



Legislation Text

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Res. No. 522

Resolution calling upon the State Legislature to amend the Returnable Beverage Container Law, commonly know as the “Bottle Deposit Law” or “Bottle Bill”, to allow local municipalities to enforce its provisions.

By Council Members Stewart, Fidler, Gerson, Koppell, Nelson and Jackson

Whereas, In July 1983, the New York State Legislature enacted the Returnable Beverage Container Law, commonly know as the “Bottle Deposit Law” or “Bottle Bill”, requiring a minimum 5-cent deposit on many bottles and cans; and

Whereas, The “Bottle Bill” has been successful in removing litter from the streets and has reduced the amount of solid waste disposed of, while fostering the recycling and reuse of the containers for which it requires a deposit; and

Whereas, Despite the provision in the “Bottle Bill” requiring retailers that sell deposit containers to accept them for return, many stores do not redeem returned deposit containers; and

Whereas, Many retail establishments that are not traditional supermarkets, such as gas stations, drug stores, delicatessens and small food stores, sell beverages in deposit containers and provide no means for the return of the items they sell; and

Whereas, Retail store owners know that they can refuse to accept the deposit return containers without any consequences due to the lack of enforcement of this provision of the “Bottle Bill”; and

Whereas, One reason there is little or no enforcement of the provisions of the “Bottle Bill” is that only New York State Department of Environmental Conservation enforcement agents are authorized to enforce the provision of the “Bottle Bill” and only a few are assigned to New York City, where they are charged with enforcing all of the state environmental protection laws leaving little or no time to enforce the provisions of the “Bottle Bill”; and

Whereas, In 2002, the New York State Attorney General Elliot Spitzer reached an agreement with major drug store chains, including Duane Reade, CVS, Rite Aid and Genovese, that where not redeeming returned deposit containers. In addition to paying fines, the drugs stores agreed to promote redemption and implement a monitoring program to ensure stores were in compliance; and

Whereas, Many of the drug store chains and other retailers are still not redeeming deposit containers and no enforcement is taking place; and

Whereas, If local municipalities had the authority to enforce the provisions of the “Bottle Bill”, retail

establishments that did not comply with the provisions of the bill could be effectively penalized, and fined thereby enhancing compliance with the state law; now, therefore, be it

Resolved, the Council of the City of New York calls upon the New York State Legislature to amend the Returnable Beverage Container Law, commonly know as the “Bottle Deposit Law” or “Bottle Bill”, to allow local municipalities to enforce its provisions.

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