



Legislation Details (With Text)

**File #:** Res 0174-2024    **Version:** \*    **Name:** Amend the Environmental Conservation Law, in relation to returnable bottles (S.237-B)

**Type:** Resolution    **Status:** Laid Over in Committee

**In control:** Committee on Sanitation and Solid Waste Management

**On agenda:** 2/28/2024

**Enactment date:**    **Enactment #:**

**Title:** Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.237-B, legislation to amend the Environmental Conservation Law, in relation to returnable bottles.

**Sponsors:**

**Indexes:**

**Attachments:** 1. Res. No. 174, 2. February 28, 2024 - Stated Meeting Agenda, 3. Hearing Transcript - Stated Meeting 2-28-24, 4. Committee Report 5/1/24, 5. Hearing Testimony 5/1/24, 6. Hearing Transcript 5/1/24, 7. Minutes of the Stated Meeting - February 28, 2024

Date	Ver.	Action By	Action	Result
2/28/2024	*	City Council	Introduced by Council	
2/28/2024	*	City Council	Referred to Comm by Council	
5/1/2024	*	Committee on Sanitation and Solid Waste Management	Hearing Held by Committee	
5/1/2024	*	Committee on Sanitation and Solid Waste Management	Laid Over by Committee	

Res. No. 174

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.237-B, legislation to amend the Environmental Conservation Law, in relation to returnable bottles.

By Council Members Nurse, Gutiérrez, Krishnan, Hanif, Gennaro, Abreu, Salamanca, Brewer, Hudson and Won (in conjunction with the Brooklyn Borough President)

Whereas, Originally enacted on June 15, 1982, The New York State Returnable Container Act, also known as The Bottle Bill, requiring refundable deposits to be placed on eligible beverage containers, has proven to be an exceptionally effective tool for reducing litter and increasing recycling rates in New York State; and

Whereas, According to recycling industry estimates, over the course of its existence, The Bottle Bill has helped reduce New York State’s roadside container litter by 70%, with 5.5 billion containers recycled statewide

in 2020, a redemption rate of approximately 64%; and

Whereas, The law requires retailers who sell covered beverages to accept returns of empty containers and refund the deposits, and requires beverage distributors to reimburse retailers for the cost of collecting and recycling empty containers via a small handling fee per container; and

Whereas, The Bottle Bill originally only covered beer, malt beverages, carbonated soft drinks, mineral water, and wine coolers, when packaged in airtight metal, glass, paper, or plastic containers, under 1 gallon in volume, and sold in New York, but was amended to also include plastic water bottles in 2009; and

Whereas, June 15, 2024 will mark the 42nd anniversary of the enactment of this law, which has not been updated in over a decade, and would represent an opportunity to revisit and improve the legislation; and

Whereas, According to a study published by the World Economic Forum, worldwide use of plastic has grown 20-fold over the past 50 years, and is expected to double again in the next two decades, to the point where it is estimated that the planet's oceans will contain more plastic by weight than fish by 2050; and

Whereas, In 2022, a study analyzing blood samples from 22 anonymous donors found the presence of microplastics in 80% of the individuals tested, with half the samples containing polyethylene terephthalate (PET) plastic, commonly used in beverage containers; and

Whereas, A 2021 study showed that microplastic particles can be found in human placentas, and a growing body of evidence has demonstrated that microplastic particles can latch onto red blood cells, potentially limiting their ability to transport oxygen, and can accumulate in human hearts, brains, and other organs; and

Whereas, A 2022 study demonstrated that microplastic particles can bond with heavy metals, potentially releasing those metals in our bodies when ingested and increasing the risk of the metals bio-accumulating up

the food chain, a process by which organisms amass and concentrate toxins from consuming smaller organisms that have also amassed and concentrated those toxins; and

Whereas, Considering the many negative environmental impacts and potentially negative health effects of widespread plastic pollution, The Bottle Bill should be updated to ensure the greatest possible diversion, and beneficial reuse rate, of these items from New York's waste stream; and

Whereas, An expansion of The Bottle Bill would not only increase recycling rates and make New York's environment and communities cleaner, it would also assist municipal recycling programs to address the issue of broken glass containers in their recycling streams, which can contaminate other materials, rendering them unrecyclable for the municipality; and

Whereas, Even when recyclable materials are not contaminated by broken glass, the costs of recycling containers not covered under The Bottle Bill are prohibitively high for many municipalities, with the costs associated with collecting and processing a ton of PET plastic bottles or glass bottles higher than the revenues received per ton for scrap material; and

Whereas, The expansion of The Bottle Bill to include containers for wine, spirits, and hard cider would reduce the volume of these materials that municipalities would have to process, and defray costs for municipal programs by creating a financial incentive for consumers to return these containers, as well as an obligation for retailers to accept these containers, relieving the burden on municipal recycling programs; and

Whereas, An expansion of The Bottle Bill to broaden the scope of containers and increase the deposit amount could also result in increased economic opportunities for New Yorkers, as many low-income New Yorkers, often within immigrant, elderly, or homeless communities, rely upon the practice of "canning" to supplement income; and

Whereas, States with higher deposit fees have been shown to have higher redemption rates, with

Michigan’s 10 cent deposit fee leading to a redemption rate of 89% in 2019 , and Vermont’s 15 cent deposit fee on liquor bottles leading to a redemption rate of 83% for liquor containers in 2020; and

Whereas, Since a portion of unclaimed deposits must be remitted to the state, increasing the deposit would generate more revenues to address issues pertaining to the lack of redemption options in low-income communities, and funds to address other litter and solid waste problems in such communities, and bring deposit fees more in line with inflation, which would make a 5 cent deposit in 1982 deposit worth nearly fifteen cents in 2022; and

Whereas, S.237-B, also known as the “Bigger Better Bottle Bill,” introduced in the New York State Senate by Senator Rachel May, would expand New York’s over 40-year-old container deposit law to include certain non-carbonated beverages, wine and liquor and raise the deposit from 5 cents to 10 cents, further incentivizing the removal of recyclable plastic and glass bottles from New York’s waste stream; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.237-B, legislation to amend the Environmental Conservation Law, in relation to returnable bottles.

NRC  
LS#15508  
2/12/24