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Forward Moving



**The Soft Drink Industry,
Bottle Bills and Waste
Management**



Glass
Packaging
Institute

FOR IMMEDIATE RELEASE
April 13, 1994

Contact: Bruce Carlisle
(202) 452-9526

GLASS RECYCLING RATE TOPS 35%
1993 Data Shows Fifth Straight Year of Growth

(Washington, D.C.) -- More than one third of all glass containers sold to American consumers were recycled in 1993. The new recycling rate -- 35% -- announced today by the Glass Packaging Institute (GPI), marks the fifth consecutive year of recycling rate increases. The increase reflects the continued success of the glass container industry's commitment to creating a sustainable glass recycling infrastructure nationwide.

"It's a win-win situation when the recycling rate increases," said Lewis D. Andrews, Jr., president of GPI. "An increasing glass recycling rate helps relieve the burden on the nation's landfills, while significantly reducing the need for virgin materials. Furthermore, recycling rate increases result in energy savings, critical reductions in air emissions and, most important, ensure continued employment for workers in our factories."



Glass
Packaging
Institute

Nathan M. Tyler
Legislative Assistant

-- more --

1627 K STREET, N.W. • SUITE 800 • WASHINGTON, D.C. 20006 • (202) 887-4850
FAX (202) 785-5377

Printed on recycled paper

Andrews said that the 35 percent glass recycling rate reflects what manufacturers are actually recycling, not just what is being collected. He added, "the glass industry recycling rate reflects all jars and containers sold, not just a specific segment of the market." The glass industry recycling rate includes glass containers that were recycled back into new bottles and jars, refillable bottles and glass recycled for secondary uses such as roadbed aggregate.

The steady growth in the recycling rate takes place at a critical juncture for glass recycling in the United States. While shortages of recycled glass (or cullet) exist in various parts of the country, many municipalities are finding limited markets because the quality of their recycled glass does not meet industrial standards. Efforts are being made by the glass industry to educate municipalities and waste haulers on the need for glass that is color separated and contaminant free. These efforts are expected to help fuel a continued increase in the glass recycling rate in 1994.

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NEWS

Glass Recycling Rate Calculation Methodology

The recycling rate was determined using the following procedure:

Total recycled glass includes:

- **Total cullet purchases** (cullet is the industry term for recycled glass) by the glass industry.
- **Refillable bottles** are calculated at a trippage rate of eight times for 1993. This means, for purposes of this calculation, each refillable bottle is assumed to be re-used an average of eight times. This rate has varied slightly from year to year.
- **Glass recycled in secondary markets** (including uses such as glasphalt, road filler and fiberglass).

This sum represents the gross tonnage of glass containers recycled in the United States.

The gross recycled tonnage is then divided by the sum of the following numbers which represents **net domestic sales**:

- **Total domestic production** of glass containers as reflected in Department of Commerce and industry figures.
- **Net imports** or the sum of all exported and imported containers.

IMPORTANT EDITORIAL NOTES

- A. The recycling rate for glass reflects **all** types of glass containers including all food, beverage, juice, beer, wine, liquor, pharmaceutical and cosmetic packaging.
- B. This recycling rate should **never** be used in comparison with other packaging industry recycling rates that measure one type of food or beverage container.
- C. Prior to 1992, the total purchases of cullet data reflects information supplied by Glass Packaging Institute member companies only. Beyond 1992, data reflects the availability of industry-wide figures.



Industry Releases Solid Waste Policy

Concurrent with the announcement of its 35% recycling rate, GPI released its *Solid Waste Policy*. The policy statement, which represents the industry's formal point of view on solid waste issues to regulators and legislators, reaffirmed GPI's commitment to comprehensive curbside recycling as an extremely effective means of reducing solid waste generated from packaging. The policy goes on to question the advisability of weight-based source reduction strategies. Such strategies, the report concludes, encourage "the replacement of recyclable materials with non-recyclable materials."

GPI is a Washington, D.C.-based trade association representing glass container manufacturers of North America. The industry employs more than 40,000 skilled men and women in 27 states.

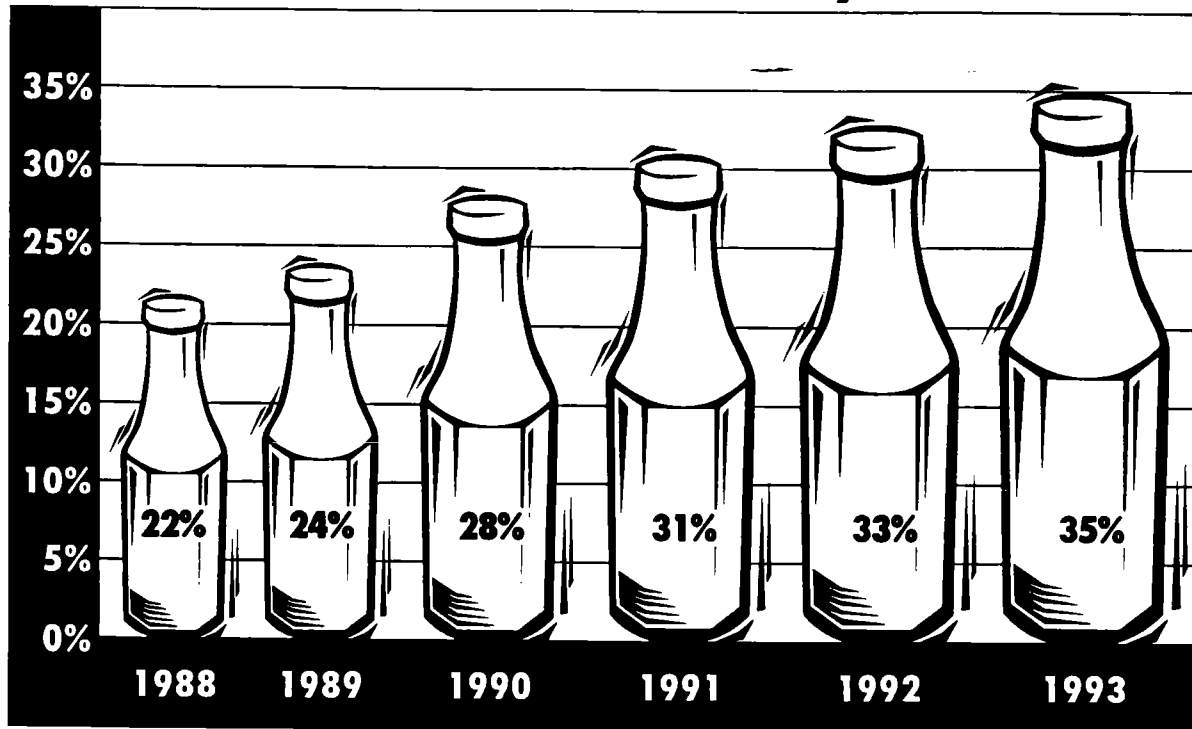
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**IMPORTANT NOTICE ON THE USE OF THE GLASS CONTAINER
RECYCLING RATE**

The recycling rate reflected in this press release and on the attached graphic reflect a recycling rate for all glass containers including food, beverages, toiletries and cosmetics. This data should **not** be used in comparison with recycling rates for other packaging materials that measure only one type of food or beverage container. For example, a recycling rate for plastic soft drink containers alone could not be accurately compared with GPI's more comprehensive information.

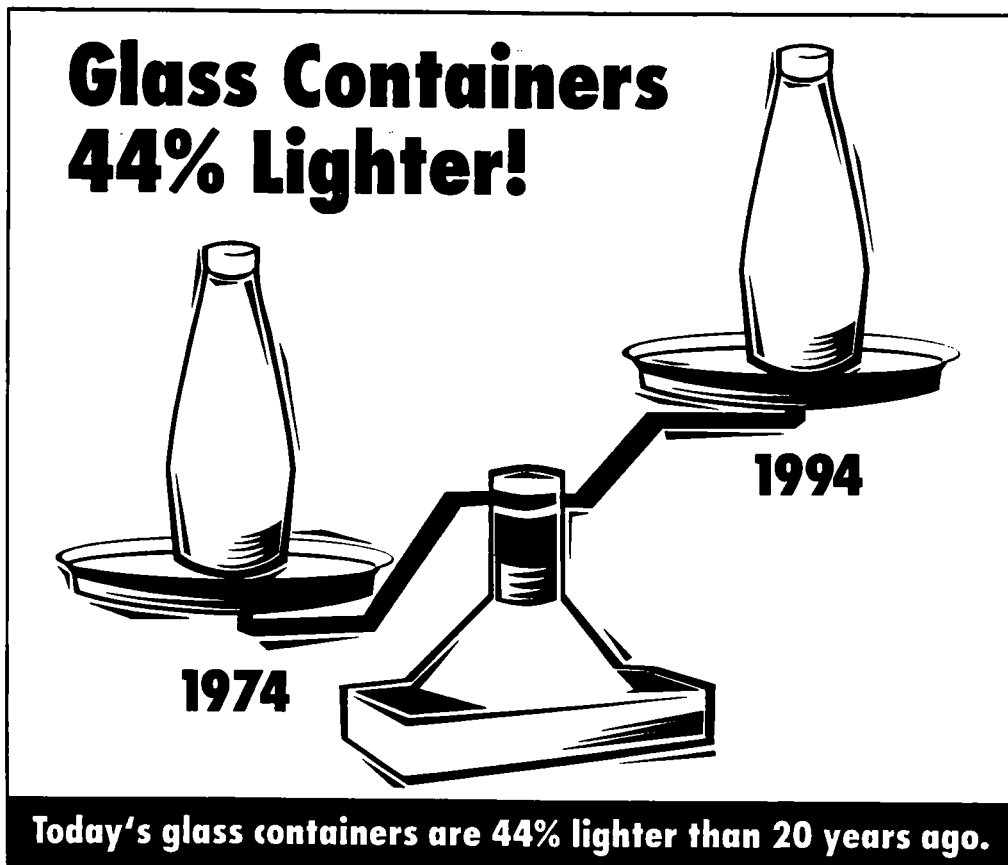
Glass Recycling Rate

Percentage of Glass Containers Recycled in the U.S.



Source: Glass Packaging Institute

This data represents the recycling rate for all glass containers, therefore it should not be used in comparison with other packaging materials that measure one type of food or beverage container.



Source: Glass Packaging Institute

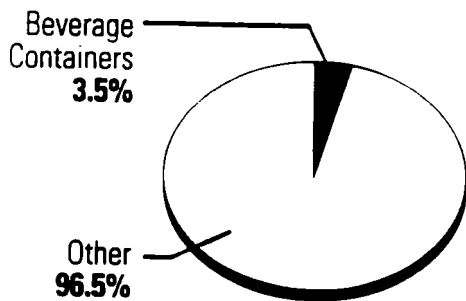
Why Comprehensive Recycling is More Effective than Beverage Container Deposits

Effect on the Municipal Solid Waste Stream

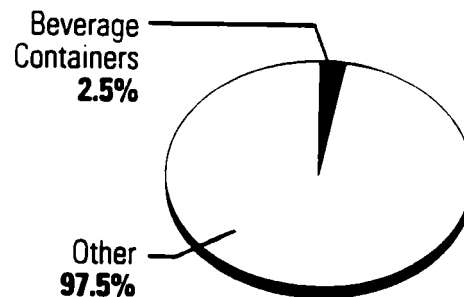
U. S. Environmental Protection Agency studies show that beverage (beer and soft drinks) containers are 3.5% of the municipal solid waste (MSW) stream, after recycling, by weight and 2.5% by volume. (1)

Beverage Containers in Municipal Solid Waste Landfills

By Weight



By Volume

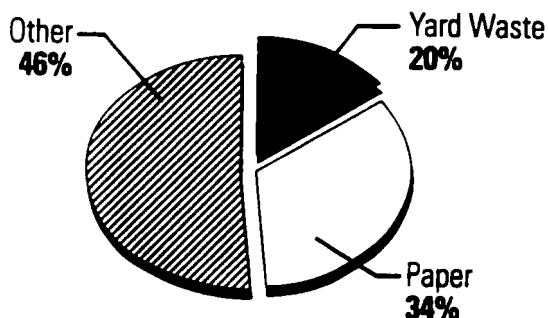


Beverage container deposits do not address yard waste, paper and other significant contributors to solid waste. (Yard waste is 20% of MSW discards by weight and 10% by volume, and paper

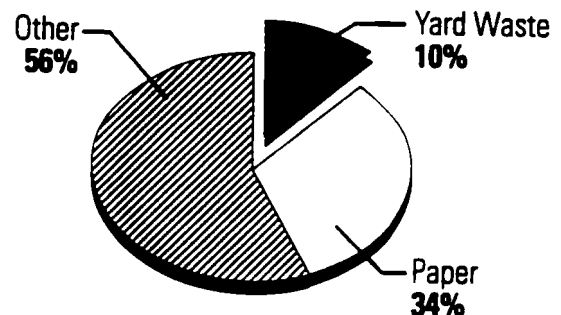
packaging and paper products are 34% of MSW by weight and by volume. (2)) All these other materials need to be recycled or otherwise disposed of.

Yard Waste and Paper in Municipal Solid Waste Landfills

By Weight



By Volume



Recycling Rates in Deposit and Non-Deposit States

On the East Coast, on the West Coast and in between, recycling rates are highest in non-deposit states. New Jersey has an 18% recycling rate. Washington a 29% recycling rate and Minnesota a 15% recycling rate. (3)

No state which initially passed a comprehensive recycling law has passed beverage container deposit legislation. All deposit states have been forced to pass more comprehensive recycling legislation. (4)

Why Beverage Container Deposits are Confusing to Potential Recyclers

Beverage container deposits send a confusing message: if a package has a deposit, it is worth recycling. If it doesn't, it isn't. Deposit advocates insist that the financial reward of deposits is the reason people recycle. If that is the case, why not place deposits on *all* packaging, including food and milk containers. Why not place deposits on non-packaging products such as newspapers, magazines and phone books?

Beverage container deposits combined with comprehensive curbside recycling programs create two competing systems for recycling. Citizens must return beverage containers to retail stores and place other recyclables at the curb. This dual system wastes energy and resources.

A 1988 study cited beverage container deposits as one of three reasons why curbside collection programs in Oregon have lower participation rates than similar programs in California. According to the study, "If a resident did not have any recyclables to set out other than deposit beverage containers (at a given time), that person was not likely to participate in a curbside recycling program at that time." (5)

The Economic Effect of Beverage Container Deposits

Beverage containers are the most valuable recyclables in the municipal waste stream. They supply 11% of the

recyclables processed at Rhode Island's Materials Recovery Facility (MRF) and 65% of the revenue for that facility. (6) An MRF is the facility that processes the recyclables collected in a curbside recycling program.

A company that operates MRFs in both New Jersey and Connecticut reports that the New Jersey MRF averages \$30 more per ton in revenues for recyclables than its Connecticut MRF. Why the difference? The New Jersey MRF processes more beverage containers. (7) Connecticut taxpayers pay more to process recyclables in their dual system.

In non-deposit states, MRF operators expect the revenue from the sale of recyclables to cover their operating costs. In deposit states, they receive much lower revenues and need a higher public subsidy to cover their operational and maintenance costs. (8) The result? Taxpayers in deposit states pay more for solid waste/recycling than in non-deposit states. Deposits are simply a hidden tax.

Massachusetts, a deposit state, cancelled extensive plans for 11 publicly financed MRFs because they are too expensive to operate in a deposit state. Massachusetts' first MRF, in Springfield, cost state taxpayers \$5 million to construct, requires a tipping fee of \$14.50 per ton and a subsidy of \$6 per ton for all materials recycled. (9) Massachusetts taxpayers are footing the bill for a dual curbside and deposit system.

In many states, deposit proponents argue that unclaimed deposits should be claimed by the state. This gives the state no incentive to enforce the deposit laws. With great pressure to use state money to cover state deficits, little if any of the unclaimed deposits will be used to support recycling.

Is it any Wonder that Professional Solid Waste Managers and Professional Recyclers Consider Beverage Container Deposits to be Irrelevant?

For more information, contact the Glass Packaging Institute, (202) 887-4850.

Footnotes:

(1) "Characterization of Municipal Solid Waste in the United States: 1990 Update", US EPA, June 1990, Table 44, Volume of Products Discarded in MSW, 1988, pages 87-88.

(2) *ibid.*

(3) *Biocycle*, March 1990, "The State of Garbage in America" Table One, page 51.

(4) Connecticut, Delaware, Iowa, Maine, Massachusetts, Michigan, New York, Oregon and Vermont have all passed more comprehensive recycling laws in addition to their beverage container laws.

(5) 1986-1987 Oregon/California Residential Curbside Recycling Report, Lane County Waste Management Division, August 1987, page 57.

(6) "Rhode Island Volume/Revenue Data, MRF: Outbound Recyclable Material, May 1989-December 1989, Average Monthly", undated, Rhode Island Department of Environmental Management.

(7) "Deposit Law Could Undercut Recycling", *Wisconsin State Journal*, Madison, WI, March 4, 1990.

(8) "Anatomy of a Plant Contract", *Waste Age*, November 1989, page 104.

