

Broome County Environmental Management Council

Barbara J. Fiala, Broome County Executive • Stacy Merola, Director



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February 27, 2009

Hon. Malcolm A. Smith, President Pro Tem and Majority Leader
New York State Senate
Legislative Office Building, Room 909
Albany, NY 12247

Hon. Sheldon Silver, Speaker
New York State Assembly
Legislative Office Building, Room 932
Albany, NY 12248

Re: Support for expansion of the current "Bottle Bill" to cover additional containers, and to provide for the return of unclaimed deposits to the State for deposit wholly or partly into the Environmental Protection Fund.

Dear Senator Smith and Assemblyman Silver:

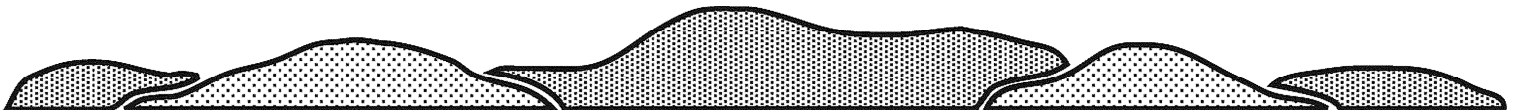
The Broome County Environmental Management Council (BCEMC) is County government's citizen advisory body on local environmental matters. We write to offer our support for Governor Paterson's Executive Budget revenue provision to expand the current "Bottle Bill" to cover additional containers, and to provide for the return of unclaimed nickels for deposit *wholly or partly* into the NYS Environmental Protection Fund (EPF).

For the last 25 years, the Returnable Beverage Container Law has been very successful, not only in its recovery rates that far exceed any recycling program yet devised, but also in its ability to significantly reduce litter. This success is a direct result of the incentives placed on the containers. If the deposit expands to include non-carbonated beverage containers, the BCEMC feels the state will make significant progress toward reducing nuisance litter even more so.

Under the current law, unclaimed deposits remain with the beverage distribution industry. If adopted as proposed, the Governor's provision could generate revenue from unclaimed deposits that would help support and maintain critical environmental programs currently funded under the EPF. Programs receiving this support include programs for local recycling, parks and waterfront revitalization, open space acquisition, farmland preservation and water quality improvements, as well as other vital programs that serve to protect our state's air, land and water resources.

Currently the state's Real Estate Transfer Tax (RETT) revenues fund the EPF. Given that this revenue source will soon be rededicated to the State's General Fund, and given that \$50 million was removed from the EPF to close other 2008-2009 budget deficits, enhancement of EPF resources is of utmost importance. An expanded bottle bill could generate an estimated \$118 million in EPF funding, a potentially sustainable revenue source to preserve the EPF. Conversely, if the bottle bill is not expanded AND the RETT is redirected to close other budget gaps, the people of New York stand to lose considerably.

The EMC respectfully suggests that government and the industry consider working together to seek common ground. If state leaders pursue an all or nothing approach to an expanded bottle bill, then perhaps splitting the share of unclaimed nickels 50/50 between the EPF and the beverage distributors would conciliate both sides. Another compromise could be that in exchange for the addition of all single-serving water and non-carbonated



containers to the current deposit system, the bulkier beverage containers 1.75-liters (59 oz) or larger could be removed from the deposit redemption system. This approach could lessen the burden on many small retail establishments and expand occasions for retailers and redemption centers to explore mutually beneficial business opportunities.

It is for these reasons that we encourage and support an expansion of the bottle deposit system to include all water and non-carbonated beverage containers with revenues dedicated either wholly or partially to the EPF. We ask that you entertain these opinions in your budget negotiations for the 2009-2010 budget cycle.

Thank you for your time and consideration again concerning this critically important issue.

Respectfully,

André LaClair

(Electronically signed)

André LaClair
Broome County EMC Chair

cc: D. Paterson, NYS Governor
C. Crouch, NYS Assemblyman, 107th District
G. Finch, NYS Assemblyman, 123rd District
D. Lupardo, NYS Assemblywoman, 126th District
R. Sweeny, NYS Assemblyman, 11th District
J. Tedisco, NY Assemblyman, 110th District
K. LaValle, NYS Senator, 1st District
T. Libous, NYS Senator, 52nd District
F. Padavan, NYS Senator, 11th District
D. Skelos, NYS Senator, 9th District
A. Thompson, NYS Senator, 60th District
P. Grannis, NYSDEC
B. Fiala, BC Executive
P. Brennan, BC Deputy County Executive
D. Reynolds, BC Legislative Chairman
E. Denk, BC Legislative Clerk
R. Petkash, BC Planning Commissioner
D. Schofield, BC Deputy Commissioner, DSWM
file

AGL/sm