

Approved

Ken Grotewiel
Date 4/18/91

MINUTES OF THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Representative Ken Grotewiel at
Chairperson

3:30 ~~am~~/p.m. on April 2, 1991 in room 526-S of the Capitol.

All members were present except:
Representative Freeman, excused

Committee staff present:

Raney Gilliland, Principal Analyst, Legislative Research
Mary Torrence, Revisor of Statutes' Office
Pat Mah, Legislative Research
Lenore Olson, Committee Secretary

Conferees appearing before the committee:

Shaun McGrath, Kansas Natural Resource Council
Ron Hammerschmidt, Department of Health & Environment
Melville "Mel" Gray, member of the Environmental Resources Committee,
Kansas Engineering Society
Roger Coleman, Soil Conservation Service retiree
Phillip Anderson, Kansas State University, Speech Department head
Starla Cunningham, Plains Keepers Society
Patricia Rich, on the boards of: Kansas City Eye Bank, Menorah Med. Center,
Crippled Children's Nursery School
Pat Uhlmann, The Uhlmann Company (milling)
Jonathan Morris, President of S.A.V.E. (Students Acting to save a
Vulnerable Environment) Kansas State University
Bill Dorsett, Manhattan Audubon Society
Shawn Kokenge, Environs, University of Kansas
Verna Crane, Kanza Sierra Club; Audubon Society, Overland Park
Joyce Wolf, Kansas Audubon Council
Marci Francisco, League of Women Voters of Kansas
Diane Christman, Lawrence
Carine Ullom, Simple Goods General Store
Joan Vibert, Lake Region Recycling
Jerry Dishman, Kansas Recreation and Park Association
Mark Hermanson, Olathe
Sherlyn Sampson, Clerk of District Court, Douglas County
Paul Shelby, Assistant Judicial Administrator, Office of Judicial
Administration
Chiquita Cornelius, Executive Director, Kansas BIRP
Ron Kelly, Dillon Stores, Hutchinson
Maurice Cummings, Training & Evaluation Center for the Handicapped
Howard Wilson, Howie's Recycling, Manhattan
Mike Clagett, Deffenbaugh Industries, Inc., Shawnee
Ron Richardson, Wichita Coca-Cola Bottling Company and the Kansas Soft
Drink Association
Robert Strathman, Seneca Wholesale Co., Inc.
Wayne Probasco, Kansas Soft Drink Association
Tuck Duncan, Kansas Wine & Spirits Wholesalers Association
Art Davis, City of Lenexa
Jim Twigg, City of Overland Park
Neal Whitaker, Kansas Beer Wholesalers Association

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES,

room 526-S, Statehouse, at 3:30 ~~am~~/p.m. on April 2, 1991

Chairperson Grotewiel opened the hearing on HB 2471.

Shaun McGrath testified in support of HB 2471. He stated that experience shows that a deposit law will allow Kansas to reduce litter, reduce solid waste going to landfills, increase reuse and recycling, and conserve energy and natural resources. Mr. McGrath also reviewed the Sections of HB 2471. (Attachment 1)

Ron Hammerschmidt, Department of Health and Environment, testified on HB 2471, and stated that surveys indicate an overwhelming public support for some system of redemption for beverage containers. He said that because of various concerns, KDHE recommends further study be given before final action on the issue of bottle redemption legislation. (Attachment 2)

Mel Gray testified in support of HB 2471, stating that legislation such as in this bill has the potential to aid Kansas in control of litter, solid waste reduction, energy conservation, and consumer monetary savings. He recommended that the Kansas legislature adopt mandatory beverage container legislation to provide for continuance of reuseable drink containers. (Attachment 3)

Roger Coleman testified in support of HB 2471, stating that this bill would help keep a lot of trash from being dumped in unauthorized places. (Attachment 4)

Phillip Anderson testified in support of HB 2471, and stated that a beverage deposit law would benefit litter reduction, as has happened in Vermont. He also said that legislation be should have been federally mandated decades ago. (Attachment 5)

Starla Cunningham testified in support of HB 2471, stating that with this bill, Kansas could expect to reduce the solid waste stream going to landfills by 6 to 8% and reduce total litter by 35 to 45%. (Attachment 6)

Patricia Rich testified in support of HB 2471, stating that the passage of this bill will place Kansas in the vanguard of those states who are farsighted enough to envision a better world, a cleaner world, and a safer world for our children and theirs. (Attachment 7)

Pat Uhlmann testified in support of HB 2471, stating that common sense and common observation would tell us that a Bottle Law would clean up the wayside litter. (Attachment 8)

Jonathan Morris testified in support of HB 2471, stating that landfills have provided a temporary fix, but the real solution is reduced consumption and increased recycling. (Attachment 9)

Bill Dorsett testified in support of HB 2471, stating that this bill will increase the probability that container companies will locate in Kansas to take advantage of the reliable supply of recyclable glass, plastic and metals. (Attachment 10)

Shawn Kokenge testified in support of HB 2471, stating that it will be an effective form of litter control, will encourage recycling, and will help Kansas to gain an additional source of revenue. (Attachment 11)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES,

room 526-S, Statehouse, at 3:30 ~~xxx~~/p.m. on April 2, 1991.

Verna Crane testified in support of HB 2471, stating that bottle bills save energy, decrease pollution, create jobs, reduce litter and clean-up expenditures. They also create an awareness of the finite nature of resources, create recycling markets, and foster a stronger environmental ethic. (Attachment 12)

Joyce Wolf testified in support of HB 2471, stating that statistics show that deposit legislation is far more effective than recycling done without monetary incentive. (Attachment 13)

Marci Francisco testified in support of HB 2471, stating that the League of Women Voters of Kansas has a position on Solid Waste Management, adopted in 1973 that "the state...should encourage the recycling or reuse of materials by such means as...a ban on nonreturnable containers..." She requested the bill be amended as shown on page 2 of (Attachment 14)

Diane Christman testified in support of HB 2471, stating that by encouraging the return, refilling, and recycling of beverage containers, the deposit law would create jobs. Also included is written information on the history of the beverage container and the results of lengthy research. (Attachment 15)

Carine Ullom testified in support of HB 2471, stating that she has heard the frustrations of citizens concerned about the environment and with what they perceive as a lack of commitment on the part of industry to resolve solid waste problems and a lack of leadership in government to encourage practices which will reduce waste. (Attachment 16)

Joan Vibert testified in support of HB 2471. She said that a bottle bill sends a signal that "throw-away" can no longer exist. She requested the bill be amended to require the return of beverage containers to a redemption center where the materials would be processed for recycling. (Attachment 17)

Jerry Dishman testified they support of HB 2471 because of the costs and time spent on cleaning parks, playgrounds, bikepaths, ballfields and pools of debris. Also, because this litter is dangerous. (Attachment 18)

Mark Hermansen testified in support of HB 2471, stating that reduction of the waste stream must be an ever increasing priority as landfill space is not limitless. (Attachment 19)

Sherlyn Sampson, Clerk of District Court, Douglas County, testified in opposition to HB 2471. She stated that this bill, in its present form, would have a substantial impact on the 105 District Courts of the State requiring them to revise their accounting systems. She requested the bill be amended as shown on pages 2 and 3 of (Attachment 20)

Paul Shelby, Office of Judicial Administration, testified that HB 2471, if enacted with its present language, would cause severe dislocation of the district court accounting systems. He requested the bill be amended to that the deduction is made by the State Treasurer from the total amount of fines paid to the state. (Attachment 21)

Chiquita Cornelius, Kansas BIRP, testified in opposition to HB 2471. She stated that although they support the development of a comprehensive solid waste management plan, they do not feel this bill accomplishes the goal of reducing the entire waste stream, and, in fact, could be very detrimental to that goal, for it will jeopardize the collection system already in place. (Attachment 22)

CONTINUATION SHEET

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Ron Kelly, Dillon Stores, testified in opposition to HB 2471. He stated that a mandatory deposit bill would interfere with free market programs already in place, and would fall short of providing a comprehensive solid waste management plan. (Attachment 23)

Maurice Cummings testified in opposition to HB 2471. He stated that the passage of this bill will have significant negative impact on their training programs. One result would be the loss of jobs to more than forty men and women with disabilities. (Attachment 24)

Howard Wilson testified in opposition to HB 2471, stating that this bill would only shut the door to the many communities that are now recycling with curbside programs, drop-off centers, and full-service buy-back centers. (Attachment 25)

Mike Clagett testified in opposition to HB 2471. He stated that implementation of a "bottle bill" would serve to remove a fundamental economic support for recycling programs throughout the state of Kansas. In so doing, the collection and recycling of the currently recyclable waste stream would be very seriously threatened. (Attachment 26)

Ron Richardson testified in opposition to HB 2471. He said that the Kansas Soft Drink Association supports a comprehensive statewide recycling and solid waste program, but they do not feel that asking an industry which accounts for less than 2% of the solid waste in Kansas landfills should be singled out. (Attachment 27)

Robert Strathman testified in opposition to HB 2471. He stated that if this bill is enacted, two large franchises would apply the Kansas label and have a monopoly on the soft drink business because there would not be competition on production. (Attachment 28)