(9) Material Recovery Facility State-of-the-Art Conference, May 8, 1990.

Everything You Always Wanted To Know About Glass...

HOW ARE GLASS CONTAINERS MADE? HOW MANY ARE MADE AND USED EACH YEAR IN THE U.S.?

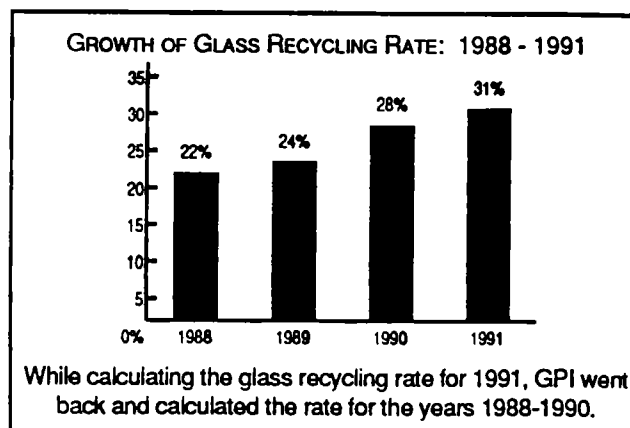
- Glass containers are made by mixing sand, soda ash, limestone, and used or broken "recycled" glass, which the industry refers to as "cullet." These ingredients are heated to 2,800 degrees Fahrenheit to form liquid "molten glass," which is then poured into molds resembling various glass containers.
- Approximately 41 billion glass containers are produced in the U.S. each year. Of all the glass containers produced each year, 64% are flint (clear), 23% are amber, and 13% are green.

HOW LARGE IS THE GLASS CONTAINER INDUSTRY?

- There are currently 76 glass plants in the U.S., located in 27 states primarily in the southeast and on the east and west coasts. The glass container industry employs more than 42,000 skilled men and women.
- According to the 1990 U.S. Industrial Outlook from the Department of Commerce, the glass container industry is a \$4.7 billion industry.
- The industry is represented by the Glass Packaging Institute (GPI), a Washington, D.C.-based trade association. Its members include more than 90% of the glass container manufacturers in North America.

WHAT IS THE RECYCLING RATE FOR GLASS? HOW DOES IT COMPARE TO OTHER PACKAGES?

- The recycling rate for glass containers is 31%, or nearly one-third of the glass containers available to consumers.
- The recycling rate for glass compares favorably with other packages; the rate for all plastics is approximately 2%, the rate for aluminum beverage cans is approximately 62%, and the rate for steel containers is approximately 34%. (Source: published industry reports.)
- The amount of recycled glass, or cullet, purchased at GPI member plants has increased 82% over the past five years. The only ingredient the glass container industry uses more of than cullet in its mix is sand.
- GPI employs eight regional recycling directors whose primary task is to assist communities in launching comprehensive curbside collection programs. Their territories cover 37 states and the District of Columbia.

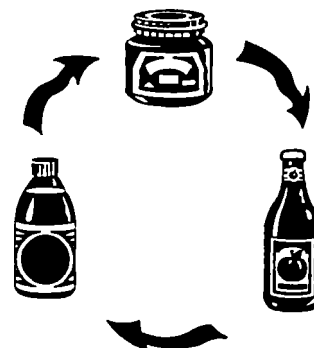


HOW MUCH OF THE SOLID WASTE STREAM IS MADE UP OF GLASS CONTAINERS? WHAT IS THE BEST WAY TO SORT GLASS?

- Glass containers represent approximately 4% of the municipal solid waste stream.
- The best way to sort glass containers for recycling is to remove metal lids, and lightly rinse and sort containers by color. To ensure properly functioning equipment as well as the quality of glass products, neither window pane glass nor crystal can be recycled into glass bottles.

WHY IS IT BENEFICIAL TO USE RECYCLED GLASS (CULLET) TO MAKE NEW GLASS?

- One of the best features about glass is that it features "closed loop" recycling; every glass jar or bottle can be crushed, melted and molded into a new container, again and again and again—making glass 100% recyclable.
- Using cullet to make glass allows producers to run their furnaces at lower temperatures, thereby reducing their overall energy input to their furnaces. In addition to energy saving (as much as \$3 to \$10 per ton, depending on utility rates), cullet usage prolongs furnace life and reduces emissions into the atmosphere.
- Using cullet also helps communities to save landfill space and alleviate their solid waste problems.



WHAT IS THE BEST WAY TO RECYCLE GLASS?

- The most effective way to collect glass for recycling is through curbside recycling. Currently, there are nearly 4,000 curbside recycling programs in the U.S., 95% of which accept glass for recycling.
- Community support for curbside recycling is strong. According to a Gallup survey, the percentage of people ranking curbside recycling as their first choice in fighting the solid waste crisis has doubled since 1988, from 25 to 51 percent.
- A 1992 survey by the National Soft Drink Association shows that the public feels curbside systems are better than mandatory deposit systems by a margin of 55% to 35%. People who live in a mandatory deposit state and who are served by a curbside program, prefer curbside over deposits by a margin of 55% to 37%.
- When forced deposits are mandated by law, revenue-producing beverage containers, normally 70% of recycling revenue, are diverted away from curbside recycling. This makes deposit state curbside recycling programs more expensive to operate.

WHAT ARE THE SECONDARY MARKETS FOR GLASS?

- The secondary markets for recycled glass are increasing in the areas of fiberglass, glassphalt, roadbed aggregate, abrasives and construction.

For more information, please contact:

GLASS PACKAGING INSTITUTE

1627 K Street, N.W., Suite 800
Washington, DC 20006
(202) 887-4850
(202) 785-5377 Fax



**Glass
Packaging
Institute**

1627 K STREET, N.W., SUITE 800
WASHINGTON, D.C. 20006
(202) 887-4850
FAX (202) 785-5377

TESTIMONY OF
NATALIE U. ROY
DIRECTOR OF RECYCLING AND LEGISLATIVE AFFAIRS
GLASS PACKAGING INSTITUTE
ON SENATE BILL 2335

PRESENTED TO:
THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

September 17, 1992

Mr. Chairman, distinguished members of the Committee, my name is Natalie Roy and I am Director of Recycling and Legislative Affairs for the Glass Packaging Institute (GPI), a national trade association which represents the majority of glass container manufacturers in the U.S. I would like to thank you for the opportunity to testify about the glass container industry's strong support for comprehensive curbside recycling and our opposition to forced deposits.

I am here today to testify in opposition to Senate Bill 2335 and to dispel some myths about what forces deposit laws do.

SIX COMMON MYTHS ABOUT DEPOSITS

MYTH #1: 2/3 OF ALL GLASS THAT IS RECYCLED COMES FROM DEPOSIT STATES.

In 1991 glass container manufacturers in five non-deposit states, New Jersey, Illinois, Florida, California and Pennsylvania purchased over 57% of the total cullet procured nationwide--a total of 1,302,018 tons. (In fact without California the four remaining states accounted for 34% of the total cullet purchased nationwide.) The total cullet purchased in the United States in 1991 amounted to 2,280,200 tons. In light of these figures it is impossible to make the claim that 2/3's of all recycled glass comes from states with forced deposit laws.

MYTH #2: FORCED DEPOSITS BRING BACK REFILLABLE BOTTLES

Forced deposit bills are perceived as bringing back the refillable bottle. It does nothing of the kind. This bill does not call for use of refillable bottles. It does not call for reuse or recycling. It merely places a minimum deposit on all existing soft drink, beer, wine coolers and water containers, plus a handling charge. The only reference to recycling is in the exemption section that would allow a state to refrain from implementing a bottle bill if it can show a 70% recycling rate for its beverage bottles.

On April 9th of this year the Detroit Free Press ran an article entitled, "Goodbye Glass Bottle" which contained the quote: "Add glass Coke bottles to the consumer-goods endangered species list." The article reported on Coke's decision to phase out both the refillable and nonrefillable glass bottle in Michigan.

The article quoted a Coke spokesperson as saying that "the number of glass bottles of Coke sold in the state has dipped ever since the bottle deposit law took effect in 1978." The article reports that even in Michigan's upper peninsula where refillables are popular, glass bottle refillables have declined by about 5 percent annually in recent years. In Massachusetts Coke bottlers stopped using glass bottles in 1985 two years after the state passed a mandatory deposit bill.

Using information received from the Beer Institute we can clearly see the decline of refillable beer containers in both deposit and non-deposit states. From 1982 through 1991

in Michigan, a deposit state since 1978, saw the refillable beer bottle experience a 33% decline in market share. During the same time period refillable beer bottles suffered a 74% drop in marketshare in Oregon, a deposit state since 1972. Overall between 1982 - 1991, the total market share for beer in refillable containers declined 37%.

Overall refillables are less than one-half of one percent of all glass containers sold nationwide by our members. Considerably less than in pre-deposit days.

MYTH #3: FORCED DEPOSITS PRODUCE AN ENERGY SAVINGS

The result of forced deposits in the nine states has been more gasoline used to deliver product and to collect the empties. Any savings of coal or natural gas at the container manufacturing level is achieved by the idling of production facilities and consequent loss of jobs. Predicting whether the net effect on energy usage is positive or negative is a lucrative game played by any number of consultants who cannot deliver a definitive answer.

MYTH 4#: FORCED DEPOSITS ARE THE BEST WAY TO COLLECT RECYCLABLES.

Beverage container deposits are neither comprehensive or effective recycling programs. In spite of the misinformation propagated by the supporters of force deposits, beverage container deposits are compatible with comprehensive curbside recycling programs in a dual system only if higher costs and citizen confusion are acceptable.

It is worth noting that the highest glass recycling rate in the nation is in New Jersey. In the Garden State 68% of glass containers were recycled in 1990. Overall the state registered a 46% recycling rate. Why is New Jersey doing such an outstanding job? Because the state's recycling law is a comprehensive law that encourages the recycling of all materials, not just beverage containers. The New Jersey legislature did not settle for partial measures, neither should the U.S. Congress.

MYTH #5: A LAW THAT EXEMPTS STATES THAT RECYCLE 70% OF ALL THEIR BEVERAGE CONTAINERS FROM A DEPOSIT SYSTEM IS NOT A FORCED DEPOSIT LAW.

Very few if any states, with the exception of New Jersey and possibly Rhode Island, could claim a 70% recycling rate for all beverage containers. This provision is a smoke screen designed to disguise this bill as something other than what it is--a Forced Deposit bill.

In many states, which have not had to invest in a prohibitively expensive deposit system, the ability to record the recycling rates for just beverage containers is practically impossible. In the case of glass all of our food and beverage containers are mixed and crushed together. There is no way for us to be able to distinguish a beverage container from a ketchup bottle in cullet loads that come to our plants.

MYTH #6: THE PUBLIC PREFERS DEPOSITS OVER CURBSIDE COLLECTION.

Out of the nine states that have enacted forced deposit measures all nine have had to go back to the legislative process and pass comprehensive recycling laws. In contrast the remaining 41 states, most of which have some form of recycling legislation, have not enacted bottle deposit legislation. This clearly demonstrates the public's support for curbside collection of recyclables.

A 1990 Gallop Poll reported that when people are faced with the options of separating materials for curbside collection, taking materials to a recycling center for cash or returning materials to the store for a deposit, over half the respondents choose curbside recycling as the preferred alternative. Deposits placed third. Americans know that comprehensive recycling programs do more than deposits.

THE FUNDAMENTAL PROBLEMS WITH FORCED DEPOSITS

Recycling only works when it is economically and technically feasible. In the case of glass packaging, recycling makes good economic sense. Senate bill 2335, a national forced deposit bill, would meet none of the standards necessary to achieve successful recycling.

- S. 2335 would actually cause the increased production of less recyclable packaging and result in a net loss for the environment;

- S. 2335 would undermine comprehensive municipal recycling programs:
- S. 2335 would address a limited amount of the waste stream:
- S. 2335 would cause a loss of skilled jobs.

S.2335 WOULD INCREASE MORE ENERGY-INTENSIVE PACKAGING

In a deposit system the retailer is asked to process and store returned bottles. This adds to the cost of running his or her business. These costs include having to adjust to reduced inventory space in the store which is taken up by returns.

The retailer wants to reduce costs to its lowest possible level. How does he or she do it? The retailer demands that bottlers provide more beverages in lighter packaging that can be crushed or stored without breaking thereby taking up less room in the store. The irony is that the 100% recyclable glass container is replaced with packaging that is less recyclable and not as environmentally-friendly.

S.2335 WOULD UNDERMINE LOCAL COMMUNITY RECYCLING PROGRAMS

While beverage plastic, metal and glass containers only account for 19% (by weight) of collected waste, the scrap value of these items accounts for 73% of the total revenue of recycling programs. This revenue which is used to offset costs is lost when forced deposits are implemented. The result is that the economic underpinnings of these programs are severely undermined.

S.2335 WOULD ADDRESS A TINY PORTION OF THE SOLID WASTE STREAM

This forced deposit law would only address metal, plastic and glass beer, soda, water and wine cooler containers. This represents just 4% of the total municipal solid waste stream. Other glass such as juice, ice tea, lemonade and mayonnaise containers must be collected through a different system. This in effect sets up a dual system which undermines the economics of each. What is more, residents are confused about what can be put in their recycling bin and what must be taken back to the store.

One system--curbside collection of recyclables--is easy for residents and not confusing. In the case of glass all of our food and beverage containers can be put into one recycling bin for collection. A comprehensive curbside collection program can yield a much higher recovery rate than a forced deposit which targets a much smaller piece of the waste stream. The State of New Jersey reports their most recent recycling rate was 46% in 1990. New Jersey's success has everything to do with their statewide comprehensive mandatory curbside

collection program.

S.2335 WOULD DRIVE AWAY AMERICAN JOBS

If undermining municipal recycling economics, creating an inefficient dual system and causing production of less recycled materials were not enough, S.2335 would have a negative impact on the overall economy.

In New York State, four glass container factories were closed following passage of a deposit law. 2730 factory workers lost high wage jobs as a result. The share of beverages sold in glass dropped from more than 50% prior to the deposit law to 25% after its implementation. Deposit laws result in plant closings resulting in a net loss of high-paying skilled union jobs which included pensions, health benefits and so forth. To the extent that these jobs can be replaced, the new jobs tend to be low wage unskilled labor used to process returned bottles. The economy suffers as a result.

Concern for jobs here in the United States is why labor unions such as the AFL-CIO, the American Flint Glass Workers Union and the Glass, Molders, Pottery, Plastics & Allied Workers International Union strongly oppose forced deposits. These unions actively oppose forced deposit bills because they have seen the plant shut downs and layoffs that have resulted in states that have enacted bottle bills.

A BETTER ALTERNATIVE: RCRA

While we do not support a forced deposit law our industry does support national uniform recycling standards that sets realistic and achievable targets. To that end GPI strongly supports the reauthorization of the Resource Conservation and Recovery Act (RCRA) that was passed by the House Energy and Commerce Committee.

When compared to forced deposits the House RCRA bill would achieve a fair balance between industry and environmentalists' interests that will promote recycling and protect jobs. RCRA outlines a far more comprehensive approach than S.2335. It will help to generate far more recyclable material--as high as 35% or 40% (or higher) of the waste stream, than a forced deposit bill could ever hope to achieve--a maximum of 4%. Unlike a national forced deposit bill the House RCRA bill would provide the necessary ingredients to achieve successful nationwide recycling.

CONCLUSIONS

In closing, I would like to say that GPI is very willing to work with this Committee on developing ways to expand and improve recycling markets nationwide. We urge the Committee not to support S.2335 but rather to support a more comprehensive solid waste solution such as the House version of the Resource Conservation and Recovery Act which will truly have a national impact on solid waste.

BACKGROUND ON GPI'S RECYCLING ACTIVITIES

Ninety-five percent of glass container manufacturers in the United States are represented by GPI. Our companies produce a wide range of glass product lines, including: food, beer, soft drinks, wine, toiletries, perfume, cosmetics, and medicine containers.

The Institute's members employ 41,000 skilled men and women who operate glass plants in 27 states, including: Alabama, California, Connecticut, Florida, Georgia, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Virginia, Washington, West Virginia, and Wisconsin. Mr. Chairman and Members of the Committee, the glass container industry is a proactive player in the solid waste arena. Over the past six years we have spent more than 60 percent of our association's budget on providing assistance to local recycling programs. We employ seven regional recycling directors across the country who represent us in 37 states plus the District of Columbia. The Directors chief function is to assist communities in developing, maintaining and expanding curbside recycling programs.

Today nearly one-third of the glass containers available to consumers are collected and recycled. Overall manufacturers' purchase of cullet (used or broken glass), has increased a dramatic 82 percent in the past five years. This is doubly significant because the number of glass container plants has decreased by nearly 40 percent in the last 12 years. There are currently 73 glass container manufacturing plants in the United States.

The fact that cullet purchases have increased so dramatically while at the same time a significant number of plants have closed speaks well about the glass industry's ability to recycle and our commitment to recycling. We are a recycling industry and are definitely part of the solution.

