



New York Association of Convenience Stores  
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Testimony of James S. Calvin, President  
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*Submitted to*

**NYS SENATE ENVIRONMENTAL CONSERVATION COMMITTEE**

Hon. Todd Kaminsky, Chair

*and*

**NYS ASSEMBLY ENVIRONMENTAL CONSERVATION COMMITTEE**

Hon. Steve Englebright, Chair

*concerning*

**Examination of Recycling-Related Issues**

October 21, 2019

NYACS, a statewide trade organization representing the interests of 8,500 neighborhood mini-marts from Rockville Centre to Rochester, appreciates the opportunity to comment on recycling issues from the vantage point of small retailers saddled with financial and operational challenges under the existing Bottle Bill.

During the 2019 session, legislation was proposed to broaden the definition of returnable containers under the Bottle Bill to capture most non-carbonated beverages – including sports drinks, energy drinks, fruit and vegetable juices, and ready-to-drink tea and coffee.

In small retail establishments with limited space to store empties awaiting pickup, this would increase the incoming volume of returnable containers by 25 to 40 percent, making a serious sanitation problem even worse.

As the convenience store business has evolved, many of our members have shifted their focus to food service. Vital to succeeding in that arena is keeping everything clean and safeguarding the food supply from contamination.

One major risk is having to handle and store all the empty, unrinsed beverage containers brought back for redemption under the Bottle Bill. As you can imagine, these containers attract bacteria, insects and rodents, especially in the summertime. Adding juice and energy drink containers to the mix would only magnify this predicament.

The hazard mounts when third-party collectors fail to pick up empties as frequently as the Bottle Bill requires, leaving back rooms bursting with weeks' worth of empties within steps of food prep areas. The accumulation has gotten so bad for many New York convenience stores that they have decided to transport the returnables to redemption centers themselves – at their own expense, not to mention sacrificing their handling fee – just to unclog the back room and protect food safety. That's not the way the Bottle Bill is supposed to work!

We have repeatedly brought this dilemma to the attention of the Department of Environmental Conservation in the past, but nothing changes. Rather than setting forth a solution, the Department instead seeks to compound the problem by advocating for Bottle Bill expansion.

Architects of the 2009 Bottle Bill expansion to bottled water assured our industry that the concomitant increase in the dealer handling fee from 2 cents per container to 3½ cents would be sufficient incentive to spawn multitudes of free-standing redemption centers across the state, diverting empties away from our stores and alleviating the threat to sanitation.

In most of the state, that never materialized. We're still swamped with empty bottles and cans. Meanwhile, the convenience store's cost of manually redeeming, sorting, and storing those containers is now 53 to 107 percent higher than in 2009 due to payroll cost increases precipitated by New York's minimum wage law.

We can appreciate the burdens placed upon counties and cities by changes in world markets for municipal recyclables. But jeopardizing food safety by inundating convenience stores, mini-marts and bodegas with a deluge of additional bottles and cans attempts to solve one problem by creating another.

As you know, there is an established system for consumers to recycle all of these additional bottles and cans – curbside recycling. Asking them to abandon this familiar practice – and forcing them instead to pay an extra nickel for those containers and schlepp them back to the store for redemption – won't alter the recycling rate. It will just inconvenience consumers and swamp small stores with even bigger mounds of empties that compromise sanitation.

If New York State were to insist on expanding the range of containers subject to Bottle Bill deposit and redemption, then we believe it should permit smaller stores engaged in food preparation to opt out of Bottle Bill redemption. Such a mechanism was set forth in 2018 bill S.3390/A.6845, which NYACS supports.

In summary, for stores like ours that have limited space, staff, and resources, and are focusing more and more on food service, bottle and can redemption already is a nuisance. Expanding to non-carbonated beverages would make it a logistical and sanitation nightmare.

We therefore respectfully urge the Committees to reject Bottle Bill expansion, or in the alternative provide an opt-out mechanism for smaller stores in order to prevent contamination of the food supply.

Thank you for the opportunity to comment. NYACS would be pleased to act as a resource for legislators and staff as these issues are more thoroughly examined in the weeks and months to come.