



## **Joint Legislative Hearing: Environmental Conservation**

**Testimony by Adrienne Esposito, Executive Director,**

**Citizens Campaign for the Environment (CCE)**

**February 14, 2023 - Albany, NY**

My name is Adrienne Esposito, and I am the Executive Director at Citizens Campaign for the Environment (CCE). Founded in 1985, CCE is a 120,000 member, non-profit, non-partisan advocacy organization working to empower communities and advocate solutions that protect public health and our natural environment across New York State.

Thank you for the opportunity to provide testimony today. Below are CCE's recommendations for the SFY 2023-2024 budget. In addition to our comments, please note that CCE supports recommendations of coalitions we are engaged with, including New Yorkers for Clean Water and Jobs, the Just Green Partnership, and New York Clean Water Coalition.

### **ADDRESS THE STATE'S SOLID WASTE CRISIS AND FIGHT CLIMATE CHANGE BY ADOPTING A WASTE/PACKAGING REDUCTION AND RECYCLING INFRASTRUCTURE ACT (OFTEN REFERRED TO AS EXTENDED PRODUCER RESPONSIBILITY OR EPR) IN THE BUDGET**

New York State is struggling with a solid waste crisis. New York generates more than 17 million tons of municipal solid waste annually. New York City generates 4.4 million tons of trash per year and Long Island generates 1.6 million tons per year. An estimated 40 percent of all this waste is composed of product packaging and paper products, such as plastic containers, steel cans, plastic film, glass bottles, paper, and cardboard. Since covid, municipalities are reporting a significant increase in paper and cardboard packaging.

Unfortunately, less 20% is being recycled properly. Instead of being recycled, much of this waste is ending up as litter in our communities, plastic pollution in our lakes and oceans, shipped to landfills, or burned in trash incinerators.

Our waste crisis is contributing to the climate crisis. The Climate Action Council's Climate Action Scoping Plan identifies the waste sector as a significant contributor to greenhouse gas (GHG) emissions. According to the Final Scoping Plan, the waste sector is responsible for 12% of the state's GHG emissions—more than industry (9%), twice as much as agriculture (6%), and

nearly as much as the electricity sector (13%). *We must address the GHG emissions from the waste sector with as much urgency as we do with other sectors, including electricity.*

Furthermore, the final plan states “greenhouse implications of waste go beyond waste handling considerations. More than 70% of municipal waste is made up of discarded products and packaging, the production, distribution, and disposition of which generate emissions. Every step of the process—mining, harvesting, manufacturing, and distribution—consumes energy and generates pollution.” The Scoping Plan identifies EPR for packing and paper as a key strategy for reducing GHG emissions from the waste sector.

Policy changes in China that have restricted the export of recyclable packaging and printed paper materials have significantly increased the costs for local governments and taxpayers to manage and dispose of these materials. While local governments in NYS are tasked with achieving waste diversion goals—increasing costs to taxpayers—manufacturers currently bear no responsibility in managing the waste they create. According to the New York Product Stewardship Council, local governments (outside of NYC) spend at least \$80 million annually to keep recycling programs afloat. NYC estimates its costs to be from \$100 million to \$150 million annually.

Large brands have externalized the cost of disposing of packaging onto our municipal recycling programs, which is a cost borne by taxpayers. For example, an estimated 165 billion packages are shipped in the U.S. every year, with the cardboard used roughly equating to more than 1 billion trees. Companies (think Amazon and Blue Apron) currently bear no responsibility in disposal and management for the packaging waste their business creates. Instead, taxpayers are shouldering the financial burden for disposal.

CCE urges the legislature to support a large-scale solution that would create a much-needed, systematic, and significant transformation to the entire solid waste system—adopt a waste/packaging reduction and recycling infrastructure policy in the state budget. If New York State is serious about truly addressing our solid waste woes, and not merely applying band aids, waste reduction & recycling must be included in the final 2023-24 state budget. We applaud Governor Hochul for proposing the Waste Reduction and Recycling Infrastructure Act in her 2023-24 executive budget proposal. We applaud Senator Harekham for recently introducing the Packaging Reduction and Recycling Infrastructure Act (S.4246). We look forward to working with the Governor and the legislature to adopt a strong policy in the final budget.