Recycling has taken off in recent years. Eighteen months ago it was estimated that there were 2700 municipal recycling curbside collection programs; today it is estimated that there are over 4500 programs nationwide. As with any emerging industry growing pains are to be expected and there are obstacles in the marketplace, for all recyclable commodities.

GPI provides hands-on assistance to communities helping them to expand and improve their curbside collection programs. The biggest recycling concerns that GPI spends an enormous amount of time and effort are transportation issues, quality problems, and a larger supply of green imported glass than can be handled domestically. GPI member's efforts to address these problems have included:

- Producing and disseminating nationwide a municipal curbside collection workbook which outlines cost-effective ways to collect and transport glass for recycling;
- Funding and distributing a study conducted by the Rhode Island Department

of Environmental Management that explores cost-effective ways to modify collection and processing to minimize glass breakage.

- Funding seven regional recycling directors to provide recycling technical assistance to communities. These directors have assisted on the grassroots level to ensure that glass containers are included in local recycling infrastructures.
- Producing and distributing instructional materials, through our seven regional recycling directors and grassroots network. Materials disseminated included contaminant brochures on how to prepare glass correctly for recycling and pamphlets listing available glass markets across the country.
- Installing state of the art glass processing equipment (beneficiation units) at many glass manufacturing plants across the country, that remove metals and other contaminants to produce furnace ready cullet. Many GPI members have also entered into contracts with private operators of processors that are not located at the plants.
- Helping to fund a new beneficiation system which is being developed through the New York State Energy Research and Development Authority, that should be able to optically sort our ceramics and separate non-ferrous metals from cullet.

THE ENVIRONMENTALLY FRIENDLY GLASS CONTAINER

It should also be noted that glass is one of the most environmentally friendly packaging materials available. We manufacture a 100% recyclable container. We can take used glass containers and use them again and again. In fact our industry's definition of recycling is, "the remanufacturing or reprocessing of discarded materials into the same product - again, and again, and again."

Cullet, or used glass, is one of four elements which comprise each glass container. While sand, limestone, and soda ash are domestically plentiful, the more cullet we use, the less we are dependent on virgin materials. It allows us to reduce the temperature of our furnaces and therefore results in real energy savings (anywhere from \$3 - \$10 per ton depending on the type of energy used to heat the furnace).

In this decade of environmental awareness, our environmentally superior package should result in market share growth for our package. However, this has not been the case. The glass container has seen a decline in its market-share with the most dramatic losses experienced in states that have forced deposit laws. ***Ironically the most environmentally-friendly package gets replaced by less recyclable containers as a result of laws intended to help the environment.***

DOMESTIC GLASS CONTAINER MANUFACTURING PLANTS
(May, 1994)

ARKANSAS

Arkansas Glass Container Corp.
516 W. Johnson Ave.
Jonesboro, AR 72403
(501) 932-4564

CALIFORNIA

Anchor Glass Container Corp.
1400 W. 4th Street
Antioch, CA 94509
(510) 757-0500

Ball-InCon Glass Packaging Co.
P.O. Box 5238
4000 N. Arden Dr.
El Monte, CA 91735
(818) 448-9831

Anchor Glass Container Corp.
22302 Hathaway Ave.
P.O. Box 3427
Hayward, CA 94541
(510) 581-5025

Anchor-Latchford Glass Container Corp.
7507 Roseberry Ave.
Huntington Park, CA 90255
(213) 587-7221

Foster-Forbes Glass Division
American National Can
4855 E. 52nd Place
Los Angeles, CA 90040
(213) 562-0580

Ball-Incon Glass Packaging Corp.
24441 Avenue 12
Madera, CA 93637
(209) 674-8861

Gallo Glass Co.
Oregon Drive
P.O. Box 1230
Modesto, CA 95353
(209) 579-3411

Owens-Brockway
3600 Alameda Ave.
P.O. Box 1019
Oakland, CA 94604
(510) 436-2000

Owens-Brockway
1331 E. Philadelphia
P.O. Box 2389
Pomona, CA 91769
(714) 628-6081

Owens-Brockway
Schulte Road
P.O. Box 30
Tracy, CA 95376
(209) 835-5701

Owens-Brockway
2901 Fruitland Ave.
P.O. Box 3818
Term. Annex
Vernon, CA 90051
(213) 586-4200

COLORADO

Coors Brewing Co.
Glass Manufacturing
10619 W. 50th Avenue
Wheat Ridge, CO 80033
(303) 425-7711

CONNECTICUT

Anchor Glass Container Corp.
Route 101
Dayville, CT 06241
(203) 774-9636

FLORIDA

Anchor Glass Container Corp.
2121 Huron Street
P.O. Box 6932
Jacksonville, FL 32236
(904) 786-1010

Tropicana Products
(Foster-Forbes)
P.O. Box 338
Bradenton, FL 34206
(813) 747-4461

Owens-Brockway
2222 W. Bella Vista St.
Lakeland, FL 33802
(813) 680-4800

GEORGIA

Owens-Brockway
3107 Sylvan Rd. East
Atlanta, GA 30354
(404) 765-8600

Anchor Glass Container Corp.
Booth Rd.
Warner-Robins, GA 31088
(912) 922-4271

ILLINOIS

Owens-Brockway
1131 Arnold St.
Chicago Heights, IL 60411
(708) 757-5555

Ball-InCon Glass Packaging Corp.
13850 Cottage Grove Ave.
Dolton, 60419
(708) 849-1500

Anchor Glass Container Corp.
1955 Delaney Road
Gurnee, IL 60031
(708) 244-1000

Hillsboro Glass Co.
Hiram Walker, Inc.
Schram Ave.
P.O. Box 430
Hillsboro, IL 62049
(217) 532-3976

Ball-InCon Glass Packaging Corp.
1200 N. Logan St.
Lincoln, IL 62656
(217) 735-1511

Ball-InCon Glass Packaging Corp.
1500 North Route 59
Plainfield, IL 60544
(815) 436-5651

Owens-Brockway
901 N. Shabbona Street
Streator, IL 61364
(815) 672-3141

INDIANA

Ball-InCon Glass Packaging Corp.
524 E. Center Street
Dunkirk, IN 47336
(317) 768-7891

Owens-Brockway
P.O. Box 368
Lapel, IN 46501
(317) 534-3121

Anchor Glass Container Corp.
20 W. Belview Drive
Lawrenceburg, IN 47025
(812) 537-1655

Foster Forbes Glass Division
American National Can
E. Charles Street
P.O. Box 249
Marion, IN 46952
(317) 668-1200

Anchor Glass Container Corp.
603 E. North Street
Winchester, IN 47394
(317) 584-6101

LOUISIANA

Ball-InCon Glass Packaging Corp.
P.O. Box 789
Ruston, LA 71270
(318) 247-8041

MARYLAND

Carr-Lowrey Glass Co.
2201 Kroman Street
P.O. Box 356
Baltimore, MD 21203
(410) 347-8800

MASSACHUSETTS

Foster-Forbes Glass Division
American National Can
1 National Street
P.O. Box 398
Milford, MA 01757
(508) 478-2500

MICHIGAN

Owens-Brockway
500 Packard Hwy.
Charlotte, MI 48813
(517) 543-1400

MINNESOTA

Anchor Glass Container Corp.
P.O. Box 69
Shakopee, MN 55379
(612) 445-5000

MISSOURI

Wheaton Glass
Division of Wheaton Industries
1000 Taylor Ave.
Flat River, MO 63601
(314) 431-5743

Foster-Forbes Glass Division
American National Can
1500 Foster-Forbes Dr.
P.O. Box 729
Pevely, MO 63070
(314) 479-4421

NEW JERSEY

Leone Industries
443 Southeast
P.O. Box 400
Bridgeton, NJ 08302
(609) 455-2000

Ball-InCon Glass Packaging Corp.
1 Minue St.
Carteret, NJ 07008
(201) 969-1400

Anchor Glass Container Corp.
Cliffwood Ave.
P.O. Box 557
Cliffwood, NJ 07721
(201) 566-4000

Foster-Forbes Glass Division
American National Can
328 S. Second Street
Millville, NJ 08332
(609) 825-5000

Wheaton Industries
1101 Wheaton Ave.
Millville, NJ 08079
(609) 825-1400

Anchor Glass Container Corp.
83 Griffith St.
Salem, NJ 08079
(609) 935-4000

NEW YORK

Miller Brewing Co.
Central New York Bottling Co.
RD #6, County House Road
Auburn, NY 13021
(315) 255-5201

Anchor Glass Container Corp.
1901 Grand Central Avenue
Elmira, NY 14902
(607) 737-3531

Owens-Brockway
Great Bear Road., RD.#5
P.O. Box 125
Fulton, NY 13069
(315) 598-0931

NORTH CAROLINA

Ball-InCon Glass Packaging Corp.
P.O. Box 887
Henderson, NC 27536
(919) 492-1131

Foster-Forbes Glass Division
American National Can
2200 Firestone Parkway
P.O. Box 1757
Wilson, NC 27893
(919) 291-1500

Owens-Brockway
Highway 52-S at Midway
P.O. Box AE, Salem Station
Winston-Salem, NC 27108
(919) 764-2900

OHIO

Owens-Brockway
1700 State Road
P.O. Box 2488
Zanesville, OH 43701
(614) 455-4500

OKLAHOMA

Anchor Glass Container Corp.
McLaughlin Road
P.O. Box 908
Henryetta, OK 74437
(918) 652-9631

Owens-Brockway
P.O. Box 8
Muskogee, OK 74402-0008
(918) 682-6621

Ball-InCon Glass Packaging Corp.
800 S. Madison
P.O. Drawer 1217
Okmulgee, OK 74447
(918) 756-5990

Liberty Glass Co.
(Foster-Forbes)
1000 N. Mission
Sapulpa, OK 74066
(918) 224-1440

OREGON

Owens-Brockway
5850 N.E. 92nd Dr.
P.O. Box 20067
Portland, OR 97220
(503) 251-9481

PENNSYLVANIA

Owens-Brockway Plant #18
McCullough Ave.
Brockway, PA 15824
(814) 261-6200

Owens-Brockway Plant #19
R.D. #2
Crenshaw, PA 15824
(814) 261-5389

Owens-Brockway
Grand Ave.
P.O. Box 150
Clarion, PA 16214
(814) 226-0500

Glenshaw Glass Co.
1101 William Flinn Hwy.
Glenshaw, PA 15116
(412) 486-9100

Ball-InCon Glass Packaging Corp.
One Glass Place
Port Allegany, PA 16743
(814) 642-2521

Anchor Glass Container Corp.
1926 Baldrige St.
S. Connellsville, PA 15425
(412) 628-4000

SOUTH CAROLINA

Ball-InCon Glass Packaging Corp.
P.O. Drawer 9
Laurens, SC 29360
(803) 984-2541

TEXAS

Anchor Glass Container Corp.
4202 Fidelity Street
P.O. Box 24218
Houston, TX 77229
(713) 672-0591

Owens-Brockway
5200 Beverly Drive
P.O. Box 20728
Waco, TX 76702
(817) 754-9500

Foster-Forbes Glass Division
American National Can
2400 Interstate 35 East
Waxahachie, TX 75165
(214) 937-3430

VIRGINIA

Owens-Brockway
Rt. 3
P.O. Box 190
Danville (Ringgold), VA 24586
(804) 799-5880

Owens-Brockway
150 Industrial Blvd.
P.O. Box 400
Toano, VA 23168
(804) 566-1200

WASHINGTON

Ball-InCon Glass Packaging Corp.
5801 E. Marginal Way South
Seattle, WA 98134
(206) 762-0660

WEST VIRGINIA

Anchor Glass Container Corp.
Keyser Industrial Park
P.O. Box 968
Keyser, WV 26726
(304) 788-4055

WISCONSIN

Foster-Forbes Glass Division
American National Can
South McHenry Street
P.O. Box 128
Burlington, WI 53105
(414) 763-9161



ADVANTAGE GLASS!



SWITCHING TO PLASTIC IS AN
ENVIRONMENTAL MISTAKE

A Study Documenting the Environmental Advantages of Glass Over Plastic Containers
Based on Published Information

EXECUTIVE SUMMARY

by
Henry S. Cole, Ph. D. and Kenneth A. Brown

September 15, 1993

ADVANTAGE GLASS!

Switching to Plastic is an Environmental Mistake

A Study Documenting the Environmental Advantages of Glass Over Plastic Containers Based on Published Information

By Henry S. Cole, Ph. D. and Kenneth A. Brown

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PREFACE

This study was sponsored by the Glass Packaging Institute. The opinions and findings in the study are solely those of the authors and not necessarily those of the Glass Packaging Institute.

ABOUT THE AUTHORS

Henry S. Cole, Ph.D. is President of Henry S. Cole & Associates, Inc., an environmental consulting firm which provides technical assistance, research, and information to businesses, environmental groups, and government. Dr. Cole has written numerous reports on atmospheric pollution, hazardous waste clean-up, and solid waste issues. He has provided expert testimony to a number of Congressional Committees on a variety of environmental issues and recently authored a major study on mercury contamination in the United States.

Previously, he served as Science and Policy Director for Clean Water Action and Clean Water Fund. He was a Senior Scientist and Section Chief with the U.S. EPA's Office of Air Quality, Planning, and Standards. He was a Professor of Environmental Studies at Howard University and an Associate Professor of Environmental Earth Science at the University of Wisconsin-Parkside. Dr. Cole obtained his Ph.D. in Meteorology at the University of Wisconsin, Madison.

Kenneth A. Brown is President of Kenneth Brown and Associates, a consulting firm which provides policy analysis, public relations, grassroots organizing and strategic planning services to businesses, non-profit organizations, and government. He has written articles and testimony on a variety of environmental issues including solid waste, hazardous waste clean-up, and water pollution. Mr. Brown previously served as National Campaigns and Organizing Director for Clean Water Action and Clean Water Fund. Prior to that position, he was Director of the New Jersey Environmental Federation. He obtained his Master of Public Policy degree from the University of Michigan, Ann Arbor.

PEER REVIEW PROCESS

As part of the methodology for conducting this study, the authors obtained comments from twenty-eight expert peer reviewers including representatives of environmental organizations, recycling organizations, industry, universities, state environmental agencies, and the U.S. Environmental Protection Agency. The purpose of this peer review process was to obtain the input of various experts on the methodology used, and on the information, analysis, and findings presented in this study.

This peer review process should not be construed as an endorsement of this study or its findings by the reviewers or the organizations they represent. The opinions and findings are solely those of the authors.

The authors wish to thank the following peer reviewers for commenting on this study.

Michael Aucott, New Jersey Department of Environmental Protection and Energy, Office of Pollution Prevention
Thomas Balf, Aveda Institute
Sandy Buchanan, Ohio Citizen Action
Philip Clapp, Spiegel & McDiarmid
Jean Clark, New Jersey Recycling Forum
Dr. Mark Cohen, Center for the Biology of Natural Systems, Queens College
Dr. Barry Commoner, Center for the Biology of Natural Systems, Queens College
Gary Davis, University of Tennessee, Center for Clean Products and Clean Technologies
Dr. Kenneth Geiser, Massachusetts Toxics Use Reduction Institute, University of Massachusetts, Lowell
Amy Goldsmith, New Jersey Environmental Federation
Ed Hopkins, Citizen Action
Marie Kruzan, Association of New Jersey Recyclers
Anne Leonard, Greenpeace
Geoffrey Lomax, (formerly with the National Environmental Law Center)
Dr. Fred Millar, Friends of the Earth
Dr. Warren Muir, INFORM
Jane Nogaki, New Jersey Environmental Federation
Dolores Phillips, New Jersey Environmental Federation
Brenda Platt, Institute for Local Self Reliance
C. Philip Ross, Creative Opportunities, Inc.
David Sarokin, U.S. Environmental Protection Agency, Office of Toxic Substances
Karen Shapiro, Tellus Institute
Sam Spofforth, Pennsylvania Clean Water Action
Dr. Fred Weber, University of Tennessee, Department of Chemical Engineering

Tom Webster, Center for the Biology of Natural Systems, Queens College

Daniel J. Weiss, Sierra Club

Bob Wendelgass, Pennsylvania Clean Water Action

Jeanne Wirka, Materials for the Future Foundation

The reviewers were asked to comment on a preliminary draft of this study. Their comments were very insightful. Many were incorporated into the current version. A summary of the major comments provided by the peer reviewers and the authors' responses to those comments are presented in Chapter VIII of the study.

