to ensure the handling fee being paid to businesses processing New York's redeemable containers is updated to keep up with inflation. This has caused insane lengths of time to pass before the issue is addressed. Often causing businesses to be financially strained to the point of closure before seeing the raise needed to continue operations. We are seeing this issue arise now. The last time the handling fee was increased was in 2009. Businesses are closing at an alarming and increasing rate (over 100 redemption centers lost in the last year) because the financial responsibilities we have in 2024 differ greatly than they did in 2009. Our expenses have more than doubled in the last 15 years, but our pay has not increased at all. And unlike most industries, we have no power to help ourselves without state legislation. We cannot simply adjust pricing to accommodate rising costs. Minimum wage is now being adjusted to keep up with inflation. Our handling fee needs to be mandated in the same way so that we can properly be able to keep up with the wage mandates being imposed on us. We need our legislators to act on our behalf. We not only need to implement an emergency increase in the handling fee to go into effect immediately, like the state of Maine did in May, but we also need to add a provision to the bottle bill itself to ensure that this issue is addressed every few years to keep businesses operational. There are multiple bill options at your disposal at this point. Some legislators are seeing their communities suffer due to in action and are trying to rectify the issue. Assemblywoman Carrie

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Woerner has introduced a standalone bill (A3375) addressing our handling fee. Senator May has introduced a lifeline bill (S6869a) to increase our handling fee and give us access to the grant program that currently does not allow privately owned redemption centers to even apply. A FOIL request has shown that not one single cent of this grant program has ever been paid out in the last 16 years. Having our rate of pay tied to failing legislation year after year is what has gotten us to this critical point. We need to ensure separation moving forward so we are not in this crisis ever again.

### **Store Mandate**

Under the current Bottle Bill rules, any store that sells a beverage must legally take the empty container back. Believe it or not, this even includes pharmacies. This made sense when the bill was introduced in the 80s, as bottle redemption centers did not exist, and there were not nearly as many containers being produced. But with the addition of redemption centers and a significant increase in the number of beverages on the market now, this mandate has become outdated. Many stores have become severely overwhelmed, resulting in them resorting to throwing containers away rather than them being recycled. Going against the very purpose of this bill.

This is in large part because the state has allowed one company to monopolize most of the industry and they simply cannot handle the load. Tomra Recycling is close to solely responsible for picking up the containers from all redemption centers, grocery, and convenience stores. They are spread too thin having to go to so many locations, and often, they are leaving someone stuck with product piling up in their store. Which results in issues with pest and rodent infestations. Many of today's grocery and convenience stores now serve food and lack storage space for piling up containers. This poses both a health and sanitation concern, but also burdens these busy stores with a task most of them are not equipped to handle.

Our proposed solution to this issue is to allow businesses within a certain radius to a redemption center an exemption of the mandate. This would allow stores that want to keep accepting bottle returns the ability to do so, but would also allow those that do not, the ability to send customers to a redemption center instead. Redemption centers are built solely for this purpose and would be eager to accept the containers. Redemption centers also are more consumer friendly as they typically have no limits and accept all NY redeemable containers, providing a one stop option for consumers. Stores usually have a \$12 limit and only accept what they sell, which results in more work for the consumer. If redemption centers aren't aided and continue to close, consumers will be forced to travel to several different stores to return the same containers. Many have stated they will refuse to do this and will simply choose to throw out their containers instead. Again, this goes against the very purpose of the Bottle Bill, which is to incentivize recycling.

Adjusting this mandate would also decrease the number of businesses Tomra would have on their routes. Therefore, alleviating some of the strain they are enduring and would decrease the likelihood of businesses being stuck with containers piling up.

### **Container Expansion**

It is no secret that many more beverages exist now than ever. Unfortunately, the Bottle Bill again has not kept up with changing times. There are so many containers being thrown into landfills instead of being recycled, simply because of the wording in the Bottle Bill. There are many items that should be added to the list of redeemable items, however, some pose potential problems and will require more care and consideration.