A waste/packaging reduction and recycling infrastructure policy would require producers (brand owners) to take responsibility for their products throughout their entire product life cycle, by bearing the cost of proper recycling and responsible disposal for packaging and printed paper. This policy shifts costs away from local governments and taxpayers, but importantly, this program for paper and packaging needs to include strong environmental standards and post-consumer content goals to drive real progress in waste reduction, increased recyclability, less toxic packaging, and decrease demand on natural resources.

**Packaging EPR policies have existed in Canada and the EU for decades and have resulted in recycling rates upwards of 80%.** In 2014, British Columbia adopted a packaging EPR law, which now stands as a shining example of success. In 2017, Recycle BC, (the industry funded

non-profit organization comprised of over 1,100 companies including manufacturers, retailers, restaurants and first importers that supply packaging and paper to BC residents) recovered approximately 175,000 tons of packaging and paper products from 3.5 million residents, amounting to a recovery rate of 75%. The majority of collected material was sold to end markets for use in the manufacturing of new products and packaging. Even with the China Ban, the Recycle BC program remains successful. British Columbia's EPR program has garnered improved environmental outcomes by collecting larger quantities of packaging and paper products with lower rates of contaminations. Subsequently, the material is managed more efficiently and responsibly. **This program saves local governments an estimated \$100 million annually by shifting the responsibility to the producers of packaging and paper products.**

In the United States, Oregon, Maine, Colorado, and California have passed similar waste reduction and recycling laws, with several other states considering legislation. We are not asking New York to be the first to pass this legislation, we are simply asking that we are not the last ones to implement this critical policy. New York already has EPR policies for e-waste, mercury thermostats, rechargeable batteries, pharmaceutical drugs, consumer paint, and most recently—carpets. Enacting a waste reduction and recycling policy is logical next step for our state.

CCE believes that it is most appropriate to address waste reduction and recycling infrastructure in the context of the state budget. Not only will the policy save local governments throughout the state hundreds of millions of dollars annually, but it requires budget provisions to be implemented. For example, the Waste Reduction and Recycling Infrastructure Act included in the Governor's Executive Budget proposal would require multiple budget provisions in order to be effectively implemented. Specifically, it includes:

- Eight FTE's at the Department of Environmental Conservation needed to help oversee the program
- The creation of a special revenue fund, contained in the State Operations budget
- Funding needed to pay for an initial needs assessment

**CCE looks forward to working with the Governor and legislature to adopt a waste/packaging reduction and recycling infrastructure policy in the final 2023-24 budget with key provisions that include, but are not limited to, the following:**

- *Defines the responsibilities and restrictions of the Producer Responsibility Organization(s) (PROs)*
- *Includes both product packaging and printed paper*
- *Prohibits the use of toxic chemicals in product packaging and paper\**
- *Includes a strong definition of recycling that does not perpetuate incineration or other environmentally harmful processes*
- *Establishes aggressive, yet achievable goals for recycling rates, post-consumer recycled content, and waste reduction*
- *Provides oversight and transparency to ensure producer compliance*
- *Provides strong incentives for packaging reuse/refill*
- *Includes both commercial and residential waste*

\*The Waste Reduction and Recycling Infrastructure Act contained in the Governor’s executive budget does not contain a prohibition on toxics. To achieve a circular economy and to protect public health, it is critical to remove toxic chemicals from packaging. CCE strongly supports the toxic prohibition included in The Packaging Reduction and Recycling Infrastructure Act (S.4246), and urges the Governor and legislature to include this provision in the final budget bill.

## **SUPPORT ROBUST FUNDING FOR CLEAN WATER, CLEAN AIR, SAFE COMMUNITIES, AND JOBS**

NY’s environmental funding programs create good-paying jobs, strengthen local economies, provide clean drinking water, enhance recreational opportunities, protect vulnerable coastline communities, advance environmental justice, and so much more. Furthermore, robust environmental funding is strongly supported by the public. This was exemplified in November of 2022, when 67% of voters voted in support of the \$4.2 billion Clean Air, Clean Water, and Green Jobs Bond Act.