TABLE OF CONTENTS

	<u>Page</u>
Executive Summary	6
Chapter I: Introduction	18
Chapter II: Recycling: Glass vs. Plastics	27
Chapter III: The Production Cycles for Glass and Plastic Containers	55
Chapter IV: Emissions, Discharges and Wastes Associated with the Production of Glass and Plastic Containers	74
Chapter V: Chemical Accidents Associated with Packaging Production	105
Chapter VI: Glass and Plastic Containers: Energy Consumption	119
Chapter VII: The Impact of Containers on the Marine Environment	130
Chapter VIII: Summary of Peer Review Comments and Authors' Responses	138
End Notes	173
Appendices 1-5	189

EXECUTIVE SUMMARY

All across America, the glass bottle is rapidly being replaced with plastic containers. A trip to any supermarket or convenience store shows that PET (polyethylene terephthalate), HDPE (high density polyethylene), PVC (polyvinyl chloride) and other plastics are replacing glass containers for a wide range of beverage and food products. The shift to plastic may accelerate even more rapidly in the near future since **the major soft drink giants -- Coke and Pepsi -- recently announced their plans to replace most of their remaining glass bottles with plastic containers in at least two major markets.**¹

American consumers, however, continue to be wary of the environmental threats posed by the growing use of plastics. In fact, an internal plastics industry memo acknowledged that "public opinion polls throughout the 1980s show that an increasing percentage of the general public believes plastics are harmful to health and the environment."² A 1990 Roper poll found that Americans think plastic packaging is the second most serious cause of the nation's solid waste problem. And a recent poll by the Wirthlin Group found that 73 percent of the American public believe that "plastic harms the environment."³

This report finds that **the public concern about plastics is warranted and that the massive switch from glass to plastics is an environmental mistake.** This report presents evidence which documents that:

- **Glass is far more recyclable than plastic.**

- **The production cycle for glass is simpler and inherently less hazardous than the production processes used to make plastics.**
- **Plastic production generates far more toxic emissions and wastes than glass.**
- **Plastic production poses a much higher risk for chemical accidents than glass.**
- **Plastic containers pose a serious threat to ocean wildlife.**

The evidence indicates that saving the glass bottle and reversing the current trend toward plastic containers will reduce the use and emissions of toxic chemicals, reduce the potential for dangerous chemical accidents, and help conserve valuable resources through recycling. The many environmental advantages of glass over plastic containers are outlined below.

TABLE ES-1:

Summary of Environmental Advantages of Glass and Plastic Containers

Environmental Advantages of Glass Over Plastics

GLASS

PLASTICS

Simple Production Cycle: Few Points of Impact and Risk	Complex Petrochemical Production Process: Many Impacts and Risks
Few Hazardous Inputs. Fewer Toxic Emissions	Large Amounts of Hazardous Chemicals Large Amounts of Toxic Emissions
No Serious Chemical Accidents	Many Chemical Accidents Causing Deaths, Injuries and Billions in Property Damage
Recycled Easily and Economically	Difficult and Costly to Recycle; Draining City Budgets
Closed Loop Bottle to Bottle Recycling	Generally Recycled Only Once Prior to Disposal
Does Not Burn in Incinerators	Highly Compatible with Incineration; Burning Plastics Creates Toxic Emissions
Promotes Recycling-Based Future	Promotes Incineration; Undermines Recycling
No Reported Harm to Marine Wildlife	Fragments and Resin Pellets Harm Sea Birds and Other Animals

Environmental Advantages of Plastics Over Glass

GLASS

PLASTICS

High Emissions of NOx -- Contributes to Smog	Much Lower NOx Emissions

The Environmental Advantages of Glass

A. Glass is far more recyclable than plastic.

1. The recycling rate for glass containers is more than double the rate for plastic containers. The national recycling rate for glass containers is 33 percent while only 15 percent of plastic containers are recycled nationally. (See Figure ES-1).

2. Recycling plastic is far more difficult and expensive than recycling glass. Because it is extremely expensive to recycle plastics, cities are increasingly questioning whether they should include plastics in their recycling programs. The city of Philadelphia, for example, recently dropped plastic recycling because the costs are so high.⁴

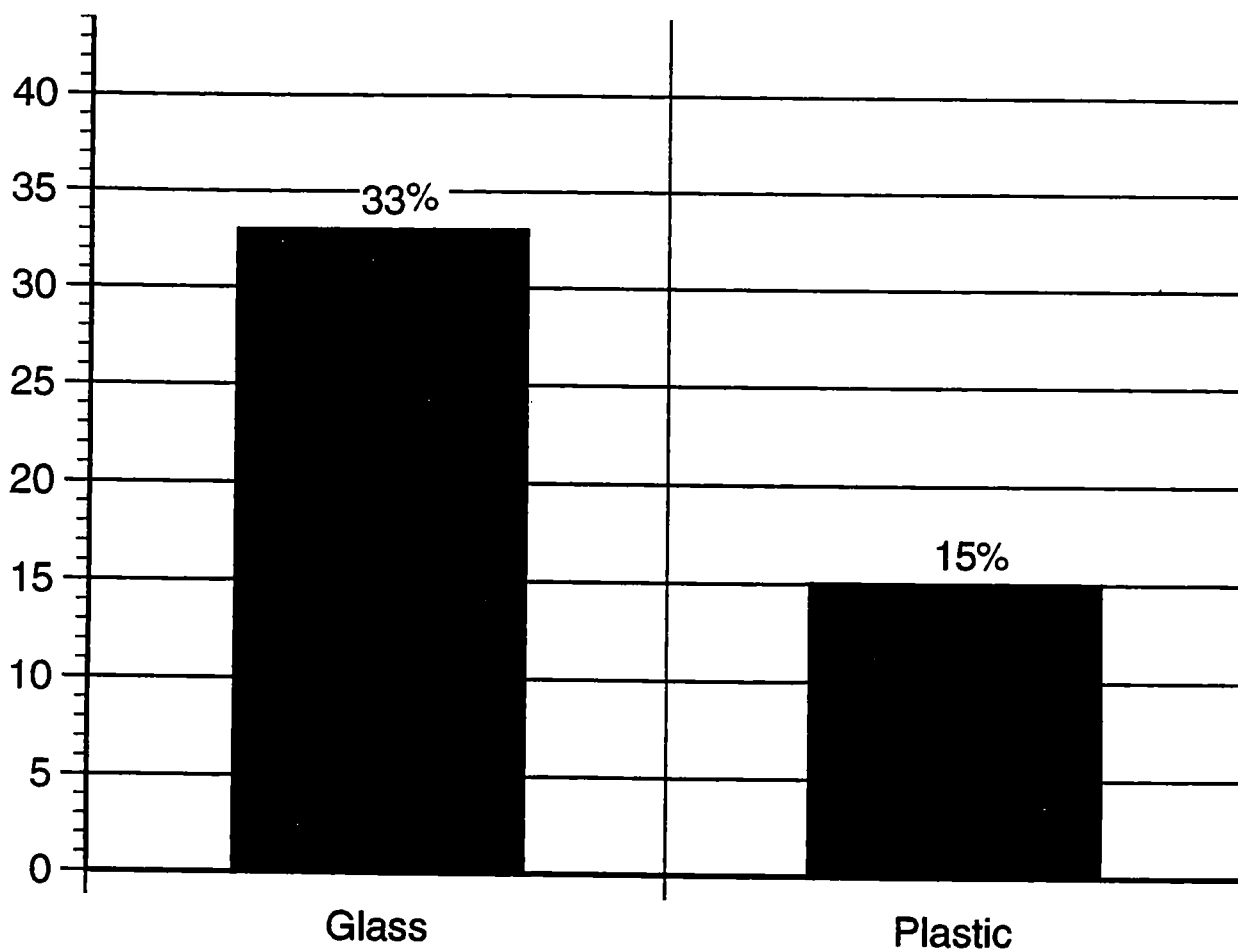
3. Glass containers can be recycled to glass containers many times, while plastic containers are usually recycled only a single time -- into carpets, "plastic lumber" and other non-container products. Although both types of recycling are beneficial, repeated, closed loop recycling, offers far greater benefits in the areas of avoided disposal, avoided resource consumption, and energy savings.⁵

4. The trend toward plastics is more compatible with incineration than recycling. It is much cheaper to incinerate plastics than to recycle them.⁶ Consequently, the plastics industry is aggressively promoting incineration as a waste management option. Glass on the other hand is non-combustible and less expensive to recycle than to incinerate.⁷ By its very nature, glass promotes recycling over incineration.

B. The production cycle for glass is simpler and inherently less hazardous than the production processes used to make plastics.

Figure ES-1 and Figure II-1

1992 Recycling Rates Glass vs. Plastic Containers



Source: Glass Packaging Institute, April 1993.
American Plastics Council, April 1993.

1. The major ingredients used in glass production are naturally occurring minerals including sand, limestone, soda ash and feldspar. These materials are solid, inert, non-flammable, and are largely non-toxic. Abundant supplies of these minerals exist in the U.S. and throughout the world. After these minerals are mined and minimally processed, they are shipped to plants where they are mixed with cullet (recycled glass). The mixture is then melted in furnaces and formed into glass containers. The glass production cycle contains relatively few potential points of environmental and health impact.

2. The major chemicals used to make plastic resins pose serious risks to public health and safety. Many of the chemicals used in large volumes to produce plastic are highly toxic. Some chemicals, like benzene and vinyl chloride, are known to cause cancer in humans; many tend to be gases and liquid hydrocarbons which readily vaporize and pollute the air. Many are flammable and explosive. **Even the plastic resins themselves are flammable and have contributed to numerous chemical accidents.**

3. As a petrochemical production process, plastic manufacturing requires substantial corporate and regulatory efforts to control and manage a broad range of risks to workers, communities and the environment. Fewer risks are posed by the simpler, less hazardous production cycle of glass. Therefore, fewer regulatory requirements are needed to control the production of glass.

C. Plastic production generates far more toxic emissions and wastes than glass.

1. The production of plastic emits substantial amounts of toxic chemicals (e.g., ethylene oxide, benzene, and xylenes) to air and water. Many of the toxic chemicals released in plastic production can cause cancer and birth defects and damage the

nervous system, blood, kidneys, and immune systems. These chemicals can also cause serious damage to ecosystems.

2. Three of the top five industries with the largest total toxic emissions and offsite disposal of toxic chemicals are involved in the production of plastic, according to the U.S. EPA's Toxic Release Inventory. These three industries -- petroleum refining, industrial organic chemicals, and plastic materials and resins -- emitted and disposed over 1.7 billion pounds of toxic chemicals in 1991. The glass container industry, on the other hand, emitted and disposed only 1.3 million pounds of toxics in 1991.⁸

3. Industry and scientific data (see Figure ES-2) indicate that:

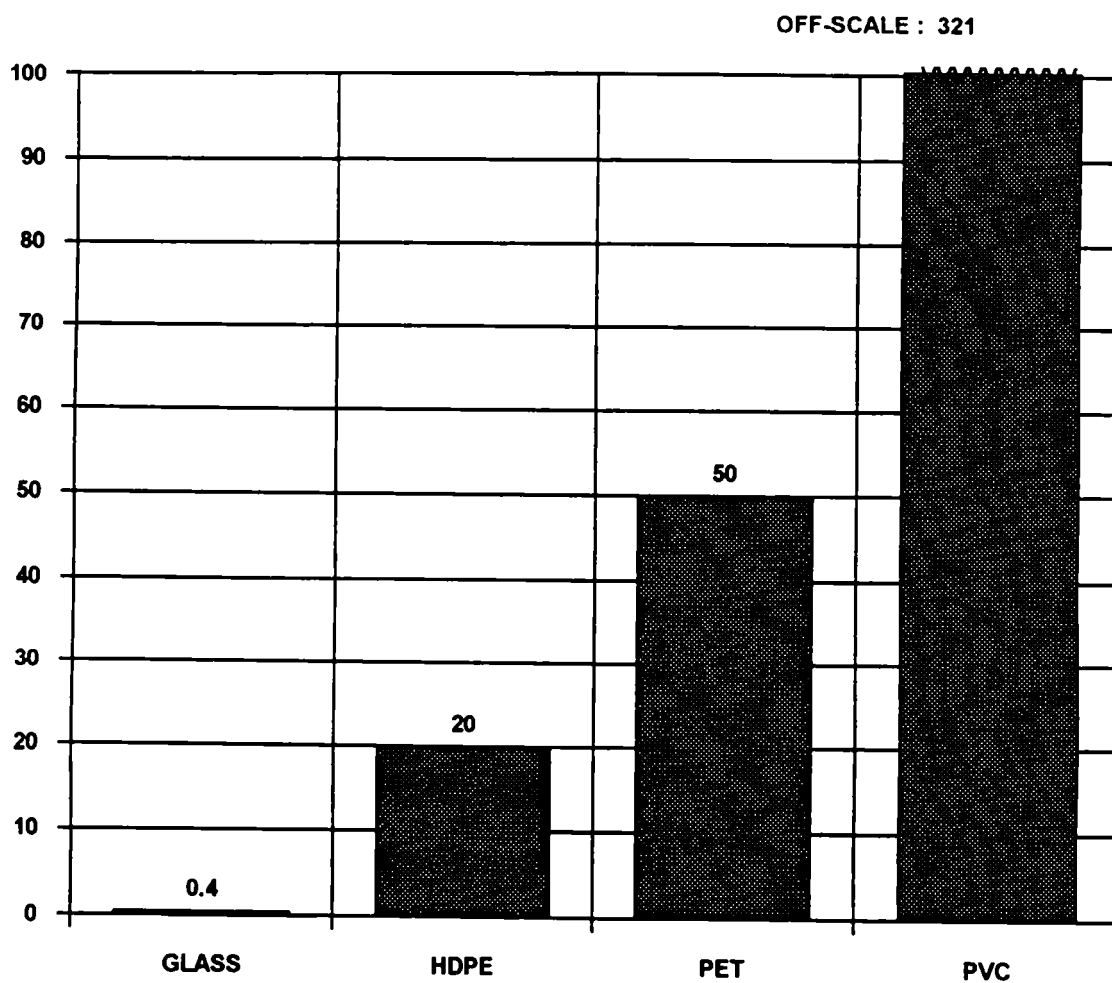
- The production of a 16-ounce PVC container results in over 800 times more toxic emissions than the production of a 16-ounce glass container.**
- The production of a 16-ounce PET container is estimated to generate over 100 times more toxic emissions than a glass bottle of the same size.**
- The production of a 16-ounce HDPE container produces more than 40 times the toxic emissions of a 16-ounce glass bottle.**

4. In addition, plastic container production generates a greater burden of toxic substances in the form of sludges and other solid wastes than does glass production.

FIGURE ES-2

**Estimated Toxic Emissions Generated in the Production of a
16-Ounce Container: Glass vs. HDPE, PET and PVC.**

(in pounds per million containers)



Source: Emissions from Tellus Packaging Study, Vol. II. For container weights, see Table IV-4.

5. A substantial portion of the hazardous and other industrial waste generated in plastics manufacture are burned in hazardous waste incinerators. This study finds no evidence that wastes from glass production are incinerated in hazardous waste incinerators.

D. Plastic production poses a much higher risk for chemical accidents than glass.

A review of several U.S. EPA data bases on chemical accidents and spills associated with industrial plants and transportation in the U.S. indicates that:

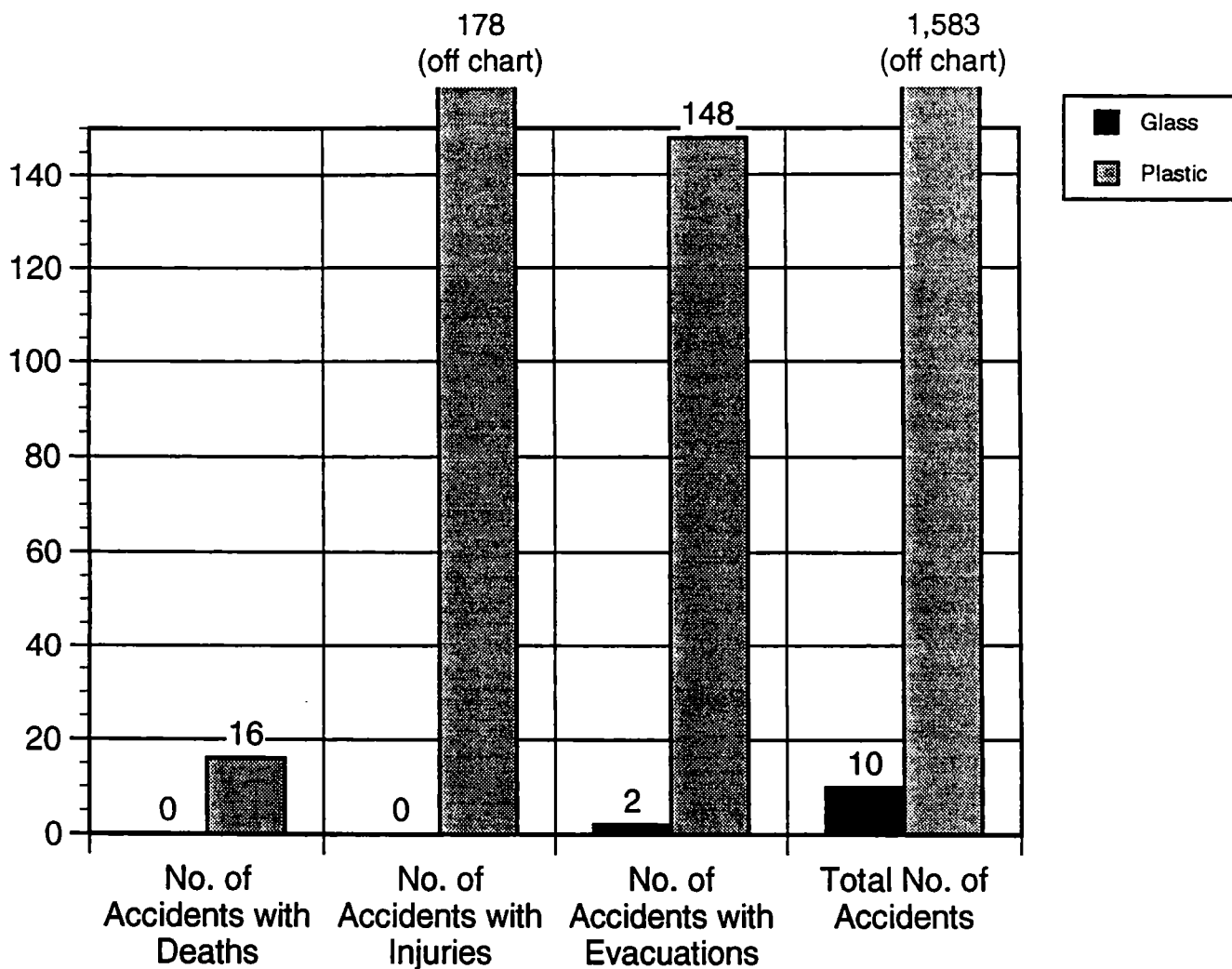
1. The chemical accident rate associated with glass production is negligible.

