



October 23, 2023

Testimony of Patrick McClellan, Director of Policy, New York League of Conservation Voters  
Before the Joint Public Hearing of the Senate and Assembly Committees on Environmental  
Conservation

Thank you for the opportunity to submit this written testimony. My name is Patrick McClellan and I am the director of policy at the New York League of Conservation Voters (NYLCV), a statewide environmental advocacy organization. NYLCV supports changes to the Bottle Bill, with a *significant caveat*.

The Bottle Bill has been an unqualified success in improving recycling in New York State. According to the Department of Environmental Conservation's (DEC) 2023 Solid Waste Management Plan, the Bottle Bill has "reduced roadside container litter by 70%" since 1982 has averaged a redemption rate of 65% over the lifetime of the program, compared to just 24% for the same containers in states that do not have a bottle return law. Since 1982 the Bottle Bill has been amended several times to add new container types and make technical changes to the program's implementation. NYLCV would support amending the Bottle Bill to once again add new container types and to increase the deposit fee, with the strong caveat that no such changes should occur until an extended producer responsibility (EPR) program for paper and packaging waste is in place. NYLCV will testify in more detail about our support for such a program at your hearing on the topic tomorrow.

Based on the historical success of the Bottle Bill in boosting overall recycling rates for covered beverage containers, there can be little doubt that adding wine, liquor, and water beverages with sugar added to the Bottle Bill would increase recycling rates for those container types. Given that there has been significant inflation since the Bottle Bill was first adopted, it is also reasonable to assume that increasing the deposit fee from five cents to ten cents would also increase recycling rates for covered containers. However, the increased value for those containers in the recycling market that is created by the Bottle Bill also leads to fewer of these containers going into municipal recycling systems, thereby making it more expensive for municipal recycling systems to properly recycle materials that are not covered by the Bottle Bill. Municipalities that struggle with the costs of administering a recycling program are more likely to reduce the variety of materials that they accept for recycling or cancel their recycling programs altogether, especially at a time when most governments are bracing for a period of lean tax revenues.

For this reason, NYLCV's support for an expanded Bottle Bill that covers more container types and has a larger deposit fee is contingent upon an EPR program for paper and packaging waste being implemented *before* this expanded Bottle Bill goes into effect. If the legislature does in fact tie these two policies together, NYLCV suggests considering whether producers of beverage containers that are not currently covered by the Bottle Bill could be given a choice of opting into either the Bottle Bill or the EPR program that would cover all other containers not covered by the Bottle Bill. In either case these producers would finally be covered by a product stewardship program, which as the Bottle Bill has demonstrated can be very effective in boosting recycling rates.

Thank you for the opportunity to submit this testimony today. I would be happy to discuss NYLCV's position on the Bottle Bill further with you or your staff.