The federal government recently made historic investments in environmental restoration and clean water infrastructure, largely through the bipartisan infrastructure bill and Inflation Reduction Act. This includes, but is not limited to, over \$50 billion for clean water infrastructure, \$1 billion for the Great Lakes Restoration Initiative, and \$106 million for Long Island Sound restoration, which will be flowing into the states in the coming years. This influx of federal funding, coupled with robust state environmental funding, including the recently passed environmental bond act, is providing a once-in-a-generation opportunity to tackle both emerging and long-standing environmental challenges that we are facing here in New York—including climate change and resiliency, emerging contaminants in drinking water, lead drinking water pipes, legacy pollution, environmental injustice, and more. We must capitalize on this opportunity by providing ample funds to leverage and match federal dollars. Specifically, CCE is urging the legislature to support:

- **Environmental Protection Fund (\$400 Million):** Since 1993, the EPF has invested in projects to protect and restore our land, air, and water resources in every region of the state. The EPF supports 350,000 jobs across the state, and EPF-supported industries generate approximately \$40 billion in economic activity every year. CCE is grateful that the legislature and Governor worked to provide an all-time high of \$400 million for the EPF last year.

We are grateful that the Governor proposed to once again fund the EPF at \$400 million in her executive budget proposal for 2023-24. This will help to create jobs, support tourism, protect clean water, conserve open space, save family farms, bolster recycling programs, revitalize waterfronts, build community parks, and more. **However, we deeply concerned and opposed to the Governor’s proposal to allow the EPF to be raided to pay for agency staffing.** While we support the goal of increasing agency staffing, it must not come at the expense of EPF programs and projects. The funding needs for EPF projects already outpace the available resources, and this raid would further inhibit our

ability to fund worthy projects. *We urge the legislature to maintain the integrity of the EPF and reject the proposal to allow agency staffing to be funded by the EPF.*

We respectfully urge the legislature to join the Governor and support a \$400 million EPF in the final SFY 2023-24 budget. Within a \$400 million EPF, CCE supports increasing funding for critical programs, including:

- **Ocean and Great Lakes Program (\$25 million)**

The Ocean and Great Lakes Program is the state’s primary source of funding for scientific research, management planning, and restoration projects to improve our coastal health. It helps advance the ambitious agendas found in the state’s publicly-vetted New York Ocean Action Plan and Great Lakes Action Agenda, and to plan for new uses. The influx of federal funding through recent and historic federal infrastructure bill (e.g. provides \$1 billion for Great Lakes and \$106 million for Long Island Sound restoration) promises a once-in-a-generation opportunity to leverage investments and benefits for New York’s Great Lakes and Ocean coasts. Increased funding through this line would help leverage cleanup of Great Lakes’ toxic hot spots, known as Areas of Concern (AOCs), implement the state’s upcoming Ocean Acidification Task Force actions, help advance responsibility sited offshore wind in the Ocean and Great Lakes, and more. *We applaud the Governor for proposing an increase from \$22.5 million to 23.5 million in her executive budget. Given the tremendous needs to protect and restore our Great Lakes and Ocean resources, we respectfully urge the legislature to support further increasing the Ocean and Great Lakes line to \$25 million.*

- **South Shore Estuary Reserve (SSER) Program (\$5 million)**

The SSER program was created by state legislation in 1993. Since that time, the SSER program has been funded by a \$900,000 line item in the EPF to support implementation of the SSER Comprehensive Management Plan (CMP). In 2021, the program updated its CMP and additional funding is needed to accomplish new priorities and goals aimed at protecting and restoring this critical natural resource.

**The water quality in the Long Island Sound is improving, however, the water quality in the South Shore Estuary is degrading.** LI Sound waters have improved because the federal government provided funds to implement a restoration plan. We can do the same for the south shore estuary. This estuary has extensive Brown Tide, Rust Tide, Mahogany Tide and now a new one – Pink Tide outbreaks. These toxic tides kill shellfish, finfish and other sea life. The Reserve is particularly vulnerable to the impacts of climate change, sea level rise, excessive nitrogen loading and harmful algal blooms. It is critical that funds are available to support projects that advance resiliency and adaptability of the estuary and address the growing impairments from nitrogen pollution.