Wayne Probasco, Kansas Soft Drink Association, testified in opposition to HB 2471. He said that they are concerned with the sections in the bill wherein the State is claiming the unredeemed deposits. He also said that the National Soft Drink Association analyzed a GAO report entitled "Solid Waste Trade-offs" regarding beverage container deposit legislation and they feel this GAO report does nothing to dispel the conviction held by the beverage industry, recycling experts, solid waste officials and millions of consumers; deposits are costly, inconvenient, discriminatory, deal with a fraction of letter and solid waste, and are less effective than comprehensive source separation programs. (Attachment 29)

Tuck Duncan testified in opposition to HB 2471, stating that this bill does not provide for a 1990's solution to the comprehensive problems of solid waste management. (Attachment 30)

Art Davis, City of Lenexa, testified in opposition to HB 2471, stating that this bill would provide a deterrent for people to further participate in Lenexa's recycling program. He also said that this legislation would adversely affect the efforts and monies put forth by local units of government throughout Kansas to raise the awareness of our citizens by implementing recycling programs. (Attachment 31)

Jim Twigg, City of Overland Park, testified in opposition to HB 2471. He stated that this bill would do great harm to their existing recycling program, and would discourage the implementation of new programs within the state by removing the primary revenue generating element from these resource recovery programs. (Attachment 32)

CONTINUATION SHEET

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Neal Whitaker testified in opposition to HB 2471. He stated that the idea of requiring a mandatory deposit on beverage containers is an expensive and pointless proposition. Because of the elaborate collection system that must be set up at the retail level and the wholesale level, forced deposits will increase the cost of operation for these businesses that will potentially be passed on to Kansas consumers. (Attachment 33)

Written testimony on HB 2471 was provided by:

Jan Garton, Manhattan, KS (Attachment 34)

Margaret Miller, Sedgwick County Citizens for Recycling
(Attachment 35)

Terry Leatherman, Kansas Chamber of Commerce and Industry
(Attachment 36)

Gary Roberts, Golden Goats of Topeka (Attachment 37)

Gail Ederer, MidAmerica Glass Recycling Program (Attachment 38)

Bill Franklin, Franklin Associates, Ltd. (Attachment 39)

On file in the office of the Committee Chairperson is a booklet distributed by Mr. Franklin titled "The Role of Beverage Containers in Recycling and Solid Waste Management - A Perspective for the 1990s."

The Chair closed the hearing on HB 2471.

The meeting adjourned at 5:45 p.m.

COMMITTEE: _____

DATE: 4/2/91

| NAME (PLEASE PRINT) | ADDRESS | COMPANY/ORGANIZATION |
|---------------------|--------------------|----------------------------|
| Whitney Dimron | Topoka | DISCUS |
| KEVIN TIPTON | Denver, Co | " |
| STEVE KEARNZEL | TOPEKA | WASTE MANAGEMENT |
| Paul Shelby | Topoka | OJA |
| Sherlyn Sampson | Lawrence | Dg Co. Dist. Court |
| P. AMERSON | JITTAH | TRIPLOX |
| DAN DAGOSTA | Topoka | PEPSI - Cola |
| SHAWN KOKONGO | LAWRENCE | ENVIRONS |
| Rebecca Pinn | Topoka | KRLDA & Assoc |
| Neal Whitaker | Topoka | KBWA |
| TUCK DUNLAN | TOPEKA | Ks. whet/spirit wholesaler |
| CLAUD S. SHERON | " | DEM Comm - Recy Coord. |
| RONALD KELLEY | Hutchinson | DILLON STORES |
| BOB STRATHMAN | SENECA KS | DR PEPPER BOTTLING |
| Howard W. Wilson | Manhattan, KS | Howies Recycling Center |
| Joann W. Wilson | Manhattan KS | Howies Recycling Center |
| R. Hugh Tihlman | Mission Hills KS | Tihlman Co |
| Patricia Rich | Shawnee Mission KS | concerned private citizen |
| Brian Leugs | Washington DC | National Soft Drink Assoc. |
| RANDY DOWNING | OVERLAND PARK KS | PEPSI COLA |
| Erin O'Harrow | Somers, NY | PEPSI - Cola |
| Frank Anderson | Overland Park | Coca-Cola |
| Wendy Pitts | Overland Park | Coca-Cola |
| Sigrid Christman | Lawrence | CITIZEN |
| Art Davis | Lenexa | City of Lenexa |

COMMITTEE: _____

DATE: 4/2/91

| NAME (PLEASE PRINT) | ADDRESS | COMPANY/ORGANIZATION |
|---------------------|------------------|---------------------------------|
| DAN. L. HOLYES | Lawrence KS. | MidContinent Bottling |
| WAYNE PROBASCIO | Topeka | Ks Soft Drink Assn |
| RON RICHARDSON | Wichita | COMP-COLLA- |
| PHILLIP ANDERSON | MANHATTAN | CITIZEN |
| Maureen Cummings | HUTCHINSON | TEET FINE. |
| Jonathan Morris | Manhattan | Citizen, student |
| Starla Cunningham | Wichita | Plains Keepers Soc |
| Donna Hinderlited | Wichita | Plains Keepers Soc |
| Roger D Coleman | Oskaloosa | Citizen |
| Melvin Gray | RT. 1 - Perry KS | Kans Engng Society |
| Janeen Grace | Topeka | Kansas Natural Resource Council |
| Chuck Wilson | Topeka KS | Seven Up Bottling Co of Topeka |
| Carol O'Donnell | Topeka | 7up Bottling Co. of Topeka |
| Mark Hermansen | Olathe, KS | Private citizen |
| LAURA KELLY | TOPEKA | KS RECREATION/PARK ASSN |
| JERRY DISKMAN | Manhattan | Manhattan Parks/Recreation |
| Verna Crane | Overland Park | Sierra Club |
| Jayce Wolf | Lawrence | Ks. Audubon Council |
| Scott Andrews | Topeka | Sierra Club |
| Shawn McGrath | " | KMRC |
| Carine Ullom | Lawrence | Simple Goods General Store |
| FRANCES KASTNER | Topeka | Ks Food Dealers Assn |
| Jim Sheehan | Overland Park | Kansas Food Dealers Assn. |
| Mary Ann Bradford | Topeka | LWUK |
| Chiquita Cornelius | Topeka | KS BIRP |

Kansas Natural Resource Council

April 2, 1991

Testimony before the House Energy and Natural Resources Committee

Re: HB 2471 Concerning Deposits on Beverage Containers

From: Shaun McGrath, Program Director

My name is Shaun McGrath, and I represent the Kansas Natural Resource Council, a private, non-profit, organization which advocates sustainable resource policies for the state. Our membership is over 850 statewide.

HB2471 requires that a five cents deposit be paid on all beer, liquor, and carbonated soft drink containers made of glass, plastic or metal which contain less than one gallon of beverage. Section 2 establishes the flow of the deposit: the consumer pays the retailer the deposit when purchasing the beverage; the retailer (or redemption center) redeems the deposit to the consumer upon return of the container; the manufacturer or distributor redeems the deposit to the retailer (or redemption center) plus pays an additional two cents handling fee per container; and finally, the distributor or manufacturer collects the deposit from the retailer upon purchase of the beverage by the retailer for resale. Manufacturers and distributors must pay redemption centers within 20 days after receipt of the containers. Beverage containers which contain foreign materials can be refused for redemption. Vending machines are exempt from redeeming deposits, but must post information regarding redemption. Retailers (and redemption centers) can limit redemptions to \$25 per person per day. If by July 1, 1993, the number of containers returned for deposit equals less than 60 percent of the containers sold, the deposit would be increased from \$.05 to \$.10.

Section 3 allows any person or business to establish a 'redemption center' by registering with the Department of Health and Environment. A redemption center can decide which types of containers it will accept. Any retailer may sponsor a redemption center by agreement with a redemption center, and may thus exempt itself of its obligation to accept containers for redemption.

Section 4 establishes the labeling requirements for beverage containers, requiring that such containers be specifically labeled as returnable and printing the redemption value.

Section 5 provides for program whereby the Secretary of KDHE may certify containers meeting certain criteria as 'refillable'. Participation in the program is voluntary.

Sections 6,7,8, and 9 create a system for reporting overredemption and underredemption of deposits by manufacturers. The net overredemption will become escheat and be credited to the Solid Waste Management Fund created by the bill. This fund will be administered by the Secretary of KDHE with advice from the Statewide Coordinator of Waste Reduction, Recycling, and Market Development for projects and programs to reduce solid wastes, to promote recycling and market development, to reduce litter and for other programs related to solid waste management.

Disposal of beverage containers in landfills by retailers, redemption centers, distributors or manufacturers will be prohibited after July 1, 1993.

Violations of sections 2, 4 or 10 would be misdemeanors punishable by a fine of between \$50 and \$500. Violations of the reporting of overredemption and underredemption would be between \$1,000 and \$10,000 depending on the number of violations.

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Attachment 1

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HB2471 is modeled after laws in Michigan, Connecticut, Vermont, Maine, Massachusetts, Iowa, and after a 1984 bill introduced in Kansas co-sponsored by then Speaker Mike Hayden. Currently, there are nine states which have beverage container deposit laws (BCDL).

The goals of HB2471 are to reduce litter, to reduce waste currently being landfilled, and to increase reuse and recycling of the materials in beverage containers, and thus, to conserve resources. The experience in the nine states with BCDLs proves this to be an effective means of attaining these goals.