2. Serious accidents -- explosions, chemical fires, chemical spills and leaks and toxic clouds which have caused deaths, injuries, evacuations and major property damage -- are frequently associated with the industries and chemicals involved in the production of plastic container materials.

- A review of the U.S. EPA's data base of 10,000 accidents and spills from 1980-87 shows that nearly 1,600 of the accidents were associated with: (1) plastic polymer resins (e.g., polypropylene and polyvinyl chloride) and monomers (e.g., propylene and vinyl chloride); and (2) the high volume chemical inputs and intermediates used to make the plastics. Sixteen of these accidents resulted in deaths while 179 caused injuries. On the other hand, the data base shows that activities potentially related to the glass container industry resulted in only ten chemical releases; none resulted in any deaths or injuries.⁹

Figure ES-3 and V-1

Accidents Involving Chemicals Used in Glass and Plastic Production



Source: U.S. EPA, Acute Hazardous Events Data Base (1989).
Contains Data on 10,000 Chemical Accidents from 1980-1987.

- A review of the Federal Accidental Release Information Program, which contains records of about 1500 accidental chemical releases from 1986-1990, shows nearly 700 accidental releases for the industries that manufacture plastic and the chemicals used to make plastic. These releases resulted in over 300 injuries. There was only one accidental release associated with the glass industry during this period, and this release caused no injuries.¹⁰

E. Plastic containers pose a serious threat to ocean wildlife.

Both glass and plastic containers contribute to the beach litter problem. However, the evidence shows that glass containers have no significant impact on marine ecosystems and wildlife. Plastic containers, on the other hand, have major impacts on marine life. A review of literature on the impact of container production and disposal on marine life shows that:

1. Many species of birds, fish, and sea turtles ingest plastic container fragments and the resin pellets that are used to make containers and other plastic products. Ingestion of plastic particles has been documented in at least 50 species of marine birds worldwide.¹¹ In some cases, the plastic resembles the normal food of the animal. For example, resin pellets closely resemble fish eggs.¹²

2. The adverse effects of plastic ingestion on birds include intestinal blockage and undernourishment (as the stomach fills with plastic). Juvenile birds appear to be most vulnerable -- and plastic ingestion may impair the survivability of some species.

3. Large quantities of plastic resin pellets are released into the marine environment each year. Sources include plastic production facilities which manufacture pellets and the plants which use the pellets to make containers and other products. As these and other facilities discharge pellets to rivers in coastal regions, the plastic pellets travel to the ocean. Often, pellet contamination is heavily concentrated in the most biologically productive portions of the ocean.

4. Large amounts of plastic products, including containers, are disposed of in the marine environment each year from vessels, litter and illegal dumping. Plastic container materials then break down into pieces which, like pellets, can be ingested by marine organisms.

The Environmental Advantages of Plastic Containers

A. Criteria Air Pollutants.

The evidence presented in this report shows that plastic production results in lower emissions for most "criteria air pollutants" -- particularly for oxides of nitrogen (NO_x). Criteria pollutants are pollutants for which ambient air standards have been set by the U.S. EPA under the Clean Air Act.

1. Of the four materials compared, (Glass, PET, HDPE and PVC), HDPE tends to have the lowest emissions of criteria pollutants.

2. Glass has much higher NO_x emissions than PET, HDPE and PVC. NO_x contributes to photochemical smog formation and is a respiratory irritant.

3. Glass and PET have nearly equivalent emissions for SO_x (sulfur oxides), and particulate matter. Sulfur oxides are a major cause of acid rain. Glass has slightly lower emissions for the most dangerous particulates (inhalable particulates).

Energy Consumption Associated with Glass and Plastic Containers

1. Proponents of plastic often contend that the energy requirements for the distribution of plastic containers should be less than those for glass containers, due to the lighter weight of plastic containers. However, available evidence suggests that this advantage is relatively small and exists only for larger container sizes (one liter and larger). Moreover, the energy required to produce both glass and plastic containers is much higher than the energy needed to distribute the end product.¹³

2. Evidence presented in this report suggests that it takes slightly less energy to produce a 16-ounce glass container than it does to make an equivalent PET container. Production of HDPE and PVC containers require substantially less energy than either PET or glass containers of the same size.

3. Evidence presented in this report suggests that the total energy costs (producing, distributing and disposing) of PET and glass containers are about the same for single-serve (e.g., 16-ounce) beverage containers. For larger containers, PET containers appear to use somewhat less energy.¹⁴

4. Considerable energy savings can accrue by increasing the portion of recycled cullet used in glass production, particularly when large amounts of cullet can be obtained near the glass plant.¹⁵

Summary

The evidence presented in this study indicates that glass containers have a number of significant environmental advantages over plastic. The only significant advantage found for plastics was substantially lower atmospheric emissions of nitrogen oxides. Plastic containers, from production to disposal, pose serious risks to public health and the environment in the form of chemical accidents, toxic emissions, and damage to marine life.

Consequently, the evidence indicates that the continued shift from glass to plastic containers will have a negative impact on environment and public health. Unless this trend is reversed, we will see the continued replacement of a relatively benign and easily recyclable material (glass) with a material (plastic) that results in large amounts of toxic pollution, causes deadly chemical accidents, threatens marine life and is costly and difficult to recycle.

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IN A WORD IT'S

G L  S S

ADVOCACY
MARKETING
RECYCLING
EDUCATION

THE GLASS PACKAGING INSTITUTE

THE WHITE HOUSE
WASHINGTON

June 15, 1994

The Honorable Edward Markey
The United States House of Representatives
Washington, DC 20515

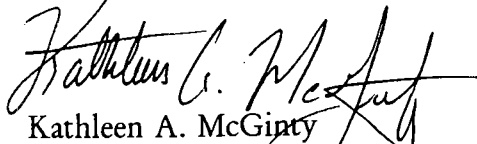
Dear Representative Markey:

Thank you for your letter dated April 20, 1994 regarding the need for a national bottle bill. I apologize for the delay in responding.

Recycling continues to play a prominent role in this administration's environmental agenda. Comprehensive recycling is an important part of our strategy to preserve the environment. The President recently signed a recycling Executive Order calling for recycled-content guidelines for federal purchases of 21 products including such items as carpet, floor tile, office recycling containers, remanufactured toner cartridges, and plastic trash bags. The order will reduce solid waste, build markets for recycled products, encourage new technologies and protect the environment by requiring Federal agencies to use recycled paper and other recycled products. Through the hard work and initiative of many community and industry leaders, recycling has become routine to many people. However, to promote further success, outreach is needed to increase both the supply and demand for recycled products.

Thank you for keeping me apprised of your efforts with respect to national beverage container legislation.

Sincerely,


Kathleen A. McGinty
Director, White House Office on
Environmental Policy

KAM/mmg

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL		# of pages ▶
To <i>Jack Markey</i>	From <i>Matt Gentile</i>	
Dept./Agency	Phone #	
Fax # <i>62604</i>	Fax #	
NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION		

THE WHITE HOUSE
WASHINGTON

June 15, 1994

The Honorable Edward Markey
The United States House of Representatives
Washington, DC 20515

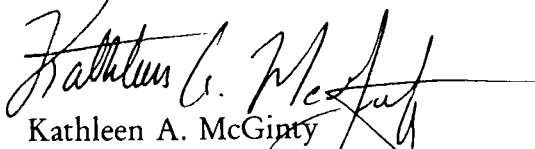
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Director, White House Office on
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KAM/mmg

Katie --

Attached is a proposed response to Congressman Markey regarding his bottle bill. The letter is very general and does not take a position on Markey's bill.

We discussed this briefly and you indicated that the Administration would not support the bill. Before this is sent out, I just wanted to let you know that Mike Vandenberg told me that Carol Browner feels we may be missing an opportunity here. Apparently, it is extremely unlikely that a bottle bill will pass -- it died in Committee last time. However, we could incur some good will and be "green" if we send a supportive letter to Markey.

On the other side, I got a call from Pat's office saying that we should make sure not to make any commitments on the bottle bill.

I just wanted to relay this information to you before I sent out the letter. Let me know if any changes to the letter would be appropriate.

Thanks,

Linda

LKB

*Pls give to
Linda and
copy to Matt &*

*Janet Morgan
6-6-80*

*Waiting on Janet to
talk to Pat on letter*

DRAFT DRAFT DRAFT

June 10, 1994

Dear Representative Markey et al.:

Thank you for your letter dated April 20, 1994 regarding the need for a national bottle bill. I apologize for the delay in responding.

Recycling continues to play a prominent role in this administration's environmental agenda. Comprehensive recycling is an important part of our strategy to preserve the environment. The President recently signed a recycling Executive Order calling for recycled-content guidelines for federal purchases of 21 products including such items as carpet, floor tile, office recycling containers, remanufactured toner cartridges, and plastic trash bags. The order will reduce solid waste, build markets for recycled products, encourage new technologies and protect the environment by requiring Federal agencies to use recycled paper and other recycled products. Through the hard work and initiative of many community and industry leaders, recycling has become routine to many people. However, to promote further success, outreach is needed to increase both the supply and demand for recycled products.

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KAM/mmg

Edward Markey
George Miller
Ronald V. Dellums
Henry A. Waxman
Particia Schroeder
Christopher Shays
Fred Upton
Gerry E. Studds
Nancy L. Johnson
Constance A. Morella
Wayne T. Gilchrest
David E. Bonier

non-charge
"fisky"
Sent Markey

06/10/94

Congress of the United States
House of Representatives
Washington, DC 20515

April 20, 1994

The President
The White House
Washington, DC 20500

Dear Mr. President:

As Earth Day approaches, we are writing to express our continued support of national beverage container recycling legislation. We are the sponsors of legislation in Congress, H.R. 1818 and S. 818, to encourage states to follow the lead of the 10 current bottle bill states by adopting a beverage container deposit system.

Our legislation would challenge states to accomplish a 70 percent recycling rate for beer, wine cooler, and soft drink containers. To meet this goal, which falls well below the recycling rates accomplished by almost all of the current bottle bill states, our legislation gives states the flexibility to put in place recycling systems of any sort. In states that fail to reach the 70 percent goal, our bill calls for a 10 cent per container deposit law. Unclaimed refunds from these deposits — estimated by the Congressional Budget Office to total as much as \$1.7 billion — would be made available to assist states with their other recycling programs. Implementing these programs would come at little, if any, net cost to the states. In fact, considering the potential revenues from unclaimed deposits, this legislation is likely to be revenue-generating for the states.

This legislation is based on the successful beverage container deposit laws now in place in 10 states (California, Connecticut, Delaware, Iowa, Maine, Massachusetts, Michigan, New York, Oregon, and Vermont). One need look only to these states to see how effective, and how popular this approach is. The 10 bottle bill states, with just 30 percent of the U.S. population, account for over 90 percent of all plastic containers recycled, over 70 percent of glass recycled, and nearly half of the aluminum recycled.

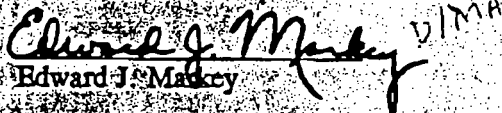
Despite numerous industry-led efforts to repeal these programs, each remains in place and is as popular as ever. A 1990 General Accounting Office survey found that the vast majority of Americans, in both deposit and non-deposit states, would support a national deposit law. Private opinion polls have indicated that 76 percent of Americans support beverage container deposits. Deposit legislation has historically been supported by such national organizations as the League of Women Voters, the Sierra Club, the American Medical Association, the U.S. Public Interest Research Group, and the National Audubon Society.

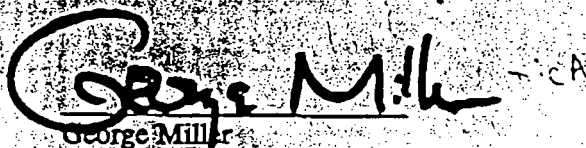
Of the 120 billion beverage containers produced this year, half will be thrown out. We believe that this is an unacceptable cost to our environment, our taxpayers, our industry, and

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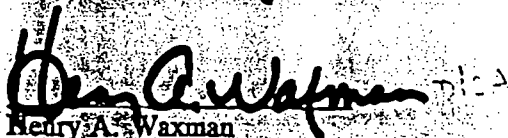
Mr. President, we appreciate your continuing efforts in the area of environmental protection. In your 1992 Earth Day speech at Drexel University, you said, "We will pass a national bottle bill to encourage recycling by placing small deposits on all glass and plastic bottles." As Earth Day Approaches, we wish to reaffirm our commitment to ensuring the passage of this proven, common-sense recycling legislation, and look forward to working with you on this issue.

Sincerely,


Edward J. Mackey

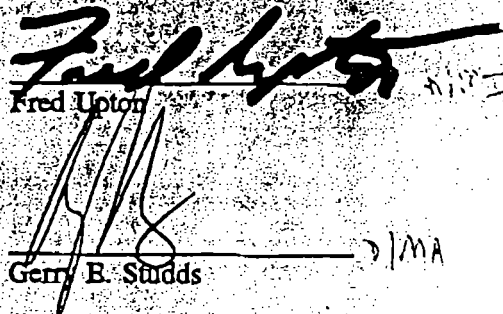

George Miller

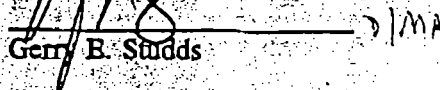

Ronald V. Dellum


Henry A. Waxman


Patricia Schroeder


Christopher Shays

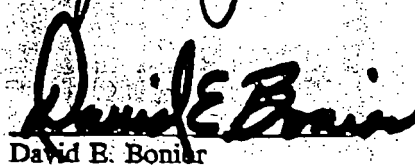

Fred Upton


Gerry B. Studds


Nancy L. Johnson


Constance A. Morella


Wayne T. Gilchrest


David E. Bonior

DRAFT DRAFT DRAFT

June ¹³~~10~~, 1994

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Thanks,

Linda

LONG ALDRIDGE & NORMAN

ATTORNEYS AT LAW

FACSIMILE TRANSMITTAL

CONFIDENTIALITY NOTE: The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named below. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address to the right via the United States Post Office.
Thank you.

1615 L STREET, N.W.
SUITE 950
WASHINGTON, D.C. 20036
TELEPHONE: 202 223-7033
FACSIMILE 202 223-7013

TO:

MATT GENTEEL

DATE:

*6-13-94*FACSIMILE NO. *(202) 456-2710*

COPIES TO:

IF TRANSMISSION IS NOT CLEAR OR ALL PAGES ARE NOT RECEIVED, PLEASE CALL
SENDER AT THE FOLLOWING TELEPHONE NUMBER: (202) 223-7033

I'll call you about that meeting.

FROM

Kyle Michel

USER NO.

348

CLIENT MATTER NO.

~~2022237013~~ N/A

PAGE 1 OF

2

SENT BY

DRAFT LETTER

Dear :

Thank you for your letter with respect to HR 1818 and S 818, legislation designed to encourage states to adopt beverage container recycling laws.

I share your concern for the need to address effectively the problems associated with managing solid waste by governments and the private sector throughout the country. While beverage containers comprise a portion of that challenge, I am advised that approximately ___ % of the solid waste which must be handled in this country is unrelated to beverage containers. Clearly, we need to focus on a policy that addresses all recyclable solid wastes.

I have been, like you, interested in examining the efficacy of all reasonable means of addressing the solid waste management question. I believe individually tailored state and local solutions have the potential to be more effective than a single, broadly applied national program. I am encouraged by the fact that over 6,000 communities throughout the country have implemented comprehensive recycling programs in recent years. Over ___ % of beverage containers are currently being recycled through these programs. My administration is attempting to lead by example by developing its own recycling program within the federal government.

I have asked my staff to continue to analyze the various reasonable public policy options and initiatives in this area. At this moment, I am not prepared to endorse any specific proposal which could have the effect of interrupting the progress being made at the state and community level in finding comprehensive solutions to solid waste recycling problems. However, we will continue to analyze the various options and I look forward to working with you to continue to address this important issue.

