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Environmental Policy

A Legislative History of Bottle Bills

**Overview:**

Container deposit laws, more commonly referred to as bottle bills, require a deposit that can be refunded upon return for various types of bottled drinks. The primary reason for bottle bills is to reduce litter by promoting a high rate of recycling and reuse of bottles. Although studies vary considerably, a reasonable estimate is that 50% of litter is made up of discarded bottles1. Bottle bills have been found to reduce beverage container litter between 70% and 84%, while reducing overall litter by between 34% and 47%2-8. In addition to the decreased levels of litter, bottle bills promote resource conservation through recycling, complement other forms of recycling and create jobs.

Bottle bills began receiving attention in the United States in the 1970’s as concerns over the rising accumulation of bottle litter rose. Oregon passed the first bottle bill in the United States in 1971 and Vermont subsequently enacted a bottle bill in 19729. Since then ten other states have passed bottle bills. While the benefits of bottle bills are widely accepted, there has been strong opposition from the beverage and groceries industries. They say that bottle bills add unnecessary burdens for container manufacturers and aren’t effective at reducing litter. Instead curbside recycling is promoted as the most efficient way to reduce waste.

The 1981 Massachusetts bottle bill did a good job of providing many of the benefits of container deposit laws. But as new types of bottled beverages (such as sports drinks, juices and bottled water) have risen in prominence the need for an expanded bottle bill has become apparent. Maine, Hawaii, California, Oregon, Connecticut and New York have all updated their bottle bills in recent years to more accurately reflect the type of bottles that are being discarded. Massachusetts should join these states and expand its current bottle bill in order to maximize the many benefits that are created by bottle bills.

**Major Legislation:**

**Oregon’s 56th Legislative Assembly**

**1971: House Bill 1036: “The Beverage Container Act”**

This bill ensures that “every beverage container sold or offered for sale in this state [Oregon] shall have a refund value of not less than five cents.” In this bill a beverage was defines as “beer or other malt beverages and mineral waters, soda water and similar carbonated soft drinks in liquid form and intended for human consumption.” The bill also deals with many of the technical issues of designating places where consumers can receive refunds for their returned bottles. As previously mentioned, Oregon’s bottle bill was the first of its kind in the United States. While Oregon’s bill was a pioneer piece of legislation and dealt with the majority of bottle litter at the time, in recent years it became outdated as different types of bottle waste became more prevalent. In 2007, Senate bill 707 expanded the original Oregon bottle bill to include non-carbonated water9.

**Michigan Voter Referendum**

**1976: Initiated Law 1 of 1976: “The Beverage Container Act”**

This Michigan law requires a 10 cent deposit on beer, carbonated soft drinks and mineral water. While previous bills had been enacted in Oregon and Vermont prior to this law, Michigan’s law was significant because it doubled the deposit from 5 to 10 cents. To date, Michigan’s 10 cent deposit is the highest among states with bottle bills as is its recycling rate which stands at 97%10. Unclaimed deposits are the property of the state and are used for various environmental programs11.

**1987-1988 California State Legislature**

**1987: Assembly Bill 2020 “California Beverage Container Recycling and Litter Reduction Act”**

This bill originally placed a 1 cent deposit on a variety of types of bottles. Over the years, multiple updated bottle bills have been passed that have extended the impact of the California bottle bill. Currently, the container deposit law mandates a 5 cent tax for bottles under 24 ounces and a 10 cent tax for bottles over 24 ounces. While this bill was not the first of its kind and did not place the largest deposit on bottles, it may have had the greatest impact on the total amount of litter reduced. From 1988 to 2009, recycling rates went from 52% to 82%, meaning 4 billion more containers were recycled annually12. Those 4 billion containers represent approximately 2% of all the beverage containers that are consumed each year in the United States13.

**Delaware’s 145th General Assembly**

**2010: Senate Bill 234 “Repeal Bill”**

This is the first bill to overturn a state’s container deposit law. The bill says that “there shall be no deposit charged on any beverage container by a manufacturer, distributor or dealer.” In place of the 5 cent refundable deposit, a 4 cent nonrefundable fee is instituted that will be used to fund curbside recycling programs. It establishes a “Delaware Recycling Fund” which the sponsors hope will create universal recycling in Delaware. A 2009 repeal bill also passed the House and Senate but was vetoed by the governor. While this bill proposes other ways to promote recycling in Delaware, it is surprising that a state would repeal a proven method of drastically reducing litter and promoting recycling14.

**Massachusetts Law:**

**157th General Court of the Commonwealth of Massachusetts**

**1981: Massachusetts General Law, Chapter 94, Sections 321-327** “**Beverage Container Recovery Law”**

This law institutes a 5 cent refundable deposit on beer, carbonated soft drinks and mineral water. The law, which was enacted in 1981, survived a repeal vote in 1982. There have been various attempts over the years to expand and update the Massachusetts bottle bill. An update bill from last year made it out of a Senate committee, but ultimately died and none have passed to date. As in Michigan, unclaimed deposits are considered property of the state and are used to fund various environmental initiatives15.

**Current bill under consideration:**

**187th General Court of the Commonwealth of Massachusetts**

## 2011: House Bill 890 “The 2011-2012 Bill”

## This bill adds all noncarbonated beverages except dairy and medicines to the Massachusetts bottle bill. Most notably bottled water and sports drinks would have a 5 cent deposit attached to them. Bottled water, sports drinks and tea account for roughly 1 billion of the more than 3 billion drinks that are sold in Massachusetts annually. Of the containers without deposits, only a third are recycled. Approximately 80 percent of bottles with deposits are recycled in Massachusetts16. The bill would also make several clarifications to the 1981 law17.

**Conclusion:**

Bottle bills are a powerful tool in reducing litter and promoting recycling. They take the onus for waste cleanup partially off of the government and place the responsibility on the consumer. Economic incentives, no matter how small, have been proven to have a strong influence on people’s behavior. In addition, they have many ancillary benefits such as creating jobs and supporting other environmental initiatives. While bottle bills have achieved overwhelming success in reaching their goals, they are often challenged by various lobbies associated with the bottled beverage industry. Given the influence of lobbies in politics, it is all but assured that most bottles bills will be challenged in the upcoming years. Hopefully, bills such as the updated bottle bill in Massachusetts will be more successful than bills such as Delaware’s repeal bill.

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