Yet, as you may be aware, the beverage industry strongly opposes beverage container deposit laws. The industry complains that BCDLs unfairly target one industry which account for a very small portion of the waste stream - less than 5 percent. A 1981 study conducted by the California Public Interest Group and Stanford Environmental Law School, however, found that **beverage container litter** increased 459 percent between 1966 and 1978. The report states that beverage containers are the largest component of litter with 40-60 percent of the totals. The study further found that in every case where there is a BCDL, beverage container litter was reduced 77-86 percent. Further, a 1990 report by the U.S. General Accounting Office states that BCDLs reduce the amount of overall solid waste by as much as 6 percent by weight and up to 8 percent by volume.

The reason why BCDLs are effective in reducing litter and solid waste is that on average, over 90 percent of the containers are returned for recycling in those states.

And yet, the beverage industry opposes BCDLs. They claim that deposits hurt recycling programs by diverting potential revenues from the sale of scrap materials. The GAO report, though, states: "Curbside programs' beverage container and other scrap revenues are reported to offset only 15 to 40 percent of program operating costs. Further, officials from most deposit law states believe that curbside and deposit systems are **compatible**, and all nine deposit law states have some type of curbside or other recycling program." In Kansas, there are only 20 curbside programs, and most are funded by the municipality through voluntary or mandatory assessments to residents.

HB2471 was written so that it will not only **not** hurt recycling centers, but so that these centers will become more viable. By becoming redemption centers and finding sponsoring retailers, recycling centers can assure themselves of greater volumes of materials coming to them. Additionally, because of the \$.02 handling fee, the recycling center will receive much more than they currently earn from the resale of scrap materials. Finally, with the Solid Waste Management Fund, recycling centers can receive grants from the State to purchase needed, but expensive equipment.

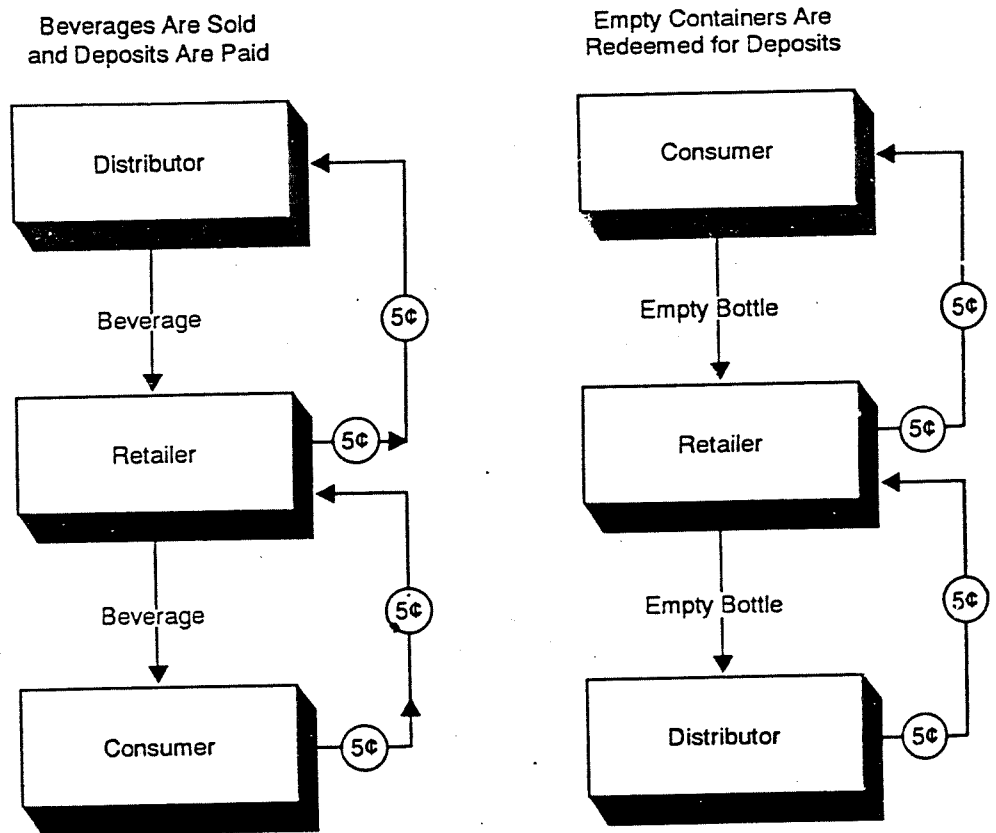
The beverage industry proudly proclaims that over 2000 'bottle bills' have been defeated nationwide, as if this figure alone proves that deposits are a bad idea. What the industry neglects to report is the amount of money they spend to defeat deposit laws. Historically, the industry spends between 4 and 30 times as much money as the proponents. In 1989 alone, \$2.5 million was spent to defeat a proposed Washington D.C. city ordinance. The industry also overlooks the public support for deposits. A 1990 survey conducted by the US General Accounting Office found that the approval rate in states with deposit laws is 82%. In states where deposit laws do not exist, 70% of the respondents said they would support such laws. In testimony to the demand for deposit laws, 18 states this year have such bills before their Legislatures.

The beverage industry also calls "forced" deposits a tax. Indeed, deposits could be considered a tax, but the program is voluntary. Consumers have the choice to participate in recycling. The 10 percent which choose not to recycle, however, pay the costs associated with that choice. I would suggest that this is a more fair system than the one advocated by the industry: tolerate litter; let boy scouts and the Department of Transportation clean up the mess; make the people who choose to recycle pay; and make municipalities pay the costs for the people who do not recycle.

Perhaps the litter and solid waste created by beverage containers would be more tolerable if they were more biodegradable. This is not the case: an aluminum can takes 500 years to biodegrade; glass one million years; and plastic does not naturally biodegrade, ever.

KNRC commends Chairperson Grotewiel and this Committee for considering HB2471. We urge you to pass this bill. Experience shows that a deposit law will allow Kansas to reduce litter, reduce solid waste going to landfills, increase reuse and recycling, and conserve energy and natural resources. The most important reason for passing HB2471, though, is that the large majority of Kansans support its passage.

Figure 1.2: How a Deposit System Works





State of Kansas

Joan Finney, Governor

Department of Health and Environment

Division of Environment

Acting

Stanley C. Grant, Ph.D., Secretary

Forbes Field, Bldg. 740, Topeka, KS 66620-0002

Respond to:

FAX (913) 296-6247

Testimony presented to

The House Committee on Energy and Natural Resources

by

The Kansas Department of Health and Environment

House Bill 2471

Over the past three decades, the distribution system for beer and soft drinks shifted from one in which most containers were returned and refilled to one in which most containers are thrown away after a single use. Among other things, this shift has created a substantial increase in litter, solid waste, and resource use. In the 1950's, soft drinks and beer were predominantly packaged in refillable bottles. The glass container then in use was relatively expensive to manufacture and the practice of the beverage industry was to recover and refill bottles. To encourage customers to return empty containers, the beverage industry voluntarily established a deposit/refund system. This system had several advantages. Beverage consumption created little solid waste, since most containers were returned and reused many times before discard. Littering was minimal since not only would the litterer lose his deposit (at two cents or five cents or ten cents), a substantial fraction of the beverage cost, but also the availability of the refund created an incentive for others to collect the containers that were littered. The refillable system required little energy and material since the resource requirements of the refillable container were averaged over many trips. A system of local breweries and soft drink bottlers and the wide spread use of deposits meant most beverage containers could be returned to any store, thus minimizing the inconvenience to the consumer of returning them and the transportation cost of returning them to be refilled. The reliance on refillables and the deposit/refund system essentially placed a user charge on those consumers who did not return the empty containers. The amount of the deposit was based on some variation of the estimated number of returns divided into the cost of manufacturing the container. In the current system, the container cost is added to the content's cost to determine that portion of the wholesale cost of the product.

It is probably too late to alter the industry trend away from the deposit, refund, and refill system. Local bottlers and brewers have been consolidated which allows the industry to take advantage of the economy of scale associated with the cost premium associated with the one-way container.

Consumers still wishing to purchase beverages in refillable containers find it more and more difficult to do so because retailers have become unwilling to stock and redeem such containers. Further, we doubt the implementation

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Charles Konigsberg, Jr., M.D., M.P.H.,
Director of Health
(913) 296-1343

Director of Environment
(913) 296-1535

Lorne Phillips, Ph.D.,
Director of Information
Systems
(913) 296-1415

Roger Carlson, Ph.D.,
Director of the Kansas Health
and Environmental Laboratory
(913) 296-1619

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of a universal beverage container redemption system will have any major effect in bringing back the refillable bottle.

In regard to the issue of litter, much street litter is discarded by the motoring public. Although the department has not conducted rigid scientific surveys, our solid waste staff have observed several interesting trends in the litter problem in recent years.

The first is an observable shift away from bottle/can soft drink litter to soft drink litter in the form of the one-way wax, plastic or foam cup. This is partially due to the wide availability of self-serve fountain service at convenience stores and the proliferation of other fast food outlets. The second reason is the tendency for aluminum cans to be picked up within a few days of being discarded. Other wastes remain longer; glass until it is broken; plastic, wax and foam until the sun's rays embrittle the materials and they break up. The cereal malt beverage container now appears to be the predominate littered can or bottle. Despite it being unlawful to transport an opened container in a motor vehicle, substantial numbers continue to be littered along roadsides. It is not realistic to conclude that deposit legislation will have a major impact on this segment of the litter problem.