Despite these growing challenges and needs, funding for the Reserve remained flat at \$900,000 for many years. Last year, the SSER program received a small bump to \$1 million in the EPF. While this is a step in the right direction, it falls far short of what is need to protect and restore the Reserve. We applaud the Governor for further increasing funding the SSER line to \$1.55 million in the 2023-24 executive budget, however, this still falls short of what is needed to support implementation of the new CMP.

CCE supports increasing funding for the program to \$5 million, which will allow this program to better leverage new federal funding allocations and to help advance the identified restoration goals. Specific projects could include, but are not limited to:

- Increased monitoring within the tributaries of the Reserve
  - Implementation of green infrastructure projects to curb harmful stormwater run-off
  - Creation of new fish passage projects to increase habitats for migrating species
  - Rebuilding vital shellfish populations for improved habitat and water quality
  - Comprehensive public educational campaigns to reduce plastic pollution and marine debris
- **Clean Water Infrastructure Act (\$1 billion):** NY State made history when the legislature worked with the previous administration to enact the Clean Water Infrastructure Act (CWIA) of 2017, which invested \$2.5 billion over 5 years in upgrading wastewater and drinking water infrastructure, protecting source water, and other provisions to protect our treasured waters across the state. The last four years' budgets each included an additional \$500 million, as part of a commitment by the previous administration to provide an additional \$2.5 billion over five years. To date, this successful program has received \$4.5 billion to upgrade clean water infrastructure.

Investments made through the CWIA are making a tremendous impact in advancing shovel-ready projects, protecting drinking water quality, eliminating sewage overflows, and creating jobs throughout New York. The CWIA funds numerous programs, including the Water Infrastructure Improvement Act (WIIA), which helps local governments afford critically needed projects including water main repairs, sewer pipe replacements, and treatment plant upgrades. WIIA has awarded \$2.1 billion to 933 projects since its creation in 2015. Increased funding has also created jobs and paved the way for economic development—creating 17 local jobs for every \$1 million invested. In 2019 alone, New York's water infrastructure grants created over 20,000 jobs that pay prevailing wage.

These investments are yielding significant results; however, we still have much work to do to address all of New York's clean water needs. Only a fraction of those that have applied for funding under WIIA have received funding, meaning that many worthy

projects have not been funded. According to a recent report by Environmental Advocates NY, in the 7<sup>th</sup> round of funding in November of 2022, the Environmental Facilities Corporation (EFC) only awarded \$279 million to 73 projects, while \$665 million in requests from local governments for an additional 246 shovel-ready projects went unfunded, producing by far the biggest gap ever between funded and unfunded shovel-ready projects. Twenty-six of these projects would have eliminated toxic PFAS and 1,4-dioxane detected in drinking water at levels below the MCLs but still posing a risk to human health. This speaks to both the popularity of the grant program, as well as the need to provide additional funding to meet the clean water infrastructure needs of communities across the state.

As you know, New York State has estimated that the combined wastewater and drinking water infrastructure needs in the state exceed \$80 billion over the next 20 years. This massive, yet dated and likely very conservative estimate, does not include other significant clean water needs in New York, including testing and treating drinking water for emerging contaminants, drinking water source protection, lead service line replacement, harmful algal bloom response and prevention, climate resilient infrastructure, and ongoing operations and management for water infrastructure systems. On Long Island alone, there are about 1,100 public water supply wells. Of those, 35% have had detections on PFOA and PFOS and 50% have had detections of 1,4-dioxane. It is estimated that the capital costs to deal with this will exceed \$1.5 billion and the ongoing operation & management costs will exceed those capital costs. We have solutions to these problems, and we can't afford not to use them.

We are grateful that the Governor has maintained the state's commitment to provide an additional \$500 million investment in the CWIA in her 2023-24 executive budget proposal. However, with the 2021 budget being the last of the initial \$2.5 billion, 5 year investment in the CWIA made in 2017, New York is now seeing a funding decrease from \$1 billion to \$500 million annually. Now is not the time to pull back on this critical environmental, economic, and public health need.