Things that can easily be made redeemable are containers that are similar to what is already being recycled within the Bottle Bill system. These containers include **cider, sports drinks, lemonade, juice, tea, and single serve wine and liquor** containers. Problems arise when we bring full sized wine and liquor bottles into the conversation. This is because unlike other beverage containers, these

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containers are often larger in size and vary greatly in shape. While RVM machines are built to take in anything from an aluminum can to a 2-liter plastic bottle, the oddly shaped large Crown Royal bottle will not fit in said machine. The expense of having to retrofit every single RVM machine in the state of New York could be very costly. The other major concern with wine and liquor is the burden it puts on liquor stores, due to the mandate currently written in the Bottle Bill. Liquor stores have never had to accept bottle returns before. In doing so, they would have no choice but to require more square footage and staff. Which poses a significant burden of additional expense to them. If wine and liquor are being considered to have a deposit on them, we should focus on single serve sized containers now, and allow time to consider how to appropriately and effectively be able to add the full-sized containers down the road. We also feel that liquor stores should be allowed an exemption from being mandated to accept such returns, to alleviate the burden this would unfairly put on them.

At this point in time, we do not support the addition of dairy containers. They rot and smell horrible. It would be near impossible to get this smell out of an RVM machine and would make any storefront with them very unpleasant and unwelcoming to customers.

### **Increased Deposit**

Many states are realizing that a nickel simply doesn't hold the same buying power as it did 40 years ago. Most have or are in the process of increasing their bottle deposit to 10¢ to encourage more recycling. This is one topic that has mixed feedback from the redemption center community. Some businesses fear that it will pose more financial strain on us. The fact is, without a raised handling fee, it would severely hurt us financially.

However, some of us do understand that with surrounding states moving to an increased deposit, it increases our competition. Though we know that it is a federal offense to cross state lines to redeem containers, many consumers do not. Those close to a neighboring state border with a higher deposit may be tempted to bring their containers where they will be paid more. It would be in our best interest to keep them incentivized to stay within New York and follow the law. It has been proven that the implementation of the Bottle Bill caused the rate of recycling to skyrocket. Increasing the financial incentive would surely have a positive impact on the rate of recycling. But if we double the deposit amount, we need to implement that change in a strategic and thoughtful way. Businesses who are already struggling will not survive having to pay out double the amount immediately. We need to have an increased handling fee first, for a length of time, to prepare for the increased financial burden.

### **Summary**

In short, the Bottle Bill is well overdue for updates. And none of the changes to it will be meaningful without redemption centers surviving. New York can make all the containers in existence returnable, but without redemption centers, there will be no logical place for them to go. Grocery and convenience stores are already overwhelmed under the current broken system. They simply will not survive being burdened with more because of our demise. My local assemblyman, Matt Simpson, told me that his attempt at returning bottles at two separate grocery stores was a nightmare.

Communities all over New York will suffer greatly from the continued closures of redemption centers. What many fail to acknowledge is that our businesses offer necessary secondary income to everyday struggling citizens. Many people return their bottles to put \$20 in their gas tank so that they can get to work. Or to buy their kids' school lunch that week. We also offer significant fundraising opportunities for various causes. Churches, sports teams, boy and girl scout troops, those who have suffered from a house fire or medical debt; they all use redemption centers to fundraise significant amounts of money for their causes. Grocery and convenience stores cannot offer the same opportunities to these consumers that we do. We also help ensure that event businesses can recycle rather than throw away their containers. One redemption center in Western New York takes the

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containers from the Buffalo Bills stadium, resulting in a significant number of containers not finding their way to a landfill.

New York is at a fork in the road. We either take the necessary action to keep this program successful, ensuring our environment benefits from continued recycling, keeping tax paying businesses open and create more job opportunities. Or we fail to act yet again and see an entire industry collapse, causing significant job loss and hurt our communities with the comeback of litter and loss of vital financial resources. New York touts itself as one of the leading states when it comes to addressing the issues of climate change and harm to our environment. Yet we have fallen very far behind other states when it comes to this system. I trust that with this information in hand, you will make the right choice and act swiftly to save our environment and the businesses needed to accomplish that task.

Sincerely,  
Jade Eddy