The department is keenly interested in the resource value of materials used to package beverages. According to studies conducted by the Aluminum Association, the energy used making a can from recycled aluminum saves 95 percent of the energy needed to make that same can from virgin material. Savings from recycled glass are not as dramatic and, at present, methods for measuring the impact of recycling plastic containers have not been quantified. However, state officials from the seven of the nine deposit states estimate that between 72 and 98 percent of all beverage containers are redeemed for the deposit. State recycling rates for glass, aluminum, and plastic containers are not available but deposit states appear to account for a disproportionate share of the nation's recycling of beverage containers. In 1989, 98 percent of the national recycled plastic soft drink bottles came from the deposit states.

Surveys indicate an overwhelming public support for some system of redemption for beverage containers. To many members of the public, throw-away beverage containers are a prime symbol of waste.

The major issues that seem to consistently surround the debate on beverage container redemption legislation are summarized below:

Deposit laws are often credited with having a beneficial effect on the environment in the following ways:

- Litter is reduced.
- Solid waste is reduced, and a significant portion of any recycling goal can be met.
- Energy and resource savings are realized as industry uses recycled rather than virgin material.

- Recycling of other materials is encouraged, because laws create a recycling infrastructure and make the public more aware of the need to recycle.

Others claim such laws do not appreciably improve the environment. They cite the following reasons:

- Solid waste is not reduced significantly because beverage containers comprise less than 5 percent of the waste stream.
- Deposit legislation creates a costly network for recycling because beverage distributors are not efficient collectors of used beverage containers.
- Beverage containers are already recycled at a high rate without deposit legislation.

The Kansas Solid Waste Advisory Task Force appointed by Secretary Grant in the fall of 1988 to study solid waste management problems in Kansas studied the beverage container issue at some length. They were unable to reach a consensus about the merits of container legislation. Although KDHE clearly supports the concept of litter reduction and resource conservation, we have concluded there are significant problems with HB 2471, as proposed. Even after a thorough review, we have not been able to clearly track the flow of funds created by the bill.

KDHE finds the problem of unredeemed container refunds troubling. Regardless of whether the unclaimed deposits are retained by the manufacturer/distributor (as most states do) or are transferred to the states solid waste management fund, this internalized cost is ultimately passed on to all consumers not just the consumer who failed to return the container. Under the proposed system, every consumer pays a minimum two cent handling charge. Marking the containers, accounting and tracking distribution, and redeeming the containers add an additional cent. In the case of the aluminum can, this three cent internalized cost would amount to a subsidy of some three to six times the salvage value of every container redeemed. The unclaimed deposits amount to a substantial amount of money. Just as an illustration, a 10 percent non-return rate in Kansas would generate revenues on the order of 8 million dollars per year. While KDHE clearly supports the policy of increasing funds for the state's Solid Waste Program, it does not seem appropriate to fund this program entirely from unredeemed deposits.

KDHE staff spent several hours trying to track the flow of the deposit money in HB 2471. We have concluded that the proposed system has combined elements of the old deposit/return system with the elements of newer distributor based systems. In the distributor-based system, the manufacturer or distributor creates an intrinsic value for each container at the time the container is filled and wholesaled. The redemption cost is built into the manufacturer distributor cost. This essentially adds the redemption value of the container (in the case of HB 2471 seven cents) plus the distributor's

container (in the case of HB 2471 seven cents) plus the distributor's estimate of the cost of redeeming the container to the wholesale price of the product.

This increase is reflected in the retail price be it through a vending machine, grocery or convenience store, isolated sale, restaurant or bar.

Since, in this bill, the retailer pays the distributor five cents to subsidize the redemption cost, the additional manufacturer cost would be two cents plus the added redemption costs of transportation, etc. Essentially, consumers pay this increased wholesale cost plus the retailer markup when they purchase the product. When the container is emptied, the consumer then has a container which has the intrinsic value (five cents) added by the retailer plus the salvage value of the container (probably about one cent). Consumers then have the option of returning the container for its five cent value at a distributor redemption center, discarding the container with their solid wastes, or littering it. In the true distributor-based system, there is no separate deposit transaction recorded at the retail cash register as in the old system. This avoids the complicated transfer of individual customer deposits through the marketing/redemption system.

Because of these concerns, KDHE recommends that the complex issue of bottle redemption legislation be given further study before final action. KDHE has encouraged a focused study on the development of a comprehensive state-wide solid waste strategy in testimony on other solid waste legislation considered by the Committee this year.

Testimony presented by: John C. Irwin
Director, Bureau of Air and Waste Management
Kansas Department of Health and Environment
April 2, 1991

Testimony Presented
To
House Committee On Energy & Natural Resources
Ken Grotewiel, Chairman

On

House Bill No. 2471
AN ACT relating to litter control; requiring certain beverage containers to be redeemable; providing for penalties related thereto.

2 April 1991

Environmental Resources Committee
Kansas Engineering Society

John Bailey, P.E., PhD., Chairman
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E+NR
4/2/91

Attachment 3

KANSAS ENGINEERING SOCIETY
SOLID WASTE REDUCTION AND RECYCLING POLICY

The industrial age of the twentieth century has created a standard of living which is unmatched in human history. One undesirable by-product of this standard of living, however, is a large volume of solid waste and the inordinate consumption of energy required to sustain this standard of living.

The current method of disposal of solid waste is accomplished by transporting the waste to regional landfills and covering the material each day with earth. The landfills in many areas of the State of Kansas are nearing their practical capacity and will need to be expanded, or new landfills will soon be required. Much of the material which is deposited in our landfills continues to have the potential for a useful life through reuse, recycling, or conversion to heat energy. Some materials, such as used motor oils, unused paints, solvents, household cleaning supplies, and other similar materials pose serious health hazards to the citizens of the State of Kansas when disposed of improperly.

Therefore, the Kansas Engineering Society supports the reuse and recycling of solid waste. The Society believes that the State of Kansas should consider legislation which encourages recycling of solid waste where sensible alternatives are available. However, care should be taken to ensure that the energy and effort expended for recycling, reuse and energy conversion alternatives are not greater than the potential savings gained through such recycling efforts.

ENVIRONMENTAL RESOURCES COMMITTEE
KANSAS ENGINEERING SOCIETY
SOLID WASTE REDUCTION
&
RECYCLING PROPOSAL

There appears to be considerable effort to reduce the amount of waste generated in our communities due to rising costs of disposal in conjunction with a scarcity of available land locations for landfills. There is considerable neglect in the reuse of products and instead, there is a cry for large sums of money to be spent on research and market development for recycled products. There is also expressed the philosophy that industry needs subsidies to begin manufacture of products made from waste materials. Perhaps this explains why, on the retail market, we have seen duplicating paper made from waste paper that costs approximately twice as much as paper that is made from virgin materials.

This is not to belittle the need for research, government grants, or favorable legislation where necessary, and education and direction of the consuming public in matters of waste reduction and materials conservation. Too many times it appears that it is easier to call for more money, more staff, and more research rather than implement those program facets that are known entities at the present time. Industry representatives have become visible on the waste reduction scene due to the economics of waste treatment and disposal. Many industries have developed recycling programs to cut their costs and in some instances have sold recycling programs to the state and the public with an inherent profit motive. The successful industry employs both of these methods, as they should.

Successful implementation of recycling and conservation programs requires a concerted effort and a desire to make program elements succeed. It also requires a great deal of expertise and a thorough understanding of the complete background of the raw materials, manufacturing process, re-manufacturing process, and intermediate handling necessary to place the product back into the retail market. Perhaps the most important feature of a successful recycling program is convenience for the consumer to get the material back into the production stream.

The Environmental Resources Committee believes that regulatory agencies have a responsibility to provide accurate technical guidance to the public and industry so that our complex society can develop environmentally sound, energy efficient, economically sound, and socially acceptable programs. At times this process will create differing opinions and should be finally determined through the legislative process. If the technical factors are not accurately set forth, the governmental and market solutions will not provide the best programs for our citizens. At times, regulatory agencies find it less troublesome to allow recycling activities to proceed without applying environmental and economic evaluation. This can avoid public conflict but does little to serve the best interests of Kansas. We believe that technical organizations such as KES should also speak out and establish factual perspective.

In considering solid waste reduction, recycling, and reuse of materials; questions that should be asked are:

1. "Is the proposed system the best from the standpoint of the environment?" (This should include solid waste, water pollution, & air quality evaluation.)
2. "Is the proposed system energy efficient?"
3. "Is the system economical for the consumer?"
4. "Is the proposed system convenient and effective from the standpoint of the consumer?"
5. "Is the proposed system superior to other proposals from an overall standpoint?"

If a recycled product or reuseable product is economical to the consumer, it usually follows that there is a market for the product and it will also usually be energy efficient in production.

We would like to propose that the state of Kansas look at means to utilize existing capabilities in the effort to reduce waste volumes and to do so at a savings to the public and with the potential to add jobs in Kansas. As an example, there is a new invention in the market place that has considerable potential to reduce waste volume at the landfill. It is called the reuseable baby diaper. With increased public awareness for the environment, there are those who are turning to the use of cloth diapers and laundries that are investing in the purchase of cloth diapers to supply that market. It is also more economical for the consumer. This is just a simple example of application of environmentally sound practices for which the knowledge and capability has been available but unused and also is positive with respect to the test questions above.