***To meet the massive clean water infrastructure needs across the state, create jobs, and to leverage federal dollars coming from the bipartisan infrastructure bill and state funding from the recently adopted Clean Air, Clean Water, and Green Jobs Bond Act, we urge the legislature to work with the Governor to increase funding for the CWIA to \$1 billion in the final SFY 2023-24 state budget.***

- **Suffolk County Water Restoration Act:** CCE supports the “Suffolk County Water Restoration Act,” which creates a county-wide wastewater management district by consolidating existing un-sewered areas and town and village sewer systems. Creating a county wide district will protect the sole source aquifer and our coastal waters. We are encouraged the Governor includes language in her budget proposal to allow the residents of Suffolk County to vote on the creation of this district via ballot referendum, however,

the budget language omits a vital component – the creation of a funding mechanism to support sewer expansion where appropriate and a stable funding sources for replacing antiquated cesspools and septic systems with new Innovative Alternative (IA) systems that treat wastewater before it flows into groundwater and our coastal water environment. Voters deserve the right to choose clean water options. We need the language in the budget to specify the revenue source of a 0.008% sales tax adjustment and continuation of the County’s successful drinking water protection program. Environmental groups, labor, and business partners strongly urge the Governor to correct this omission in her 30-day amendment period and for the legislature to include this language in the budget’s final adoption.

- **Provide Annual Reporting on State and Federal Clean Water Funding Spending:** More than \$4.5 billion has been invested in the NYS Clean Water Infrastructure Act since 2017, yet too little is known about how and where those resources were spent. To ensure that clean water investments are being spent efficiently, equitably, and with maximum environmental and public health benefit, it is important to provide transparency on a full picture of how state and federal money is spent on an annual basis. With billions of additional dollars coming from the federal bipartisan infrastructure bill over the next five years, there is increased urgency to establish greater transparency. We urge the legislature to join us in urging state agencies to develop a system for routine annual public accounting of state and federal investments in clean water infrastructure.

**Support the Cleanup of “Forever Chemicals”:** The Governor has proposed a new \$60 million grant program that will provide funding for municipalities to investigate and remediate sites contaminated with emerging contaminants like Perfluoroalkyl Substances (PFAS). Studies show that human exposure to PFAS is widespread and that nearly all people in the United States have some PFAS compounds in their blood. Exposure to PFAS can lead to higher rates of kidney and testicular cancer, higher cholesterol levels, thyroid problems, adverse developmental effects and decreased immune response in children, and other adverse health impacts. Due to widespread use of PFAS chemicals in numerous products and industries, PFAS chemicals have become ubiquitous in the environment, including our soil, air, and drinking water. Testing has revealed PFAS in water sources in dozens of communities across New York State, from Western New York to Long Island. *CCE supports this new grant program as an important start for communities to obtain the resources necessary to investigate and remediate sites contaminated with PFAS chemicals.*

- **Additional Clean Water Needs**
  - **Drinking Water Infrastructure Engineering Planning Grants:** There is an urgent need to expand grant limitations to support engineering planning studies for drinking water infrastructure projects. This is already in place for wastewater projects, and is a resounding success, particularly for smaller, cash-strapped municipalities that lack the staff and capacity to conduct planning themselves. We urge New York State to provide at least \$2 million for drinking water infrastructure engineering planning grants in SFY 2023-24.



