S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

February 23, 2009

Introduced by M. of A. ESPAILLAT, DESTITO, EDDINGTON, FIELDS, MORELLE, REILLY, SPANO, ABBATE, GUNTHER, HOYT, PERALTA -- read once and referred to the Committee on Environmental Conservation

AN ACT directing a study and report to be prepared on the proposed expansion of the New York state returnable container act and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings and declaration. The legislature hereby finds and declares that:

1. it is the intent of the legislature to enact an environmental policy that is most effective at increasing recycling rates throughout the state; diverting recyclable materials away from landfills and to suitable reuse; to reduce litter from our roadsides, parks and beaches; in a manner that does not unnecessarily burden consumers or businesses;

2. New York's "bottle bill" is one of the state's most successful recycling and anti-litter initiatives, however it was enacted at a time when alternative recycling programs were limited;

3. the bottle bill covered only soda and beer when enacted in 1982. Since its enactment, non-carbonated beverages have become popular warranting consideration for their inclusion in an updated bottle bill;

4. however, in times of rising grocery, fuel and housing costs, careful consideration must be given to expanding the bottle bill to common beverages like water, juices and teas that many rely on as an important part of their diet;

5. additionally, principles of environmental justice must be reviewed considering the effects of an expanded bottle bill on those with low-income, the elderly and children in terms of both cost and inconvenience;

6. moreover, the economic impact of an expanded bottle bill on New York state grocers, beverage distributors and their employees must be considered;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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7. since the enactment of the bottle bill, many new environmental programs have been enacted or have emerged like curbside recycling and market driven incentive programs;

8. some programs provide an incentive to consumers to separate and recycle and thereafter capture the resale value of the recycled material to reduce the cost of municipal collection services;

9. 39 other states have not implemented bottle bills. Some states have enacted laws based on theories of producer responsibility where manufacturers of all containers, not just beverage containers, must pay a small but broad-based fee to subsidize municipal collection and litter abatement programs;

10. Columbia University has long been noted as an institution of independent and progressive research with a strong commitment to developing sound environmental policy; and

11. therefore, a comprehensive academic review of the proposed expansion of the bottle bill in comparison to other policies, laws and programs and their effects on consumers and businesses in these difficult economic times is justified and prudent.

S 2. Columbia University, upon such university agreeing to do so, shall review and evaluate recycling policies, laws and programs and compare them to a proposed expansion of the New York state returnable container act (bottle bill) as proposed in a chapter of the laws of 2008 amending the environmental conservation law and other laws relating to returnable beverage containers as proposed in legislative bills number S. 1722. Such review and comparison shall consider:

1. A comparison of the effectiveness of the bottle bill and other recycling policies, laws and programs at:

a. increasing consumer recycling rates;

b. diverting recyclable material from landfills;

c. capturing the value of recyclable material;

d. addressing the largest possible percentage of the waste stream;

e. collecting material at the lowest cost per ton;

f. providing incentives for municipal recycling;

g. providing subsidies to municipalities for litter abatement programs; and

h. abating litter (comparing litter surveys of this state and the rest of the country).

2. A comparison of the impact of the bottle bill and other recycling policies, laws and programs on consumers considering:

a. cost, including the price of beverages and all groceries, particularly the impact on citizens with low income and those with limited access to redemption centers;

b. the source and purpose of any funding derived, considering principles of environmental justice; and

c. convenience, particularly on the elderly, the disabled and urban residents with limited residential storage space.

3. A comparison of the impact of the bottle bill with other recycling polices, laws and programs on the state's carbon footprint, air quality and traffic congestion considering the carbon release for each program for both consumers and delivery/waste collection trucks.

4. A comparison of the impact of bottle bill and other recycling policies, laws and programs on businesses considering:

a. the cost to grocery stores of administering the programs in terms of employee cost, reverse vending machine cost, pest and sanitation costs, and the cost of lost retail space;

b. the limited retail and storage space of grocery stores especially small stores in urban areas; and

c. the cost to beverage distributors of administering the programs in terms of overhead cost, vehicle costs, fees, sanitation, inventory and illegal returns.

5. A comparison of the stability of the source of funding intended to be derived from the expansion of the bottle bill to other recycling policies, laws and programs examining the experience of the state of Maine in particular.

S 3. Columbia University, upon such university agreeing to do so, shall issue a report containing its finding pursuant to this act on or before February 1, 2010 to the Governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly.

S 4. The study to be undertaken pursuant to section two of this act shall be funded from monies to be paid out of the environmental protection fund created pursuant to section 92-s of the state finance law and shall not exceed $500,000. All payments of moneys from the environmental protection fund shall be made on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of environmental conservation. Notwithstanding the provisions of any general or special law, no moneys shall be available from the fund until a certificate of allocation and a schedule of amounts to be available therefor shall have been issued by the director of the budget, and a copy of such certificate filed with the comptroller. Such certificate may be amended from time to time by the director of the budget and a copy of each such amendment shall be filed with the state comptroller.

S 5. This act shall take effect immediately and shall expire March 1, 2010 when upon such date the provisions of this act shall be deemed repealed.