BEVERAGE CONTAINERS

One only has to take a look at one of today's major super-markets to determine a major industry of our time is the beverage industry. Not only is the supermarket a major source for home purchase of soft drinks, the soft drink industry has dispensers located in most every public building and private business establishment.

Soft drink packaging has become very deceptive to consumers in that the variety of packaging and container sizes leaves the consumer at a loss as to which is the best buy for his money unless he has a calculator with him.

Soft drinks have been provided in glass reuseable, glass throw-away, flexible plastic throw-away, and recycleable aluminum containers (most all of which are of different size).

We recognize that there may be a mis-nomer in the use of the term "throw-away" containers and that there are means to recycle these containers, but it is believed that most are taken to the landfill because the recycling of these containers are entirely dependent on the public's desire to take the time and effort to get them back into the recycling stream without monetary rebate. In Kansas the public has not had the interest to use the refillable container even with significant cost savings. This lack of interest is most likely due to deceptive packaging as well as convenience of throw away containers.

On 20 May 1990, a survey was conducted at a major supermarket to determine the consumer costs of the various packaging of soft drinks. One major soft drink brand was selected that marketed all the forms and sizes of containers (sugar free drinks were not included). The results are as follows:

| CONTAINERS | PRICE | COST PER OUNCE |
|--|--------|----------------|
| 6-pack throw-away bottles (16 oz. each) | \$2.79 | \$0.0290625 |
| 12-pack aluminum cans (12 oz. each) | \$3.49 | \$0.0242361 |
| 1 container (PET) 2 liter plastic | \$1.19 | \$0.0176035 |
| 8 pack returnable glass (16 oz. each) | \$1.49 | \$0.0116406 |

Perhaps the most meaningful way to express the results is to relate the above factors to the cost the consumer pays for a 12 oz. conventional portion of a soft drink (equivalent to the traditional "can-of-pop").

| CONTAINER TYPE | CONSUMER COST PER 12 OZ. DRINK |
|-----------------------------|-----------------------------------|
| Throw-away Glass Bottles | \$0.35 |
| Aluminum Cans | \$0.28 |
| 2-liter Plastic (PET) | \$0.21 |
| Reuseable Glass Bottles | \$0.14 |

Cost alone should encourage the consumer to make the most economical selection but with the confusing array of packaging and the emphasis on recycleable aluminum cans, the consumer has perhaps lost sight of economy. With the current concerns regarding the high costs of solid waste disposal and widespread publicity favoring waste reduction and recycling, it would seem reasonable for the public to embrace reuseable bottles particularly with significant savings of money.

As can be seen from the survey results, the consumer is paying over 14 cents for an empty aluminum can for which he receives a fraction of a cent in the recycling stream. If we are going to use aluminum cans, most certainly we should recycle this valuable natural resource. Also, there are uses for which aluminum cans should be the material of choice (although we used returnable bottles for years in soft drink vending machines). Delivery trucks returning from foodmarkets and other delivery stops should have little difficulty in hauling reuseable containers.

The significance of beverage container legislation should not be underestimated as it relates to numbers of containers involved. To provide some insight to these numbers would be difficult without utilizing data obtained from Iowa reports. The state of Iowa is similar to that of Kansas in population and geographical location and probably life style. The types of beverage containers used in Kansas cannot be compared because of lack of comparable "bottle bill" legislation. Iowa has significant use of refillable bottles whereas Kansas appears to use more aluminum and throw away glass containers.

If beverage container legislation were enacted in Kansas, perhaps refillable containers would return to common usage based on reduced consumer cost. Estimates of the numbers and types of containers involved projected from Iowa figures are as follows:

SOFT DRINK CONTAINERS

| | |
|--------------------------|---------------------|
| Refillable glass bottles | 252,400,000 per yr. |
| 2 liter plastic (PET) | 137,100,000 per yr. |
| Aluminum cans | 365,600,000 per yr. |
| Throw-away glass bottles | 5,800,000 per yr. |

BEER CONTAINERS

| | |
|-------------------------------|---------------------|
| Aluminum cans | 340,000,000 per yr. |
| Refillable & throw-away glass | 84,800,000 per yr. |

The effectiveness of the return could be expected to exceed 92% of soft drink containers and 95% of beer containers.

Costs of the container returns could be expected to approach 1.5 cents per container. These are total costs including handling, transportation, crushing, etc. If this cost were to be passed on to the consumer, it would be insignificant compared to the consumer savings available in the choice of container purchased.

Total energy consumption ranks, least to most consumption, identically with purchase cost comparisons listed earlier in this report. Franklin & Assoc. studies have shown the following BTU consumption for the various type containers in the delivery of 1,000 gal. of soft drinks.

| | |
|-------------------------|------------------|
| 16 oz. refillable glass | 15.4 million BTU |
| 2 liter plastic (PET) | 18.9 million BTU |
| 12 oz. aluminum can | 32.9 million BTU |
| 16 oz. throw-away glass | 34.8 million BTU |

For years, there have been arguments for and against the so-called "bottle bill" legislation. In the past, the retailer, the restaurants, and clubs have argued against the concept because of space requirements for storage on returnables or reuseables. The main thrust of the past bottle bill legislation was principally directed at litter control as opposed to solid waste control.

SUMMARY

Beverage container legislation, such as proposed in H.B.2471, has the potential to aid Kansas in control of litter, solid waste reduction, energy conservation, and consumer monetary savings. Representatives from states that have had bottle bill legislation for several years report over 92% to 95% of the containers sold are being put back into the reuse or recycling stream, litter control has been reduced significantly, and they are in general very pleased with the program.

At the present time in the Topeka area and apparently in all states that do not have container legislation, the returnable reuseable soft drink bottle is being phased off the market. Store keepers admit to a dislike for handling returnable bottles and indicate that consumer demand for reuseable bottles has diminished to the point where it is no longer feasible to keep them in stock. If an adequate educational program were implemented to inform the consumer of the advantages of reuseable bottles, perhaps with the current concerns for the environment some progress could be achieved.

LEGISLATIVE RECOMMENDATION

It is recommended that the Kansas legislature adopt mandatory beverage container legislation to provide for continuance of reuseable drink containers, conserve energy, provide for a convenient system allowing the consumer access to recycling, aid in litter control, and provide the consumer opportunity for monetary savings.

I encourage support of House Bill 2471, relating to litter control and the redeeming of beverage containers.

I think this would help a lot on trash that is left in unauthorized places. I am part of a team of Oskaloosa Rotarians that pick up trash on highway 59 south of Oskaloosa for two miles that is part of the Adopt-a-Highway Litter Control program. In one pick-up last fall, we got thirty trash bags full of trash and I estimate one half of this was bottles and beverage containers.

I grew up in an era when we put a 2 cent deposit on pop bottles and milk bottles were always returned to the store for a refill. This did not cause a problem and resulted in less trash and a different attitude on litter by all individuals. I encourage passage of House Bill 2471.

Roger D Coleman

Box 41

Oskaloosa, Kansas

Jefferson County

E+NR

4/2/91

Attachment 4

PUBLIC TESTIMONY FOR HOUSE BILL 2471

Presented by:

Phillip Anderson
814 Osage
Manhattan, Kansas 66502
539-4994 home
532-6875 work

E+NR
4/21/91
Attachment 5

April 2, 1991

I've been a Kansas resident for eleven years. Prior to moving here I lived in Vermont which was the second state in the nation to pass a beverage container deposit law in 1973. Oregon was the first in 1972. I am in favor of a beverage container law for Kansas and I'm speaking in support of House Bill #2471.

When I grew up in the '40s and '50s, all beverage containers were recyclable, usually for a nickel deposit. Somewhere along the line we stopped recycling and instead began callously discarding bottles and cans along roadsides and in landfill dumps.

I lived in Vermont during the passage of their beverage deposit law and the effect on the Vermont landscape was dramatic. I owned a small farm and had approximately 1300 feet of public roadway. In the spring I would trudge along that road and fill at least a dozen 100-pound feed sacks with discarded bottles and cans. After the beverage container deposit bill passed, I walked the same road and was unable to find more than a few bottles and cans, probably ones I had overlooked the previous year.

During those years, Vermont had an annual Green-Up Day in which Vermonters by the thousands walked state highways and roadways picking up thousands of tons of litter, mostly in the form of bottles and cans. After the passage of the beverage deposit law, Green-Up Day was no longer necessary; there wasn't any litter on the highways. The effect on the beauty of the state was stunning. Support continues strong in the states which have already passed a beverage container deposit law. In Oregon, the first state with such a law, citizen support continues at 95%; in Vermont it's 93%. George Neavoll, Editor of the Editorial Page of the WICHITA

EAGLE BEACON pointed out in his editorial (December 15, 1985), that Maine rejected an attempt to appeal their beverage deposit law by 84-16 percent.

It is true that a beverage deposit law would add slightly to the cost of a six-pack, usually 30 cents. But, the 30¢ is refunded when the bottles or cans are returned. The 30¢ is an investment in our environment. A beverage container deposit law would immediately reduce the waste stream into our landfills by approximately 15%.

