



## Legislation Text

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**File #:** Res 0668-2003, **Version:** \*

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Res. No. 668

Resolution, calling upon the State Legislature to amend the Environmental Conservation Law to provide for New York City Agencies to enforce the mandatory redemption provisions of the Returnable Container Law and to provide that violations of said law may serve as a basis for denial of any state or local licensees and permits needed by the violating business to operate.

By Council Members Stewart, Barron, Clarke, Koppell and Sanders

Whereas, the New York State Legislature first passed the Returnable Container Law in 1982 that required a minimum 5-cent deposit on many bottles and cans; and

Whereas, This legislation created an economic incentive for the collection and return of these containers, and brought about a solution to the severe problem of bottles and cans littering parks, streets, sidewalks, beaches, farmland and private property; and

Whereas, This law also promoted recycling and greatly diminished the quantity of waste sent to landfills and incinerators; and

Whereas, Many small neighborhood stores that sell beverages in deposit containers have begun to refuse to accept return of those same containers; and

Whereas, The annual reports of redemption rates compiled by the New York State Department of Environmental Conservation indicate that the redemption rate for deposit containers in the City of New York has declined steadily over the last three years; and

Whereas, Environmental Conservation Law Section 27-1007 mandates that any store that sells a deposit container must accept the containers of the same type for redemption; and

Whereas, Enforcement of this mandate is currently within the powers of the New York State Attorney General's office and the New York State Department of Environmental Conservation, alone, and;

Whereas, The Attorney General's office and the Department of Environmental Conservation are not able to investigate and were appropriate prosecute every complaint against every small neighborhood store violating the Returnable Container Law ; and

Whereas, Strong enforcement of the mandatory redemption provision of the state law is essential to a successful bottle redemption law to keep redemption rates from falling, with more deposit containers being placed into the solid waste disposal stream; and

Whereas, Local agencies, such as the New York City Department of Consumer Affairs, presently sends enforcement agents to businesses to enforce other municipal consumer laws; and

Whereas, Expanding the authority of local agencies to enforce compliance with the Returnable Container Law would increase enforcement activities and the ability for consumers to redeem deposit containers where they bought them; and

Whereas, Any violations of the Returnable Container Law could also serve as a bar for businesses to obtain licensees and permits to operate their businesses, such as a liquor license; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the Environmental Conservation Law to provide for New York City agencies to enforce the mandatory redemption provisions of the Returnable Container Law and that any violations of said law may serve as a basis for denial of any state or local licensees and permits needed by the violating business to operate.

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