Sincerely,

06/662

Congress of the United States
House of Representatives
Washington, DC 20515

April 20, 1994

The President
The White House
Washington, DC 20500

Dear Mr. President:

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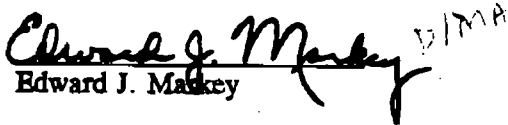
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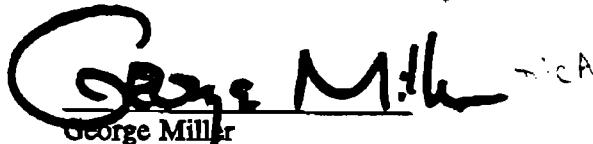
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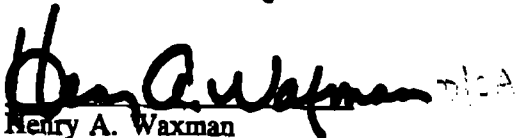
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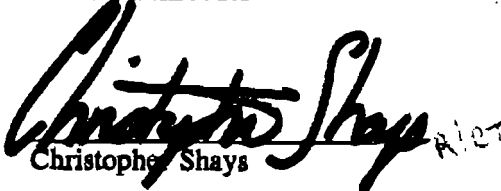

Edward J. Mackey


George Miller

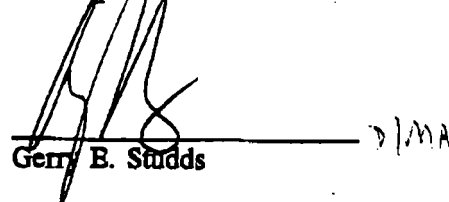

Ronald V. Dellums

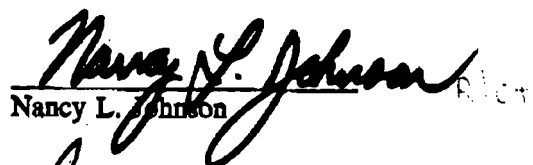

Henry A. Waxman


Patricia Schroeder


Christopher Shays

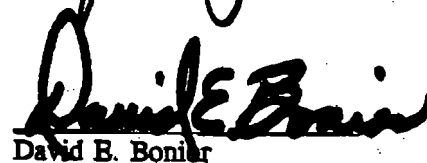

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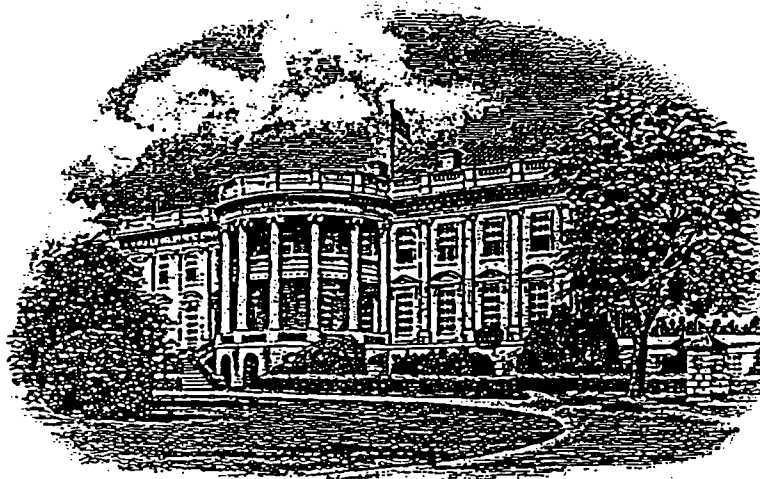
WHITE HOUSE OFFICE ON ENVIRONMENTAL POLICY

TO: Beth Ginsberg
FROM: Matt Gentile
DATE: 6/3/94
FAX: 260-3527

Number of pages including cover: 4

COMMENTS: Beth, after much deliberation, we have
developed
~~developed~~ the following draft response to
Markey's inquiry. Please look it over &
let me know if you think anything should
be added. Thanks.

Matt



PHONE - (202) 456-6224 FAX - (202) 456-2710
OLD EXECUTIVE OFFICE BUILDING, ROOM 360
WASHINGTON, DC 20501

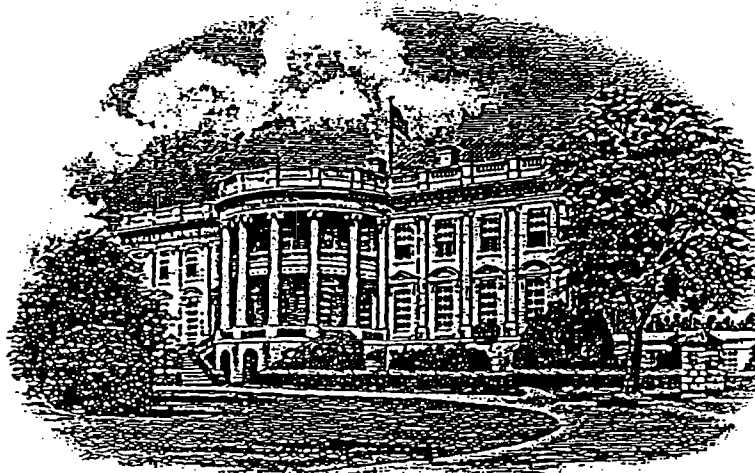
WHITE HOUSE OFFICE ON ENVIRONMENTAL POLICY

TO: Bob Tuccillo
FROM: Matt Gentile
DATE: 6/3/94
FAX: 5-6899

Number of pages including cover: 4

COMMENTS: Bob, after much deliberation, we have
developed the following draft response to
Markey's inquiry. Please let me know
what you think. Thanks

MAG



PHONE - (202) 456-6224 FAX - (202) 456-2710
OLD EXECUTIVE OFFICE BUILDING, ROOM 360
WASHINGTON, DC 20501

Since this would amend RCRA
this bill should be considered
in context of RCRA re-authorization
Push it off for us.

Next Congress.

When will it happen?

Alice Idea but, in context
of RCRA

IF HHS attach it to
SDWA, CWA we will probably
need to address it with
position.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

Matt -

Copies of the House and Senate
bottle bills.

Bob Tuccillo

Brian - - as we
discussed you'll
let us know if
OBC will do the
response and the
position we are
taking and why
we are taking it.

Walter / Linda

DRAFT

DRAFT

DRAFT

cc: Bentley
Burke

May 23, 1994

Dear Representative Markey et al.:

Thank you for your letter dated April 20, 1994 regarding the need for a national bottle bill. Recycling continues to play a prominent role in this administration's environmental agenda.

I believe that comprehensive recycling has to be an important part of our strategy in our efforts to preserve our environment. Through the hard work and initiative of many community and industry leaders, recycling has become almost routine to many people. However, to really make recycling a success, further outreach is needed to encourage both the supply and demand for recycled products.

While your proposed legislation incorporates many of the elements necessary for effective reform, EPA believes that any bottle legislation should be designed with a degree of flexibility that accommodates existing recycling programs, in addition to providing relief for small retailers.

Again, thank you for your keeping me informed.

BC/mmg

Edward Markey
George Miller
Ronald V. Dellums
Henry A. Waxman
Patricia Schroeder
Christopher Shays
Fred Upton
Gerry E. Studds
Nancy L. Johnson
Constance A. Morella
Wayne T. Gilchrest
David E. Bonior

OMB Bob Tuccillo
5-5609
-6899
Pam Burr 5-5852

Ernest Sorel DPL Paul Weinstein

Speech E-Day 92 Brian Burke

Best. Gave co-sponsored in Senate
w/ letters

EPA

Rich Gold/200-1718

Julie Anderson/200-1365

• Markey
Dan Rabinowitz

-Burton -
Burke -

REMARKS OF GOVERNOR BILL CLINTON
Drexel University
Philadelphia, Pennsylvania
Earth Day -- April 22, 1992

Twenty-two years ago today, thousands of Americans marched and met and spoke out across the country to raise a new concern onto our nation's agenda: the protection of America's environment. That first Earth Day in 1970 awakened our nation to the ticking of a different kind of biological clock -- a clock that measured the careless degradation of America's air, water, land and natural resources.

Many of you here were not even born yet. And it's worth recalling the whirlwind of change and progress that followed that day. Within two years, our nation created the Environmental Protection Agency, passed the Clean Air, Clean Water, and Endangered Species Acts, and banned DDT. For my generation, it was a heady, hopeful experience.

Two decades later, all those efforts seem dwarfed by the enormity of old and new threats to our communities, our resources, and our planet.

We restricted open dumping into our rivers, but now we see used hypodermic needles washing up on our beaches.

We banished lead from our gas tanks, but still find it concentrated where the children of our cities live and play.

We pinpointed the nation's toxic waste dumps, but have only cleaned up a handful.

We confronted the acid rain killing our trees, but not the rush of development that is wiping out wetlands at home and rainforests abroad.

We stopped building nuclear power plants, but now see our addiction to fossil fuels wrapping the earth in a deadly shroud of greenhouse gasses.

We opened our eyes to the threats posed by oil-soaked beaches, smoggy skies, and burning rivers; yet we still struggle to comprehend less apparent dangers, such as an invisible hole in a distant ozone layer that allows unseen rays to plant the microscopic seeds of cancer.

The question that falls to your generation is this: will the march that began 22 years ago move forward, or will we stand in place?

- ◆ We'll invest more in the development of renewable energy sources. Federal funding for renewables has dropped from \$850 million to \$114 million in the last decade. There's no reason why 60 percent of the Department of Energy's money should still be going to nuclear weapons, with nuclear power and fossil fuels getting most of the rest. We'll encourage the use of new energy sources like wind and solar, and new ways to get better results out of the sources we already have. In a Clinton Administration, we will designate as wilderness the Arctic National Wildlife Refuge and stop the crusade for new drilling off our coasts.
- ◆ As part of an effort to convert some of our Cold War military spending to civilian purposes, we'll use research and development funds to develop light rail, which can speed travel, save fuel, and provide transportation for people less able to afford it.
- ◆ Finally, we'll make energy conservation and efficiency central goals in every field of policy -- in designing our offices, planning our communities, designing our transportation systems and regulating our utilities. My goal is to improve America's overall energy efficiency by 20 percent by the year 2000.

We also need a policy to prevent pollution. Since 1970, we've made great strides in controlling pollution "at the pipe" -- regulating how much could be dumped and where. Now we need to expand our efforts earlier in the process and move from control to prevention.

One of our most urgent challenges is to reduce the amount of solid waste we generate. A Clinton Administration will find new ways to prevent pollution in the first place:

- ◆ We'll create a system of tradeable credits that will reward companies that recover a greater portion of their waste and penalize those that don't.
- ◆ We'll create incentives for firms and government to recycle, and use federal purchasing power to create markets in recycled materials.
- ◆ We'll pass a national bottle bill to encourage recycling by creating small deposits on all glass and plastic bottles.

WHITE HOUSE OFFICE ON ENVIRONMENTAL POLICY

TO: Rich Gold

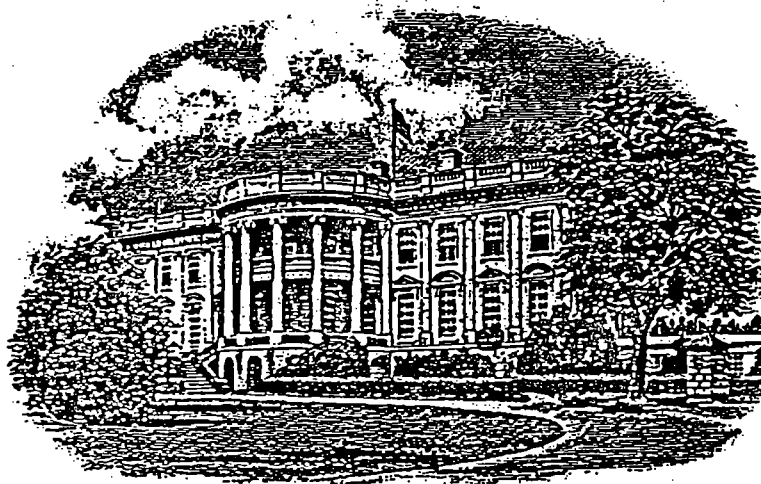
FROM: Matt Gentile

DATE: 6/8/94

FAX: 260-4852

Number of pages including cover: 2

COMMENTS: _____



PHONE - (202) 456-6224 FAX - (202) 456-2710
OLD EXECUTIVE OFFICE BUILDING, ROOM 360
WASHINGTON, DC 20501

WHITE HOUSE OFFICE ON ENVIRONMENTAL POLICY

TO: _____

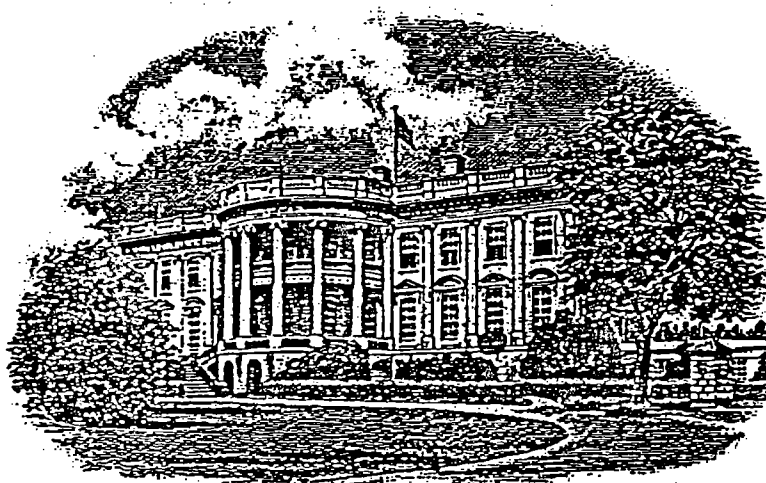
FROM: _____

DATE: _____

FAX: _____

Number of pages including cover: _____

COMMENTS: _____



PHONE - (202) 456-6224 FAX - (202) 456-2710
OLD EXECUTIVE OFFICE BUILDING, ROOM 360
WASHINGTON, DC 20501

103D CONGRESS
1ST SESSION

H. R. 1818

To amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 1993

Mr. MARKEY (for himself, Mr. HENRY, Mr. UPTON, Mr. BONIOR, Mr. BEIL-ENSON, Mr. BROWN of California, Mr. DELLUMS, Mr. WAXMAN, Mr. MILLER of California, Mrs. SCHROEDER, Ms. DELAURO, Mr. WALSH, Mrs. JOHNSON of Connecticut, Mrs. KENNELLY, Mr. HOEKSTRA, Ms. PELOSI, Mr. YATES, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. STUDDS, Mr. ANDREWS of Maine, Mr. CONYERS, Mr. KILDEE, Mr. STUPAK, Mr. KENNEDY, Mrs. MORELLA, Mr. PALLONE, Mr. MCHALE, Mr. ACKERMAN, Mr. HINCHEY, Mr. OWENS, Mr. SCHUMER, Mr. STOKES, Mr. EVANS, Mr. KOPETSKI, Mr. SANDERS, Mr. ROMERO-BARCELÓ, Mr. DE LUGO, Mr. LEVIN, Mr. FORD of Michigan, Mr. NADLER, Mr. FILNER, Ms. SLAUGHTER, Mr. WYDEN, Ms. ESHOO, Ms. FURSE, Mr. KREIDLER, Ms. SCHENK, Ms. MARGOLIES-MEZVINSKY, Mr. LEACH, Mrs. MALONEY, Mr. GILCHREST, Mr. BLACKWELL, Ms. WOOLSEY, Mr. EDWARDS of California, Mr. BERMAN, Mr. STARK, Mr. LANTOS, Mr. CARR, Mr. DEFazio, Mr. FRANKS of New Jersey, Mr. McDERMOTT, Mr. SHAYS, and Ms. SNOWE) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Beverage
 5 Container Reuse and Recycling Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The failure to reuse and recycle empty bev-
 9 erage containers represents a significant and unnec-
 10 essary waste of important national energy and mate-
 11 rial resources.

12 (2) The littering of empty beverage containers
 13 constitutes a public nuisance, safety hazard, and
 14 aesthetic blight and imposes upon public agencies,
 15 private businesses, farmers, and landowners unnec-
 16 essary costs for the collection and removal of such
 17 containers.

18 (3) Solid waste resulting from such empty bev-
 19 erage containers constitutes a significant and rapidly
 20 growing proportion of municipal solid waste and in-
 21 creases the cost and problems of effectively manag-
 22 ing the disposal of such waste.

23 (4) It is difficult for local communities to raise
 24 the necessary capital needed to initiate comprehen-
 25 sive recycling programs.

(5) The reuse and recycling of empty beverage containers would help eliminate these unnecessary burdens on individuals, local governments, and the environment.

(6) Several States have previously enacted and implemented State laws designed to protect the environment, conserve energy and material resources and promote resource recovery of waste by requiring a refund value on the sale of all beverage containers, and these have proven inexpensive to administer and effective at reducing financial burdens on communities by internalizing the cost of recycling and litter control to the producers and consumers of beverages.