Although litter reduction was the original reason for Vermont's beverage container deposit law, a report issued by Representative James M. Jeffords of Vermont (now Senator Jeffords) and Donald W. Webster, Director of Environmental Protection (Vermont Agency of Environmental Conservation) dated November, 1977, and entitled VERMONT 5¢ DEPOSIT details numerous benefits, including litter reduction, to the State of Vermont. In brief they include:

1. Virtual elimination of roadside litter, with a 56.5 per cent reduction in state effort for litter pickup.
2. Substantial savings to consumers who purchase beverages in refillable containers, which have been made available as a result of the deposit law. These savings may be conservatively estimated at \$60 per year for the typical family using refillables. The savings are not offset by raised prices for nonrefillables.
3. Substantial conservation of energy, material resources, and space in sanitary landfills. The energy savings potential can be conservatively estimated as the equivalent of the home heating needs of Vermont's third largest city.
4. The opportunity to re-direct voluntary beautification efforts to tree planting and other projects with long term benefit, rather than the Sisyphean task of litter pickup.
5. Sizable increases in beverage sales, with positive

impact on state revenue and the economy. While the increases may not be directly attributable to the deposit law, the figures clearly show that the law has not had a negative impact.

6. Spinoff benefits including raised environmental consciousness resulting from pervasive citizen participation, as well as fund raising opportunities for worthwhile causes through "bottle drives" and operation of container redemption centers.

7. Greater consumer choice; approximately 20 more brands of beer are available in Vermont now than before the law. As with the figures on increased sales, this may not be directly attributable to the legislation, but serves as proof that the law has not discouraged the distribution of minor brands.

8. The law has cost next to nothing to administer.

Having lived in states with and without a beverage container deposit law, it is clear to me that it is foolish and wasteful to not have such a law. In my opinion this idea should have become federally mandated decades ago and I would urge our Governor, our Kansas Representatives and Senators to work for such legislation. The United States is the most wasteful nation on earth; it is time to begin reversing that trend and in one small way we can begin to do so by passing House Bill #2471.

Thank you for this opportunity to testify.



P.O. Box 124 • Haysville, KS 67060

Testimony
before the
HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE
supporting
House Bill 2471

Starla Cunningham
3825 S. Seneca #29
Wichita, Kansas 67217
316-529-3710

March 31, 1991

*E+NR
4/2/91
Attachment 6*

I appear here today to urge you to pass HB 2471, for two significant reasons: reduction of waste, including litter, and conservation of resources.

According to the information provided by the Kansas Natural Resources Council, Kansas could expect to reduce the solid waste stream going to landfills by 6 to 8% and reduce total litter by 35 to 45%. Considering that Sedgwick County alone sends 1500 tons of waste to the landfill per day, even a 3% reduction of its waste stream would equal 45 tons a day.

Equally important is the preservation of our natural resources. Extending product life and using fewer materials in manufacturing is the most effective way to conserve resources. Reusing containers is the next most cost-effective, requiring no further expenditure of energy or raw materials in production. Recycling follows, with a significant reduction in energy and water use, as well as preservation of virgin materials.

Kansas must not wait until the solid waste problem becomes a crisis as it has in other states. We must begin now to reduce the waste stream by reusing and recycling. We must make manufacturers account for the full cost of production, including the cost of waste disposal. Voters want to recycle. They need the structure of state law to provide the means, since the companies producing containers have an economic stake in continuing the status quo.

I ask you to stop listening to the paid lobbyists who are protecting businesses from accepting the full responsibility of their manufacturing processes. Listen to the facts presented by KNRC. There is no good reason for defeating this bill. It is time that you accepted your duty as representatives of the people of Kansas and passed an effective beverage container deposit bill.

Thank you for your support for HB 2471.

Speech: Bottle Bill in Kansas

April 2, 1991

Patricia Rich

6632 Wenonga Road, Shawnee Mission, KS 66208

Rep. Al Lane; Senator Audrey Langworthy

The commitment to the state of the environment may be summed up in three key words: Kansas and Future Generations. The citizens of eight cities in Johnson County have already demonstrated both our concern and our dedication to improving our environment by voluntarily recycling newspapers, aluminum cans and glass bottles. This effort, while commendable, is not enough. The passage of the Bottle Bill (House Bill No. 2471) which affects the entire state, will place Kansas in the vanguard of those states who are far-sighted enough to envision a better world, a cleaner world and a safer world for our children and theirs. The Bottle Bill has been implemented in several other states including Oregon, Vermont and Maine, where it has proved to be imminently successful in two particularly important areas: reduction of the staggering amounts of waste in landfills and reduction of roadside litter. The minimization of trash is the most fiscally responsible approach to waste management. One avenue of accomplishing this goal is by establishing policies and laws at the manufacturing and consumer levels. This is directly addressed by the Bottle Bill. Recent statistics on the composition of solid waste by weight indicate that metals account for 8.7% of the whole; followed by glass at 8.2%, while plastics weigh in at 6.5%.

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4/2/91

Attachment 7

With the Bottle Bill, Kansas could reduce its solid waste by perhaps as much as 20%. I am using a lower figure than the three added together because not all plastics, metals or glass are used in bottle containers only. Still, lowering the amount of trash conserves natural resources and decreases the volume of materials transported to the landfill. The Environmental Protection Agency is calling for a reduction of solid waste by 25% by 1992. With the Bottle Bill enacted as law, Kansas would be co-operating voluntarily.

Surely anyone who is interested in Kansas also wants visitors and travelers through our state to be impressed with the vistas of the plains, the cleanliness of our cities, the obvious respect of Kansans for their homeland. With the incentive produced by the Bottle Bill to return beverage containers, our roadsides and streets will have less litter. An added bonus is that the annual cost of litter control will be reduced. In Maine it has been cut by two-thirds, an impressive statistic.

Kansas should and must move to the forefront of the attack to protect and save our environment. The future is upon us, the time is now.

My name is R. H. Uhlmann and I reside in Mission Hills, Kansas. May I strongly urge the expansion of the Bottle Bill. For many years, long before it became so popular, I have been an environmentalist. I am a farmer, a gardener, and an enthusiastic outdoorsman. I farm several thousand acres of which well over 1,000 are within a few miles of Kansas City. It is unbelievable how many people feel that an open field or wayside ditch signs up or not, is an open dumping ground for trash including bottles. When I was younger and more irritable, if that is possible, if I found litter on my own land which would have a magazine with the owner's name or a letter or some way of identifying it, I would take it to the address and replace it on their lawn. Unfortunately, in doing this the sack would often break and the trash would be scattered neatly about her house. However, one man's enthusiasm and labor, and I am getting older, can hardly make up for the orderly procedures outlined in the Bottle Bill. The Harrison Maine Traveler quotes, "Roadside litter has been reduced dramatically in this state (Maine) since the passage of the bottle law. Bottles and cans that used to punctuate the landscape have been reduced by 78%. Overall litter has dropped by 32%. The annual cost of litter control has been cut by about two-thirds from \$300,000/year before the Bottle Bill was passed, to only \$110,000 last year. Clearly this law has been good for Maine, both economically and aesthetically,

E & NR
4/2/91

Attachment 8

still we are among only a hand-full of states to have adopted this simple, effective method of controlling roadside litter, that is by passing a Bottle Law."

As a parenthetical observation there was a strong effort to repeal the Bottle Law in Maine, but the law's incredible popularity reflected the widespread conviction that it works. As a matter of record, the state-wide vote was 84% in favor of keeping the law to 16% to repeal it.

Common sense and common observation would tell us that a Bottle Law would clean up the wayside litter. Bottles are particularly hard to salvage in the form of litter because unlike cans they shatter, so that picking them up is a dangerous, tiresome and unpleasant task.

Kansas has a great deal to offer. Let us move forward and pass the Bottle Bill.

R. H. Uhlmann

April 2, 1991

Good afternoon. My name is Jonathan Morris, and I am from McPherson, Kansas and a junior majoring in mathematics and physical sciences at Kansas State University. I also serve as the president of the campus environmental group S.A.V.E. (Students Acting to save a Vulnerable Environment). I am here today to address the tremendous potential of House Bill No. 2471 to reduce litter on our roadsides and in our landfills and drastically reduce the costs in managing solid waste.

The issues of solid waste management and energy conservation have proven themselves to be realistic concerns that must be addressed at all levels of government, industry, and consumerism. The need for action is inevitable, and grows only more costly for taxpayers as time passes.

Our environmental group, like many organizations across the state, has adopted a stretch of Interstate I-70 as part of the Adopt-A-Highway Program of the Kansas Department of Transportation. We have picked up litter twice in the past month, each time accumulating more than twenty-five bags worth of litter in one mile on only one side of the interstate. Approximately seventy-five per cent of this litter was beverage containers which we recycled one hundred per cent of.

The Adopt-A-Highway Program has been successful in reducing the amount of roadside waste. (Note: The program prohibits any clean-up in the median between the roads which is the responsibility of the Kansas Department of Transportation.) However, volunteer roadside clean-up is by no means the panacea for the solid waste problem and resulting energy consumption. The real issue lies behind the source of the waste and the habitual convenience that allows one to so easily and thoughtlessly discard of waste.

This brings me to the point at hand. The State of Kansas has before it the opportunity to set a precedent. By passing legislation to establish a Beverage Container Deposit Law (BDCL), more commonly known as a bottle bill, the State of Kansas can establish itself as a forerunner in the national environmental campaign, and can set an example that other states that must ultimately follow.

Currently more than nine other states including Iowa, Vermont, Maine, and Oregon have beverage container laws. Statistics show that effectiveness, participation, and public support of these bills have been overwhelming.

