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Editorial

## Expand the bottle law

With vast changes in the marketplace, and a state cash crunch, it's time for change

To many New Yorkers who redeem their nickel deposits on soda and beer containers, that's the way it has always been. They are now in their early 20s, and too young to remember the divisive political battles that preceded the enactment of New York's bottle bill in 1982. Back then, it was a struggle between environmentalists, who argued that a five-cent deposit on the containers would reduce litter along highways and riverbanks, and the beverage industry, which warned of adding yet another burden on the back of business. With more than two decades of experience to look back upon, it seems safe to say the bottle bill is a success. While some industry executives take the opposite view, insisting that the law remains a great inconvenience for small grocers, it's hard to argue with the statistics put forth by environmental advocates who estimate that 80 billion bottles and cans have been redeemed since 1982. That's a lot of litter off the streets and the landscape.

It's also a strong argument for expanding the bill to cover containers that weren't on the shelves 22 years ago, including bottled water, juices, health drinks and other noncarbonated beverages. And they add up. An attorney for the National Resources Defense Council told The New York Times that as many as 2.6 billion bottles and cans aren't covered under the current law. But they could be if the Legislature and Gov. Pataki were to support Assemblyman Thomas DiNapoli, D-Long Island, who wants to expand the bottle law as a way for the state to raise much-needed cash. With a projected budget deficit pegged at \$5 billion, it would seem that Mr. DiNapoli's proposal is an idea whose time has arrived, and then some.

The state would benefit under the DiNapoli measure because it would gain a share of the unclaimed deposit money that is estimated to run as high as \$150 million a year. Under current law, the unclaimed money goes to the bottlers to pay for the cost of collection centers, and the industry wants to keep it that way. It's a valid point. But as this page has recommended in the past, the best way to address the industry concerns would be to double the deposit on each container to 10 cents, and have the industry share the unclaimed funds with the state.

A much weaker argument against an expanded bottle bill is that it would be a new tax on consumers, or, as some industry critics claim, a "children's tax" because it would fall heavily on the beverages consumed by the young. But a deposit is not a tax. It becomes one only if the consumer chooses not to seek a refund. Then and only then.