- **Expand Capacity to Test Water for Emerging Contaminants:** Currently, municipal samples for emerging contaminants, such as PFAS, are sent to laboratories certified through DOH’s Environmental Laboratory Approval Program (ELAP). As New York regulates more emerging contaminants to protect drinking water from new threats and to comply with new regulations, existing backlogs and delays at ELAP labs are expected to worsen, and additional resources are needed to ensure laboratories have sufficient capacity to handle increased testing. We thank the Governor for proposing to provide \$10 million (\$2 million annually for five years) to help underserved communities test municipal water for PFAS chemicals and other emerging contaminants; however, in order to ensure timely results for testing water for emerging contaminants and to protect public health statewide, we urge the Governor and legislature to increase that investment to further expand capacity to test for emerging contaminants.
  - Additional funding is needed to meet the testing needs of communities across New York State, especially in areas that drink from aquifer systems such as Long Island. Water tests there have been limited and results are delayed due to inadequate testing laboratories. *CCE is encouraging the budget to include funding for expanding Suffolk County Department of Health’s laboratory to include equipment for testing for PFAS chemicals.*

- **Increase staff at New York’s Environmental Agencies (DEC and DOH):** New York’s state agencies are working to implement growing mandates, including the Climate Leadership and Community Protection Act and Clean Water Infrastructure Act, while continuing to provide critical permitting, public safety, and enforcement services on day-to-day basis. Despite the significant increase in responsibilities, staff levels are far lower than they were decades ago. Agencies cannot do more with less; they are doing less with less. Staff levels at key agencies should be increased in order to fulfill existing responsibilities and to prevent missed opportunities to leverage an influx of new federal dollars.

We thank Governor Hochul for working to reverse this trend of agency staffing decreases, and for proposing increases to key state agencies in her executive budget. CCE urges the legislature to look for opportunities to further increase staff at:

- **NYS Department of Environmental Conservation:** In order to tackle our most pressing environmental and public health issues, it is imperative that the NYS DEC have the staffing to properly enforce rules and regulations and to implement their many responsibilities under landmark laws such as the CLCPA and Clean Water Infrastructure Act. Regrettably, DEC has significantly less staff than decades ago. We are grateful that the Governor has proposed 231 new staff at DEC, for a total of 3,331. This is an important step in the right direction, putting New York on the path to restoring staff numbers to pre-great-recession levels (DEC had a high of 3,779 employees in 2007-08). CCE urges the legislature to seek opportunities to increase staff numbers further, particularly for the Division of Water, Pollution Prevention, and other key areas that have lost staff but maintain important responsibilities.

- **NYS Department of Health:** The NYSDOH Bureau of Public Water Supply Protection has an equally vital role in drinking water public health protection. Sufficient funding is needed to support staff that can oversee drinking water MCL's for 1,4-dioxane, PFOA, and PFOS, as well as standards for additional PFAS chemicals recently proposed by DOH. *DOH, particularly at the Bureau of Public Water Supply Protection, needs additional staffing to fulfil these responsibilities and protect public health.*

## **FIGHT CLIMATE CHANGE AND BUILD A CLEAN, RENEWABLE ENERGY FUTURE**

- **Fund Implementation of the CLCPA:** To fully implement the CLCPA and meet our climate goals, New York must provide resources to drive emission reductions. A well-constructed Cap-and-Invest program, as recommended by the Climate Council, which prioritizes affordability, meeting climate goals, supporting disadvantaged communities, and more, is critical to meeting our mandates under CLCPA. CCE looks forward to engaging and weighing in with DEC and NYSERDA as this program is developed in the coming year.
- **Support Direct Sales of Zero Emission Vehicles:** In 2021, New York State passed an important law to require 100% of passenger vehicles sold in New York to be zero emission by the year 2035. This is critical, as New York State has reported that the transportation sector is the state's biggest greenhouse gas emitter, and that emissions are on the rise—increasing nearly 23% from 1990 to 2014. Despite the need to expand the use of zero emission vehicles in New York, legislation enacted in 2014 limited the direct sales of zero emission vehicles to just five licensed locations—all located downstate, leaving upstate residents without access to buy EVs. We cannot meet our climate and ZEV goals without providing greater consumer access to EV sales and service across the entire state.