According to research conducted by state officials in Michigan, New York, and Vermont, beverage container litter has been reduced by 70% to 85% and overall litter by more than 40%. Reduction of this magnitude has cut roadside clean-up costs in half and prolonged the lifetime of rapidly depleting landfill space by reducing the total flow of solid waste by as much as one-tenth its former level.

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4/2/91
Attachment 9

States with beverage container laws can boast of excellent participation as well. In Maine and Vermont over 90% of all soda drink containers and 80% of all beer containers are returned for redemption. Michigan's participation rate is even higher with nearly 100% recycling of beverage containers.

Public support of such legislation has been astounding. Massachusetts, Vermont, Oregon and Michigan have approval ratings of better than 80% and have defeated numerous attempts to repeal deposit laws with extensive public outcry. Though the public approval rating is high in every state such legislation has been passed, the task of establishing deposit laws has been difficult.

Many opponents of deposit laws, such as major distributors financing lobbying campaigns, argue that increased prices for containers leads to a substantial decrease in consumption and sales. Consumption does indeed decrease at first, but the amount is minimal and the effects are quite temporary. And I can think of quite a few K-State students who would think nothing of having to pay a little extra for their beer knowing they could get it right back when they returned their containers. In addition, lost tax revenues and sales fall far short of the savings incurred by reducing clean-up and disposal costs in overcrowded landfills. Additional savings can be found in the recycling process itself which requires far less energy to produce goods than do processes using virgin materials.

A deposit law would certainly increase recycling and provide a boost for the recycling market. A substantial increase in recyclable material would require more recycling centers, thus easing the burden of individual centers. Recycling centers already in existence could contract work with local distributors and serve as redemption centers to collect the materials.

Kansas and the rest of our nation is faced with the challenge of effectively dealing with the solid waste dilemma. The situation is unavoidable and grows more costly each day. Landfills have provided a temporary fix, but the real solution is reduced consumption and increased recycling. By passing the Beverage Container Deposit Law we not only have the opportunity to preserve our beautiful landscape, but we have the potential to considerably reduce the amount of waste we generate and the related costs that accompany our priorities of convenience and maximal profits.

Other advocates of this Bottle Bill have mentioned the lowered costs of highway trash collection, and the benefits of a cleaner image to job attraction and our tourist trade... so I'll concentrate on the bottling industry's three main objections:

1. Loss of Excise Taxes Due to Lower Beer Sales:

While some revenue may be lost when people who live on the border drive to Missouri, it's questionable how many will cross town for 30¢ a six-pack. There is more price elasticity than that between stores in the same neighborhood. And the argument fails on the bigger point: it would follow that the more alcohol we drink, the better our economy will be.

This isn't a prohibition issue. I enjoy a beer occasionally, but the argument doesn't take into account the various costs incurred on Kansas from the consumption of alcohol. Aren't 60 percent of all traffic accidents alcohol related? What about the costs of increased traffic vigilance, hospitalization, job absences or social rehabilitation? Only in the beverage industry is lower alcohol consumption seen as an economic and social ill.

2. Sales tax loses from reduced soft drink sales:

I've been in Third World countries where soft drinks are considered the safest alternative to the local water. But pollution in Kansas isn't to that point yet and there is solid medical evidence that carbonation contributes to osteoporosis and increased sugar to dental problems. Poise these medical costs against any small loss in sales tax and as with alcohol, it probably wouldn't hurt the people of Kansas to give up a little bit of soft drink.

But the reality is that people drink. And tap water isn't considered a social beverage. We will continue to buy at 55¢ a bottle in the same quantities we did at 10¢.

3. Container manufacturers will shut down, reducing the tax base and increasing unemployment:

Actually, this bill will increase the probability that container companies will locate in Kansas to take advantage of the reliable supply of recyclable glass, plastic and metals. Existing manufacturers will likewise benefit. Manufacturers using recycled feed stock are locating in "Bottle Bill states" not avoiding them.

I urge you, the members of this committee, to support this bill in the interest of the Kansas economy.

Thank you



William Dorsett

308 N. 15th.

Manhattan, Ks.

66502

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4/2/91

Attachment 10

Good Afternoon, Honorable members of the Kansas House Energy and Natural Resource committee. My name is Shawn Kokenge, and I represent Environs, an environmental group from the University of Kansas, in Lawrence. Our group is comprised of about 50 members, consisting of mainly KU students with some Lawrence residents. Our group covers many facets of environmental interests. Some of our past successes include the organization of the Earth Day celebration in Lawrence last year and the establishment of a premanent recycling program on the campus.

Another task we've set for ourselves is to educate and inform people about bills introduced on the national and state level that are of environmental impact. This brings me to the topic that is being discussed today, House Bill #2471, the beverage container redemption bill.

I believe this bill to be important for three reasons. First, it will be effective as a form of litter control. Everyone here is concerned about the natural beauty of our state. Any measure that would reduce roadside litter by approximately 50% would be welcome. Second, this bill would encourage recycling, allowing Kansas to do its part in helping reduce solid waste and conserve energy. Finally, with this bill Kansas has the opportunity, not only to be environmentally responsible, but also to gain an additional source of revenue.

With me today, I have over 100 signatures from Kansas residents in support of a beverage container redemption bill. These signatures are mostly from students and staff of the University of Kansas, and I believe they represent the view of the entire university community. Students are aware of and concerned about environmental issues and are also concerned about the welfare of their state. This environmental awareness has recently been demonstrated by KU Student Senate's decision to expand the recycling program on our campus. It was also reflected in the comments of students talking about H.B. #2471. The most common comment was disbelief that Kansas didn't already have such a program: container redemption was a part of life in their native states. This was echoed by my father and uncle this Easter. Both were unimpressed when I talked about the bill. My uncle responded, "Well, why shouldn't they do it that way. That's the way it was done before with pop bottles."

This brings me to my last reason for supporting this bill: it is not much of a change from the way things used to be. Twenty years ago, returning beer and pop bottles was the status quo. To change back to that system would not be a big change for retailers, manufacturers, and most importantly the people of Kansas. The benefits to Kansas could be considerable, with reduction of waste sent to landfills, a possible source of revenue, and a decrease in the roadside litter which mars the natural beauty of Kansas. For all these reasons, and to fulfill the will of voters voiced in this petition, I urge you to pass House Bill #2471 out favorably.

Thank-you for your time and consideration.

Honorable Committee Members:

Ten states now have bottle legislation, and we need not guess about their impact. Many studies have been done, and the results are in.

Bottle bills reduce solid waste going to landfills by approximately 6% to 8%. Michigan estimates a solid waste reduction of 600,000 tons annually. Less waste also decreased disposal processes and costs.

Bottle bills conserve energy. The U.S. General Accounting Office estimates a reduction of energy use by the beverage industry of 33% to 37% with redemption legislation. Less energy use means fewer natural resources used and less pollution created.

Bottle bills reduce litter. According to the Michigan Dept. of Transportation beer and soft drink can litter fell by 86%, beer and soft drink bottle litter fell by 74%, and total roadside litter fell by 38%. State park and recreation areas saw a 90% can and bottle litter decline.

Bottle bills create jobs. For every job lost (mainly in the can and glass industries, litter collection, waste disposal), approximately 20 new jobs were created elsewhere. Michigan estimates a gain of 4,648 new jobs while New York estimates a net gain of 5,000 jobs.

Bottle bills create funds which can be used for environmental or other purposes. The 7% to 8% of unclaimed deposits in Michigan yield 33 million to 38 million dollars annually.

The increased cost to bottlers and distributors can be easily recouped in energy savings, small cost increases, interest earned on deposit monies, or by allowing them to keep part of the unclaimed funds. Studies from bottle bill states show demand and consumption did not decrease, and the price of products remained stable or even decreased. Store owner's complaints are a thing of the past, and in some places redemption centers have opened providing jobs and relieving small store owners of collection tasks.

All states with deposit legislation have some curbside recycling programs, and officials in those states report deposit laws and curbside programs compatible. Scrap revenues offset only 15% to 40% of curbside costs, while a combination of programs can divert waste from landfills which becomes more important as disposal costs rise and the siting of new landfills becomes nearly impossible.

States with bottle legislation have approval rates up to 97%, with an average of over 80%. These programs do not cost the taxpayer or the governments, and can save local and state governments millions.

Bottle bills save energy, decrease pollution, create jobs, reduce litter and clean-up expenditures. They create an awareness of the finite nature of resources, create recycling markets, and foster a stronger environmental ethic. We as citizens and environmental stewards support bottle legislation. We want our home neat, clean, and we want to reuse, rather than abuse our natural resources.