(7) A national system for requiring a refund value on the sale of all beverage containers would act as a positive incentive to individuals to clean up the environment and would result in a high level of reuse and recycling of such containers and help reduce the costs associated with solid waste management.

(8) A national system for requiring a refund value on the sale of all beverage containers would result in significant energy conservation and resource recovery.

1 (9) The reuse and recycling of empty beverage
2 containers would eliminate these unnecessary bur-
3 dens on the Federal Government, local and State
4 governments, and the environment.

5 (10) The collection of unclaimed refunds from
6 such a system would provide the resources necessary
7 to assist comprehensive reuse and recycling pro-
8 grams throughout the Nation.

9 (11) A national system of beverage container
10 recycling is consistent with the intent of the Re-
11 source Conservation and Recovery Act of 1976 (42
12 U.S.C. 6901 et seq.).

13 (12) The provisions of this Act are consistent
14 with the goals set in January 1988, by the Environ-
15 mental Protection Agency, which establish a national
16 goal of 25 percent source reduction and recycling by
17 1992, coupled with a substantial slowing of the pro-
18 jected rate of increase in waste generation by the
19 year 2000.

20 **SEC. 3. AMENDMENT OF SOLID WASTE DISPOSAL ACT.**

21 (a) AMENDMENT.—The Solid Waste Disposal Act is
22 amended by adding the following new subtitle at the end
23 thereof:

24 “SUBTITLE K—BEVERAGE CONTAINER RECYCLING

25 “SEC. 12001. DEFINITIONS.

26 “For purposes of this subtitle—

“(1) The term ‘beverage’ means beer or other malt beverage, mineral water, soda water, wine cooler, or a carbonated soft drink of any variety in liquid form intended for human consumption.

“(2) The term ‘beverage container’ means a container constructed of metal, glass, plastic, or some combination of these materials and having a capacity of up to one gallon of liquid and which is or has been sealed and used to contain a beverage for sale in interstate commerce. The opening of a beverage container in a manner in which it was designed to be opened and the compression of a beverage container made of metal or plastic shall not, for purposes of this section, constitute the breaking of the container if the statement of the amount of the refund value of the container is still readable.

“(3) The term ‘beverage distributor’ means a person who sells or offers for sale in interstate commerce to beverage retailers beverages in beverage containers for resale.

“(4) The term ‘beverage retailer’ means a person who purchases from a beverage distributor beverages in beverage containers for sale to a consumer or who sells or offers to sell in commerce beverages in beverage containers to a consumer.

1 “(5) The term ‘consumer’ means a person who
2 purchases a beverage container for any use other
3 than resale.

4 “(6) The term ‘refund value’ means the amount
5 specified as the refund value of a beverage container
6 under section 12002.

7 “(7) The term ‘wine cooler’ means a drink con-
8 taining less than 7 percent alcohol (by volume), con-
9 sisting of wine and plain, sparkling, or carbonated
10 water and containing any one or more of the follow-
11 ing: non-alcoholic beverage, flavoring, coloring mate-
12 rials, fruit juices, fruit adjuncts, sugar, carbon diox-
13 ide, preservatives.

14 **“SEC. 12002. REQUIRED BEVERAGE CONTAINER LABELING.**

15 “Except as otherwise provided in section 12007, no
16 beverage distributor or beverage retailer may sell or offer
17 for sale in interstate commerce a beverage in a beverage
18 container unless there is clearly, prominently, and securely
19 affixed to, or printed on, the container a statement of the
20 refund value of the container in the amount of 10 cents.
21 The Administrator shall promulgate rules establishing
22 uniform standards for the size and location of the refund
23 value statement on beverage containers. The 10 cent
24 amount specified in this section shall be subject to adjust-
25 ment by the Administrator as provided in section 12008.

1 **"SEC. 12003. ORIGINATION OF REFUND VALUE.**

2 "For each beverage in a beverage container sold in
3 interstate commerce to a beverage retailer by a beverage
4 distributor, the distributor shall collect from the retailer
5 the amount of the refund value shown on the container.

6 With respect to each beverage in a beverage container sold
7 in interstate commerce to a consumer by a beverage re-
8 tailer, the retailer shall collect from the consumer the
9 amount of the refund value shown on the container. No
10 person other than the persons described in this section
11 may collect a deposit on a beverage container.

12 **"SEC. 12004. RETURN OF REFUND VALUE.**

13 "(a) PAYMENT BY RETAILER.—If any person tenders
14 for refund an empty and unbroken beverage container to
15 a beverage retailer who sells (or has sold at any time dur-
16 ing the period of 3 months ending on the date of such
17 tender) the same brand of beverage in the same kind and
18 size of container, the retailer shall promptly pay such per-
19 son the amount of the refund value stated on the
20 container.

21 "(b) PAYMENT BY DISTRIBUTOR.—If any person
22 tenders for refund an empty and unbroken beverage con-
23 tainer to a beverage distributor who sells (or has sold at
24 any time during the period of 3 months ending on the
25 date of such tender) the same brand of beverage in the
26 same kind and size of container, the distributor shall

1 promptly pay such person (1) the amount of the refund
2 value stated on the container, plus (2) an amount equal
3 to at least 2 cents per container to help defray the cost
4 of handling. This subsection shall not preclude any person
5 from tendering beverage containers to persons other than
6 beverage distributors.

7 “(c) AGREEMENTS.—(1) Nothing in this subtitle
8 shall preclude agreements between distributors, retailers,
9 or other persons to establish centralized beverage collec-
10 tion centers, including centers which act as agents of such
11 retailers.

12 “(2) Nothing in this subtitle shall preclude agree-
13 ments between beverage retailers, beverage distributors, or
14 other persons for the crushing or bundling (or both) of
15 beverage containers.

16 **“SEC. 12005. ACCOUNTING FOR UNCLAIMED REFUNDS AND**
17 **PROVISIONS FOR STATE RECYCLING FUNDS.**

18 “(a) UNCLAIMED REFUNDS.—At the end of each cal-
19 endar year each beverage distributor shall pay to each
20 State an amount equal to the sum by which the total re-
21 fund value of all containers sold by the distributor for re-
22 sale in that State during that year exceeds the total sum
23 paid during that year by the distributor under section
24 12004(b) to persons in that State. The total of unclaimed
25 refunds received by any State under this section shall be

1 available to carry out pollution prevention and recycling
2 programs in that State,

3 “(b) REFUNDS IN EXCESS OF COLLECTIONS.—If the
4 total of payments made by a beverage distributor in any
5 calendar year under section 12004(b) for any State exceed
6 the total refund value of all containers sold by the dis-
7 tributor for resale in that State, the excess shall be cred-
8 ited against the amount otherwise required to be paid by
9 the distributor to that State under subsection (a) for a
10 subsequent calendar year designated by the beverage dis-
11 tributor.

12 **“SEC. 12006. PROHIBITIONS ON DETACHABLE OPENINGS**
13 **AND POST-REDEMPTION DISPOSAL.**

14 “(a) DETACHABLE OPENINGS.—No beverage dis-
15 tributor or beverage retailer may sell, or offer for sale,
16 in interstate commerce a beverage in a metal beverage
17 container a part of which is designed to be detached in
18 order to open such container.

19 “(b) POST-REDEMPTION DISPOSAL.—No retailer or
20 distributor or agent of a retailer or distributor may dis-
21 pose of any beverage container labeled under section
22 12002 or any metal, glass, or plastic from such a beverage
23 container (other than the top or other seal thereof) in any
24 landfill or other solid waste disposal facility.

1 "SEC. 12007. EXEMPTED STATES.

2 "(a) IN GENERAL.—The provisions of sections 12002
3 through 12005 and sections 12008 and 12009 of this sub-
4 title shall not apply in any State which—

5 "(1) has adopted and implemented require-
6 ments applicable to all beverage containers sold in
7 that State which the Administrator determines to be
8 substantially identical to the provisions of sections
9 12002 through 12005 and sections 12008 and
10 12009 of this subtitle; or

11 "(2) demonstrates to the Administrator that,
12 for any period of 12 consecutive months following
13 the date of the enactment of this subtitle, such State
14 achieved a recycling or reuse rate for beverage con-
15 tainers of at least 70 percent.

16 If at any time following a determination under paragraph
17 (2) that a State has achieved a 70 percent recycling or
18 reuse rate the Administrator determines that such State
19 has failed, for any 12-consecutive month period, to main-
20 tain at least a 70 percent recycling or reuse rate of its
21 beverage containers, the Administrator shall notify such
22 State that, upon the expiration of the 90-day period fol-
23 lowing such notification, the provisions under sections
24 12002 through 12005 and sections 12008 and 12009 shall
25 be applicable to that State until a subsequent determina-

*Does this imply that w/ this mandate, all states will
reach 70% recy or reuse rate of
beverage containers.*

tion is made under subparagraph (A) or a demonstration is made under subparagraph (B).

“(b) DETERMINATION OF TAX.—No State or political subdivision which imposes any tax on the sale of any beverage container may impose a tax on any amount attributable to the refund value of such container.

“(c) EFFECT ON OTHER LAWS.—Nothing in this subtitle shall be construed to affect the authority of any State or political subdivision thereof to enact or enforce (or continue in effect) any law respecting a refund value on containers other than beverage containers or from regulating redemption and other centers which purchase empty beverage containers from beverage retailers, consumers, or other persons.

“SEC. 12008. REGULATIONS.

“Not later than 12 months after the enactment of this subtitle, the Administrator shall prescribe regulations to carry out this subtitle. The regulations shall include a definition of the term ‘beverage retailer’ in a case in which beverages in beverage containers are sold to consumers through beverage vending machines. Such regulations shall also adjust the 10 cent amount specified in section 12002 to account for inflation. Such adjustment shall be effective 10 years after the enactment of this subtitle and

1 additional adjustments shall take effect at 10 year inter-
2 vals thereafter.

3 **"SEC. 12009. PENALTIES.**

4 "Any person who violates any provision of section
5 12002, 12003, 12004, or 12006 shall be subject to a civil
6 penalty of not more than \$1,000 for each violation. Any
7 person who violates any provision of section 12005 shall
8 be subject to a civil penalty of not more than \$10,000 for
9 each violation.

10 **"SEC. 12010. EFFECTIVE DATE.**

11 "Except as provided in section 12008, this subtitle
12 shall take effect 2 years after the date of its enactment."

13 (b) TABLE OF CONTENTS.—The table of contents for
14 such Act is amended by adding the following at the end
15 thereof:

"SUBTITLE K—BEVERAGE CONTAINER RECYCLING

"Sec. 12001. Definitions.

"Sec. 12002. Required beverage containers labeling.

"Sec. 12003. Origination of refund value.

"Sec. 12004. Return of refund value.

"Sec. 12005. Accounting for unclaimed refunds and provisions for State recycling funds.

"Sec. 12006. Prohibitions on detachable openings and post-redemption disposal.

"Sec. 12007. Exempted States.

"Sec. 12008. Regulations.

"Sec. 12009. Penalties.

"Sec. 12010. Effective date."

○

103D CONGRESS
1ST SESSION

S. 818

To amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 22 (legislative day, APRIL 19), 1993

Mr. HATFIELD (for himself, Mr. PACKWOOD, Mr. MITCHELL, Mrs. BOXER, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. KENNEDY, Mr. METZENBAUM, Mr. KERRY, Mr. LEVIN, Mr. HARKIN, Mr. LEAHY, and Mr. RIEGLE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "National Beverage
5 Container Reuse and Recycling Act of 1993".

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

(1) The failure to reuse and recycle empty beverage containers represents a significant and unnecessary waste of important national energy and material resources.

(2) The littering of empty beverage containers constitutes a public nuisance, safety hazard, and aesthetic blight and imposes upon public agencies, private businesses, farmers, and landowners unnecessary costs for the collection and removal of the containers.

(3) Solid waste resulting from the empty beverage containers constitutes a significant and rapidly growing proportion of municipal solid waste and increases the cost and problems of effectively managing the disposal of the waste.

(4) It is difficult for local communities to raise the necessary capital to initiate comprehensive recycling programs.

(5) The reuse and recycling of empty beverage containers would help eliminate unnecessary burdens on individuals, local governments, and the environment.

(6) Several States have previously enacted and implemented State laws designed to protect the environment, conserve energy and material resources,

1 and promote resource recovery of waste by requiring
2 a refund value on the sale of all beverage containers.

3 (7) The laws referred to in paragraph (6) have
4 proven inexpensive to administer and effective at re-
5 ducing financial burdens on communities by inter-
6 nalizing the cost of recycling and litter control to the
7 producers and consumers of beverages.

8 (8) A national system for requiring a refund
9 value on the sale of all beverage containers would
10 act as a positive incentive to individuals to clean up
11 the environment and would—

12 (A) result in a high level of reuse and recy-
13 cling of the containers; and

14 (B) help reduce the costs associated with
15 solid waste management.

16 (9) A national system for requiring a refund
17 value on the sale of all beverage containers would re-
18 sult in significant energy conservation and resource
19 recovery.

20 (10) The reuse and recycling of empty beverage
21 containers would eliminate unnecessary burdens on
22 the Federal Government, local and State govern-
23 ments, and the environment.

24 (11) The collection of unclaimed refunds from
25 a national system of beverage container recycling

1 would provide the resources necessary to assist com-
2 prehensive reuse and recycling programs throughout
3 the United States.

4 (12) A national system of beverage container
5 recycling is consistent with the intent of the Re-
6 source Conservation and Recovery Act of 1976 (42
7 U.S.C. 6901 et seq.).

8 (13) The provisions of this Act are consistent
9 with the goals established by the Administrator of
10 the Environmental Protection Agency in January
11 1988. The goals include a national goal of 25 per-
12 cent source reduction and recycling by 1992, coupled
13 with a substantial slowing of the projected rate of
14 increase in waste generation by the year 2000.

15 **SEC. 3. AMENDMENT OF SOLID WASTE DISPOSAL ACT.**

16 (a) IN GENERAL.—The Solid Waste Disposal Act is
17 amended by adding at the end thereof the following new
18 subtitle:

19 **“Subtitle K—Beverage Container**
20 **Recycling**

21 **“SEC. 12001. DEFINITIONS.**

22 As used in this subtitle:

23 “(1) BEVERAGE.—The term ‘beverage’ means
24 beer or other malt beverage, mineral water, soda
25 water, wine cooler, or a carbonated soft drink of any

1 variety in liquid form intended for human consump-
2 tion.

3 “(2) BEVERAGE CONTAINER.—The term ‘bev-
4 erage container’ means a container—

5 “(A) constructed of metal, glass, or plastic
6 (or a combination of the materials);

7 “(B) having a capacity of up to one gallon
8 of liquid; and

9 “(C) that is or has been sealed and used
10 to contain a beverage for sale in interstate com-
11 merce.

12 “(3) BEVERAGE DISTRIBUTOR.—The term ‘bev-
13 erage distributor’ means a person who sells or offers
14 for sale in interstate commerce to beverage retailers
15 beverages in beverage containers for resale.

16 “(4) BEVERAGE RETAILER.—The term ‘bev-
17 erage retailer’ means a person who purchases from
18 a beverage distributor beverages in beverage contain-
19 ers for sale to a consumer or who sells or offers to
20 sell in commerce beverages in beverage containers to
21 a consumer.

22 “(5) CONSUMER.—The term ‘consumer’ means
23 a person who purchases a beverage container for any
24 use other than resale.

1 “(6) REFUND VALUE.—The term ‘refund value’
2 means the amount specified as the refund value of
3 a beverage container under section 12002.

4 “(7) UNBROKEN BEVERAGE CONTAINER.—The
5 term ‘unbroken beverage container’ shall include a
6 beverage container opened in a manner in which the
7 container was designed to be opened. A beverage
8 container made of metal or plastic that is com-
9 pressed shall constitute an unbroken beverage con-
10 tainer if the statement of the amount of the refund
11 value of the container is still readable.

12 “(8) WINE COOLER.—The term ‘wine cooler’
13 means a drink containing less than 7 percent alcohol
14 (by volume)—

15 “(A) consisting of wine and plain, spar-
16 kling, or carbonated water; and

17 “(B) containing a non-alcoholic beverage,
18 flavoring, coloring material, fruit juice, fruit ad-
19 junct, sugar, carbon dioxide, or preservatives
20 (or any combination thereof).

21 **“SEC. 12002. REQUIRED BEVERAGE CONTAINER LABELING.**

22 “Except as otherwise provided in section 12007, no
23 beverage distributor or beverage retailer may sell or offer
24 for sale in interstate commerce a beverage in a beverage
25 container unless there is clearly, prominently, and securely

1 affixed to, or printed on, the container a statement of the
 2 refund value of the container in the amount of 10 cents.
 3 The Administrator shall promulgate regulations establish-
 4 ing uniform standards for the size and location of the re-
 5 fund value statement on beverage containers. The 10 cent
 6 amount specified in this section shall be subject to adjust-
 7 ment by the Administrator, as provided in section 12008.