Legislation proposed in recent years would give more New Yorkers the option to purchase and service zero emission vehicles all across the state by allowing more direct sales locations from multiple EV manufacturers. Expanding the sale of zero emission vehicles across the state will help reduce greenhouse gas emissions, meet important climate and ZEV goals, protect air quality, create jobs in the clean energy sector, and keep up with consumer demand in every region of the state. Currently, 31 states allow some form of direct sales, of which 22 allow for uncapped sales. New York must not lag behind, but rather, be a leader in the transition to ZEVs. This policy is included in the final climate scoping plan. *CCE urges the Governor and legislature to include Direct Sales of ZEV in the final SFY 2023-24 budget.*

## **EXPAND AND MODERNIZE THE BOTTLE BILL**

New York State's Returnable Container Law (aka "the Bottle Bill") was enacted in 1982, and after 40 years of existence, stands as one of New York's most successful and

impactful environmental laws. The program established a 5-cent refundable container deposit on beer, malt liquor, wine coolers, and carbonated soft drinks sold in a metal, glass, paper or plastic container that are less than 1 gallon in volume. The Bottle Bill was updated and improved in 2009 to include bottled water, and to direct 80% of unclaimed deposits to be kept by the state.

The Bottle Bill has reduced roadside container litter by 70 percent. In 2016, the Bottle Bill helped to recycle 5.1 billion plastic, glass and aluminum beverage containers totaling more than 336,000 tons; at no cost to local governments. It is also important to highlight that a deposit is NOT a tax, it is a deposit—the bottle deposit is 100% refundable, and those that return their bottles don't have to pay a nickel. Despite the success of the Bottle Bill, more must be done to modernize this bedrock law in order to help address the solid waste crisis, reflect current markets, and further protect the health of our environment. New York State can improve beverage container recycling rates and support municipal solid waste reduction by modernizing and expanding the Bottle Bill in the 2022-23 state budget. At a minimum, CCE recommends that New York State:

- ✓ ***Increase the amount of the container deposit to 10 cents on each covered container.*** An increased deposit will yield higher return rates through the bottle deposit program. Michigan's 10-cent deposit has produced a return rate of 96% (New York's return rate in 2015 was 65%). Increasing the deposit to 10 cents will help further reduce litter, and will also reduce the amount of materials going in curbside recycling bins, thus reduce costs to local governments.
- ✓ ***Expand covered containers to include wine, liquor, and other glass beverage bottles.*** Many of the glass containers that are carefully cleaned and placed into recycling bins have been sent to landfills for years. Statewide, more than 122 million pounds of recycled mixed glass was used for landfill access roads and trash cover last year because there were no willing buyers. In contrast, glass materials collected under the bottle deposit system produce a higher quality post-consumer recycled product than glass collected through curbside recycling programs. Glass collected through curbside recycling programs is frequently heavily contaminated with paper, cardboard and other recyclables, which must be sorted mechanically. Because of this, materials collected actually bring in significantly lower per-ton scrap revenues. Curbside glass, in fact, actually costs about \$20/ton to recycle, versus deposit glass that has a \$20/ton scrap value.

Including a deposit on wine, liquor, and other glass beverage containers will provide significant financial relief to municipal recycling programs, while helping to ensure that glass bottles are actually recycled. Glass wine and liquor bottles can and must be incorporated into the current deposit system. Furthermore, the legislature should consider a higher deposit for wine and liquor bottles to incentivize the public to return for recycling—CCE recommends 25 cents per each wine and liquor bottle.

- ✓ ***Expand covered containers to include juices, teas, sports drinks, and other non-carbonated beverages (coupled with expanding covered containers to include deposit on glass wine and liquor bottles).*** Including other beverage containers that are very popular today is a logical way to modernize and improve the Bottle Bill, and would further increase

recycling, reduce plastic pollution, save energy, and reduce greenhouse gas emissions. CCE also understands the concerns raised by municipal recyclers that including a deposit on these beverage containers will largely remove them from curbside recycling bins, where they can provide a valuable revenue stream for municipal recyclers. We do not want to solve one recycling problem by creating another. To help increase recycling of plastic beverage containers that contain non-carbonated beverages, and to ensure that municipal curbside recycling programs remain viable, CCE believes that an expanded Bottle Bill that includes a deposit on non-carbonated beverages must also cover glass wine and liquor bottles. This would increase recycling of plastic containers, while removing many glass bottles from curbside bins which often contaminate other recyclable items and represent a significant cost to municipal recycling programs. This represents a major win-win for our environment and municipal recycling budgets.