8 **"SEC. 12003. ORIGATION OF REFUND VALUE.**

9 "For each beverage in a beverage container sold in
 10 interstate commerce to a beverage retailer by a beverage
 11 distributor, the distributor shall collect from the retailer
 12 the amount of the refund value shown on the container.
 13 With respect to each beverage in a beverage container sold
 14 in interstate commerce to a consumer by a beverage re-
 15 tailer, the retailer shall collect from the consumer the
 16 amount of the refund value shown on the container. No
 17 person other than a person described in this section may
 18 collect a deposit on a beverage container.

19 **"SEC. 12004. RETURN OF REFUND VALUE.**

20 "(a) PAYMENT BY RETAILER.—If a person tenders
 21 for refund an empty and unbroken beverage container to
 22 a beverage retailer who sells (or has sold at any time dur-
 23 ing the 3-month period ending on the date of tender) the
 24 same brand of beverage in the same kind and size of con-

1 tainer, the retailer shall promptly pay the person the
2 amount of the refund value stated on the container.

3 “(b) PAYMENT BY DISTRIBUTOR.—

4 “(1) IN GENERAL.—If a person tenders for re-
5 fund an empty and unbroken beverage container to
6 a beverage distributor who sells (or has sold at any
7 time during the 3-month period ending on the date
8 of tender) the same brand of beverage in the same
9 kind and size of container, the distributor shall
10 promptly pay the person—

11 “(A) the amount of the refund value stated
12 on the container, plus

13 “(B) an amount equal to at least 2 cents
14 per container to help defray the cost of han-
15 dling.

16 “(2) TENDERING BEVERAGE CONTAINERS TO
17 OTHER PERSONS.—This subsection shall not pre-
18 clude any person from tendering beverage containers
19 to persons other than beverage distributors.

20 “(c) AGREEMENTS.—

21 “(1) IN GENERAL.—Nothing in this subtitle
22 shall preclude agreements between distributors, re-
23 tailers, or other persons to establish centralized bev-
24 erage collection centers, including centers that act as
25 agents of the retailers.

1 “(2) AGREEMENT FOR CRUSHING OR BUN-
2 DLING.—Nothing in this subtitle shall preclude
3 agreements between beverage retailers, beverage dis-
4 tributors, or other persons for the crushing or bun-
5 dling (or both) of beverage containers.

6 **“SEC. 12005. ACCOUNTING FOR UNCLAIMED REFUNDS AND**
7 **PROVISIONS FOR STATE RECYCLING FUNDS.**

8 “(a) UNCLAIMED REFUNDS.—At the end of each cal-
9 endar year, each beverage distributor shall pay to each
10 State an amount equal to the sum by which the total re-
11 fund value of all containers sold by the distributor for re-
12 sale in that State during the year exceeds the total sum
13 paid during that year by the distributor under section
14 12004(b) to persons in the State. The total amount of un-
15 claimed refunds received by any State under this section
16 shall be available to carry out pollution prevention and re-
17 cycling programs in the State.

18 “(b) REFUNDS IN EXCESS OF COLLECTIONS.—If the
19 total amount of payments made by a beverage distributor
20 in any calendar year under section 12004(b) for any State
21 exceeds the total amount of the refund values of all con-
22 tainers sold by the distributor for resale in the State, the
23 excess shall be credited against the amount otherwise re-
24 quired to be paid by the distributor to that State under

1 subsection (a) for a subsequent calendar year, designated
2 by the beverage distributor.

3 **"SEC. 12006. PROHIBITIONS ON DETACHABLE OPENINGS**
4 **AND POST-REDEMPTION DISPOSAL.**

5 “(a) DETACHABLE OPENINGS.—No beverage dis-
6 tributor or beverage retailer may sell, or offer for sale,
7 in interstate commerce a beverage in a metal beverage
8 container a part of which is designed to be detached in
9 order to open the container.

10 “(b) POST-REDEMPTION DISPOSAL.—No retailer or
11 distributor or agent of a retailer or distributor may dis-
12 pose of any beverage container labeled pursuant to section
13 12002 or any metal, glass, or plastic from the beverage
14 container (other than the top or other seal thereof) in any
15 landfill or other solid waste disposal facility.

16 **"SEC. 12007. EXEMPTED STATES.**

17 “(a) IN GENERAL.—

18 “(1) EXEMPTION.—Sections 12002 through
19 12005 and sections 12008 and 12009 shall not
20 apply in any State that—

21 “(A) has adopted and implemented re-
22 quirements applicable to all beverage containers
23 sold in the State if the Administrator deter-
24 mines the requirements to be substantially simi-
25 lar to the provisions of sections 12002 through

12005 and sections 12008 and 12009 of this subtitle; or

“(B) demonstrates to the Administrator that, for any period of 12 consecutive months following the date of enactment of this subtitle, the State achieved a recycling or reuse rate for beverage containers of at least 70 percent.

“(2) TERMINATION OF EXEMPTION.—If at any time following a determination by the Administrator under paragraph (1)(B) that a State has achieved a 70 percent recycling or reuse rate, the Administrator determines that the State has failed, for any 12-consecutive month period, to maintain at least a 70 percent recycling or reuse rate of beverage containers, the Administrator shall notify the State that, on the expiration of the 90-day period following the notification, sections 12002 through 12005 and sections 12008 and 12009 shall apply with respect to the State until a subsequent determination is made under paragraph (1)(A) or a demonstration is made under paragraph (1)(B).

“(b) DETERMINATION OF TAX.—No State or political subdivision thereof that imposes a tax on the sale of any beverage container may impose a tax on any amount attributable to the refund value of the container.

1 “(c) EFFECT ON OTHER LAWS.—Nothing in this
2 subtitle is intended to affect the authority of any State
3 or political subdivision thereof—

4 “(1) to enact or enforce (or continue in effect)
5 any law concerning a refund value on containers
6 other than beverage containers; or

7 “(2) to regulate redemption and other centers
8 that purchase empty beverage containers from bev-
9 erage retailers, consumers, or other persons.

10 **“SEC. 12008. REGULATIONS.**

11 “(a) IN GENERAL.—Not later than 12 months after
12 the date of enactment of this subtitle, the Administrator
13 shall prescribe regulations to carry out this subtitle.

14 “(b) BEVERAGE RETAILER.—The regulations shall
15 include a definition of the term ‘beverage retailer’ for any
16 case in which beverages in beverage containers are sold
17 to consumers through beverage vending machines.

18 “(c) ADJUSTMENT FOR INFLATION.—The regulations
19 shall adjust the 10 cent amount specified in section 12002
20 to account for inflation. The initial adjustment shall be-
21 come effective on the date that is 10 years after the date
22 of enactment of this subtitle, and additional adjustments
23 shall become effective every 10 years thereafter.

1 **"SEC. 12009. PENALTIES.**

2 "Any person who violates any provision of section
 3 12002, 12003, 12004, or 12006 shall be subject to a civil
 4 penalty of not more than \$1,000 for each violation. Any
 5 person who violates any provision of section 12005 shall
 6 be subject to a civil penalty of not more than \$10,000 for
 7 each violation.

8 **"SEC. 12010. EFFECTIVE DATE.**

9 "Except as provided in section 12008, this subtitle
 10 shall take effect on the date that is 2 years after the date
 11 of enactment of this subtitle."

12 (b) TABLE OF CONTENTS.—The table of contents for
 13 the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is
 14 amended by adding at the end thereof the following new
 15 items:

"SUBTITLE K—BEVERAGE CONTAINER RECYCLING

"Sec. 12001. Definitions.

"Sec. 12002. Required beverage container labeling.

"Sec. 12003. Origination of refund value.

"Sec. 12004. Return of refund value.

"Sec. 12005. Accounting for unclaimed refunds and provisions for State recycling funds.

"Sec. 12006. Prohibitions on detachable openings and post-redemption disposal.

"Sec. 12007. Exempted States.

"Sec. 12008. Regulations.

"Sec. 12009. Penalties.

"Sec. 12010. Effective date."

○

Katie --

Attached is a proposed response to Congressman Markey regarding his bottle bill. The letter is very general and does not take a position on Markey's bill.

We discussed this briefly and you indicated that the Administration would not support the bill. Before this is sent out, I just wanted to let you know that Mike Vandenberg told me that Carol Browner feels we may be missing an opportunity here. Apparently, it is extremely unlikely that a bottle bill will pass -- it died in Committee last time. However, we could incur some good will and be "green" if we send a supportive letter to Markey.

On the other side, I got a call from Pat's office saying that we should make sure not to make any commitments on the bottle bill.

I just wanted to relay this information to you before I sent out the letter. Let me know if any changes to the letter would be appropriate.

Thanks,

Linda

LBB

*Agree I
letter is OK*

DRAFT DRAFT DRAFT

Janet

June 10, 1994

Matt -
Mike V.
reviewed -
have we heard
from Janet?

Dear Representative Markey et al.:

Thank you for your letter dated April 20, 1994 regarding the need for a national bottle bill. I apologize for the delay in responding.

Recycling continues to play a prominent role in this administration's environmental agenda. Comprehensive recycling is an important part of our strategy to preserve the environment. The President recently signed a recycling Executive Order calling for recycled-content guidelines for federal purchases of 21 products including such items as carpet, floor tile, office recycling containers, remanufactured toner cartridges, and plastic trash bags. The order will reduce solid waste, build markets for recycled products, encourage new technologies and protect the environment by requiring Federal agencies to use recycled paper and other recycled products. Through the hard work and initiative of many community and industry leaders, recycling has become routine to many people. However, to promote further success, outreach is needed to increase both the supply and demand for recycled products.

Thank you for keeping me apprised of you efforts with respect to national beverage container legislation.

KAM/mmg

Edward Markey
George Miller
Ronald V. Dellums
Henry A. Waxman
Patricia Schroeder
Christopher Shays
Fred Upton
Gerry E. Studds
Nancy L. Johnson
Constance A. Morella
Wayne T. Gilchrest
David E. Bonier

Ed Markey
Fred Upton
George Miller
Gerry Studds
Janet, Ron Dellums
Nancy Johnson
Henry Waxman
Constance Morella
Patricia Schroeder
Wayne Gilchrest
Christopher Shays
David Bonier
IF my input letter as pro-bottle
bill, we will have to wait and
articulate a different (negative) position.
'No-change' is in enclosure.
~~Sanchez~~

05/22

Congress of the United States
House of Representatives
Washington, DC 20515

April 20, 1994

The President
The White House
Washington, DC 20500

Dear Mr. President:

As Earth Day approaches, we are writing to express our continued support of national beverage container recycling legislation. We are the sponsors of legislation in Congress, H.R. 1818 and S. 818, to encourage states to follow the lead of the 10 current bottle bill states by adopting a beverage container deposit system.

Our legislation would challenge states to accomplish a 70 percent recycling rate for beer, wine cooler, and soft drink containers. To meet this goal, which falls well below the recycling rates accomplished by almost all of the current bottle bill states, our legislation gives states the flexibility to put in place recycling systems of any sort. In states that fail to reach the 70 percent goal, our bill calls for a 10 cent per container deposit law. Unclaimed refunds from these deposits — estimated by the Congressional Budget Office to total as much as \$1.7 billion — would be made available to assist states with their other recycling programs. Implementing these programs would come at little, if any, net cost to the states. In fact, considering the potential revenues from unclaimed deposits, this legislation is likely to be revenue-generating for the states.

This legislation is based on the successful beverage container deposit laws now in place in 10 states (California, Connecticut, Delaware, Iowa, Maine, Massachusetts, Michigan, New York, Oregon, and Vermont). One need look only to these states to see how effective, and how popular this approach is. The 10 bottle bill states, with just 30 percent of the U.S. population, account for over 90 percent of all plastic containers recycled, over 70 percent of glass recycled, and nearly half of the aluminum recycled.

Despite numerous industry-led efforts to repeal these programs, each remains in place and is as popular as ever. A 1990 General Accounting Office survey found that the vast majority of Americans, in both deposit and non-deposit states, would support a national deposit law. Private opinion polls have indicated that 76 percent of Americans support beverage container deposits. Deposit legislation has historically been supported by such national organizations as the League of Women Voters, the Sierra Club, the American Medical Association, the U.S. Public Interest Research Group, and the National Audubon Society.

Of the 120 billion beverage containers produced this year, half will be thrown out. We believe that this is an unacceptable cost to our environment, our taxpayers, our industry, and

our nation. One of the largest, most easily recovered and recycled elements of our waste stream must not continue to be overlooked.

Mr. President, we appreciate your continuing efforts in the area of environmental protection. In your 1992 Earth Day speech at Drexel University, you said, "We will pass a national bottle bill to encourage recycling by placing small deposits on all glass and plastic bottles." As Earth Day Approaches, we wish to reaffirm our commitment to ensuring the passage of this proven, common-sense recycling legislation, and look forward to working with you on this issue.

Sincerely,

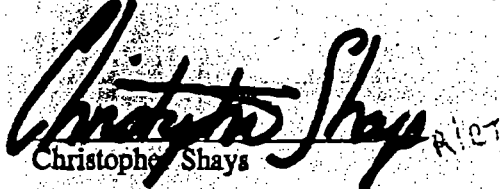

Edward J. Mackey D/MA


George Miller T/CA

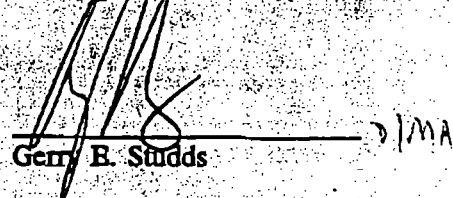

Ronald V. Dellums D/CA


Henry A. Waxman D/CA


Patricia Schroeder C/D


Christopher Shays R/CT


Fred Upton R/MI


Gerry B. Studds D/MA


Nancy L. Johnson R/CT


Constance A. Morella R/MD


Wayne T. Gilchrest R/VA


David E. Bonior

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Container & Packaging Recycling

• CONTAINER RECYCLING INSTITUTE •

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Pat Franklin, Executive Director

Michael Hogan, UPDATE editor

UPDATE

ENACTMENT OF NATIONAL BOTTLE BILL TAKES MAJOR STEP FORWARD

Proponents of a national bottle bill say a floor vote is likely this summer for the first time in the fifteen consecutive years it has been introduced. Rep. Ed Markey's (D-MA) "National Beverage Container Reuse and Recycling Act" (H.R. 1818) sets a 70 percent minimum recycling rate for all beer and soft drink cans and bottles. States failing to reach the threshold within two years of enactment would have to impose a 10 cent deposit on beverage containers sold in that state.

Markey believes that, based on the success of the current deposit law states, his bill would virtually guarantee the recycling of 80 to 90 percent of the 125 billion beer and soft drink containers sold in the United States each year.

The National Bottle Bill Campaign Director for U.S. Public Interest Research Group (USPIRG), Susan Birmingham, contends that "Congress appears to be growing weary of the beverage industry lobby's failed promises. Recycling rates for glass and plastic PET are virtually stalled and aluminum can recycling dropped seven percent last year." "The anti-bottle bill, soft drink giants keep saying they can reach 70 percent recycling, but it isn't happening," she concluded."

According to Newark Mayor Sharpe James, an ardent supporter of a national bottle bill, and current President of the National League of Cities, "the most attractive aspect of Markey's bill, from a public policy standpoint, is the fact that it would shift the burden for collecting and processing beverage containers from the public to the private sector." James says the \$57 million New Jersey would receive in unredeemed deposits "would provide a real boost to New Jersey's recycling efforts."

The Congressional Budget Office (CBO) estimates that between \$1.2 and \$1.7 billion in unclaimed deposits (deposits on cans and bottles that are not returned by consumers) would be generated. Under Markey's bill that money would be given back to the states to fund recycling programs.

HOW WOULD YOUR STATE BENEFIT FROM "THE NATIONAL BEVERAGE CONTAINER REUSE AND RECYCLING ACT"?

State	\$ Millions	State	\$ Millions
Alabama	30.4	Montana	6.1
Alaska	4.3	Nebraska	11.8
Arizona	28.2	Nevada	9.9
Arkansas	17.6	New Hampshire	8.2
California	226.9	New Jersey	57.3
Colorado	25.5	New Mexico	11.6
Connecticut	24.0	New York	133.2
Delaware	5.1	North Carolina	48.8
District of Columbia	4.3	North Dakota	4.7
Florida	99.1	Ohio	81.0
Georgia	49.6	Oklahoma	23.6
Hawaii	8.7	Oregon	21.9
Idaho	7.8	Pennsylvania	88.3
Illinois	85.5	Rhode Island	7.4
Indiana	41.6	South Carolina	26.5
Iowa	20.7	South Dakota	5.2
Kansas	18.5	Tennessee	36.9
Kentucky	27.6	Texas	129.8
Louisiana	31.4	Utah	13.3
Maine	9.1	Vermont	4.2
Massachusetts	44.1	Virginia	46.9
Maryland	36.1	Washington	37.7
Michigan	68.7	West Virginia	13.3
Minnesota	32.9	Wisconsin	36.8
Mississippi	19.2	Wyoming	3.4
Missouri	38.2	TOTAL	\$1,092

Calculations are based on 1991 U.S. Department of Commerce Census Bureau figures, 490 containers per capita, an 85 percent return rate and a 10-cent deposit