Verna Crane, 6736 Walmer, Overland Park, Kansas 66204

E+NR
4/2/91
Attachment 12

STATE BEVERAGE CONTAINER DEPOSIT LAWS (USA)
PROVISIONS OF THE LAW AND DOCUMENTED DATA

The following documented information on provisions and effects of deposit legislation in the nine states with beverage container deposit laws was compiled by the National Container Recycling Coalition (August, 1990).

| | <u>Oregon</u> | <u>Vermont</u> | <u>Maine</u> | <u>Michigan</u> | <u>Connecticut</u> | <u>Iowa</u> | <u>Delaware</u> | <u>Massachusetts</u> | <u>New York</u> |
|--|--|--|--|---|---|---------------------------------------|--|--|--|
| Date signed | 6/2/71 | 4/7/72 | | | 4/12/78 | 5/12/78 | 6/30/82 | 11/16/81 | 6/15/82 |
| Initiative | | | 11/2/76 | 11/2/76 | | | | | |
| Date of Implementation | 10/1/72 | 7/1/73 | 1978 | 12/3/78 | 1/1/80 | 7/1/79 | 1982 (Wholesale) 1983 (Retail) | 1/6/83 | 7/1/83 to 9/12/83 |
| Amount of Deposit | 5 cents 2 cents on interchangeable stubby bottle | 5 Cents for Beer & Soda, 15 Cents for Liquor >50 ml. | 5 Cents for Beer & Soda, 15 Cents for Wine & Liquor | 10 Cents | 5 Cents | 5 Cents | 5 Cents | 5 Cents | 5 Cents |
| Containers Covered | Beer, Malt, Carbonated and Mineral Water Soft Drinks | Beer, Malt, Mineral Water, Soda Water, Liquor, Soft Drinks | Beer, Soda, Wine Coolers, Wine, Liquor Juice | Beer, Soft Drinks, Canned Cocktails | Beer, Soft Drinks, Carbonated and Mineral Water | Soft Drinks, Beer, Wine, Liquor | All non-aluminum containers less than 2 quarts, Beer, Malt, Soft Drinks, Soda and Mineral Water | All Carbonated Beverages Including Beer and Soft Drinks | Beer, Soft Drinks Carbonated & Mineral Water, |
| Handling Fee | None | 3 Cents | 3 Cents | 25% of escheat monies | Beer-1.5Cents Soda-2 Cents | 1 Cent | 20% of Deposit | 2 Cents | 1.5 Cents |
| Escheat | None | None | None | 75% of unclaimed deposits for environmental programs | | None | None | By 1995 all monies go to Clean Environment Fund | None |
| Redemption Rates | 92-97%-1 | 85%-2 | 95%-3 | 92-93%-4 | 88% cans-5 94% bottles | 95%-alum.-6 85%-glass | N/A | 85%-7 | 63% soda-8 80% beer |
| Percent Reduction in Beverage Container Litter | 83%-9 | 76%-10 | 86%-11 | 80%-12 | NA | 79%-13 | N/A | N/A | N/A |
| Percent Total Litter Reduction By Volume | 47%-14 | 35%-15 | 40%-16 | 41%-17 | NA | 61%-18 | N/A | 30-35%-19 | N/A |
| Public Approval | 90%-20 | 97%-21 | 84%-22 | 90%-23 | 64%-24 | 56%-25 | N/A | 78%-26 | New York City-80%-27 |

Sources:

- 1) William Bree, Oregon Department of Environmental Quality, July 1990.
- 2) Effect of Vermont Beverage Container Deposit report by the Vermont Agency of Natural Resources, 1988, p.2
- 3) 1986 study by the Maine State Legislature, cited in Fact Sheet #10: Expanding the bottle bill, Natural Resources Council of Maine.
- 4) Unclaimed Beverage Container Deposits: An Update, James Webster and Peter Pratt, Public Sector consultants, June 1988, p. 3.
- 5) Can & Bottle Bills, California Public Interest Research Group, p. 122.
- 6) Bob Maddaugh, Recycling Coordinator, Iowa Department of Natural Resources, July 1990.
- 7) Calculated by the Massachusetts Department of Environmental Protection from reports by beer and soda distributors, Julie Bender, July 1990.
- 8) NYSDAQ letter dated 8/24/90.
- 9) Oregon's Bottle Bill, The 1982 Report, Oregon Department of Environmental Quality, p. 3.
- 10) Vermont 5 cent Deposit, A Report on Vermont's Experience with Beverage Container Deposit Legislation, Vermont Agency for Environmental Conservation, from The Can and Bottle Bill, New Jersey Public Interest Research Group, p. 8.
- 11) Maine Department of Highways, 1980 (Environmental Action Foundation's Briefing Papers).
- 12) Survey conducted by the Michigan Department of Transportation, from Can and Bottle Bills, California Public Interest Group, 1980, p. 100.
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- 21) A poll conducted by U.S. Representative James Jeffords, printed in The Vermont Standard, April 30, 1981.
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- 24) Hartford Courant, from Environmental Action Foundation's Briefing Papers.
- 25) Des Moines Register, 1979, from Can & Bottle Bills, p. 113.
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12-2



Kansas Audubon Council

HB 2471
April 2, 1991

House Committee on Energy and Natural Resources

My name is Joyce Wolf and I am the legislative liason for the 5000 Kansas members of the National Audubon Society who support the wise use and protection of our natural resources. The Kansas Audubon Council strongly supports HB 2471 for several reasons:

WASTE REDUCTION AND LITTER CONTROL

According to the December 1990 issue of "Recycling Today," Americans buy 350 million beverages in containers each day. That is approximately 130 billion soft drinks, beer or wine containers per year. In the nine states (OR, VT, ME, MI, CT, IA, DE, MA, NY) that currently have deposit legislation, redemption rates for these containers vary from about 63% to as high as 97%. Clearly, beverage container deposit laws can make a significant difference in reducing the amount of waste going to our landfills, in promoting recycling, and in so doing, virgin natural resources are conserved for future use.

Likewise, litter problems are significantly reduced overall by 30 to 61%. When beverage containers alone are considered, there is an 80-85% reduction in litter. The state of Maine implemented its "bottle bill" in 1978 and by 1981 reported a 2/3 reduction in costs of litter control. When voters in that state were given the opportunity to repeal the law, they responded by an overwhelming 6:1 margin to keep it intact (226,076 to 41,802).

To further document the effectiveness of beverage container deposit laws in reducing waste, consider that the nine "bottle bill" states are recycling an average of 81.6% of their aluminum cans, while the average for non-deposit law states is 50.6% (information from the National Container Recycling Coalition). Furthermore, the Government Accounting Office estimates that two-thirds (2/3) of the glass bottles recycled in the United States are collected in the nine states with deposit laws, i.e., nine states are recycling two times as many glass bottles as the other forty-one combined, a good indication that deposit legislation is far more effective than recycling done without monetary incentive.

E+NR
4/2/91

Attachment 13

ENERGY AND NATURAL RESOURCE CONSERVATION

In addition to the benefits of waste reduction and litter control, there are considerable other benefits from savings on energy and water consumption and reductions in air pollution by recycling the aluminum, glass, and steel that these containers are made from.

| | ENERGY | AIR POLLUTION | WATER USE |
|----------|--------|---------------|-----------|
| paper | 23-74% | 50% | 60% |
| aluminum | 97% | 95% | 95% |
| glass | 32% | 14% | 50% |
| steel | 47-74% | 70% | 70% |

When an aluminum can is made from recycled materials rather than from virgin ore, 97% less energy is required, air pollution is reduced by 95%, and 95% less water is used. As you can see from the chart, similar but less dramatic savings are realized from glass and steel recycling. Can we afford to reject these kinds of energy and natural resource savings opportunities?

WHY HAVEN'T MORE STATES PASSED BOTTLE BILLS?

If container deposit laws work so well and have so many benefits -- like waste reduction, litter control, natural resource and energy conservation, job creation, promotion of recycling, reductions in accidental lacerations etc. -- why haven't more states adopted them? Opponents of deposit laws claim to have defeated this kind of legislation "over 2000 times". This does not mean that the proposals were without merit; it does indicate the power of interest groups opposed to the proposals. Opponents of "bottle bills" have outspent the proponents by margins ranging from 4:1 to 30:1. The chart on the back page of my testimony indicates the huge amount of money that opponents are willing to spend in defeating "bottle bills."

One of the arguments frequently heard in opposition to "bottle bills" is that they rob non-profits of fund-raising opportunities. I recently had a chance to chat with a fellow Audubon member from Lansing, Michigan. I asked him about the this situation and how big a problem it was for non-profits in his community. He chuckled and told how Boy and Girl Scouts flock to a local golf tournament to "scoop up the cans before they ever hit the ground!" Aluminum cans in Kansas are now bought by recyclers at approximately a penny per can. With deposit legislation in place, that same can would be worth a nickel, so that non-profits would have to collect only 1/5 the number of cans or bottles to raise the same amount of money.

SOLID WASTE MANAGEMENT FUNDING

Perhaps one of the most significant aspects of HB 2471 is the potential to provide funds from unclaimed deposits to establish a solid waste management fund. Based on experiences in other states, the National Container Recycling Coalition estimates a return to the state of approximately \$3/Kansan/year in unclaimed deposits -- or roughly \$7 million dollars annually. Clearly, with that amount of money, the state could afford to update its solid waste management plan, provide grants to local units of government to update and implement their plans, and perhaps assist local recycling efforts, either at curbside or drop-off sites, as well as fund roadside litter/beautification projects etc.

The Kansas Audubon Council appreciates this opportunity that Chairman Grotewiel has provided to voice our support of HB 2471 and to express our belief that this proposal has the potential of being an integral part of a comprehensive solid waste management system.

STATE BEVERAGE CONTAINER DEPOSIT LAWS (USA)
PROVISIONS OF THE LAW AND DOCUMENTED DATA

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| Date signed | 6/2/71 | 4/7/72 | | | 4/12/78 | 5/12/78 | 6/30/82 | 11/16/81 | 6/15/82 |
| Initiative | | | 11/2/76 | 11/2/76 | | | | | |
| Date of Implementation | 10/1/72 | 7/1/73 | 1978 | 12/3/78 | 1/1/80 | 7/1/79 | 1982 (Wholesale) 1983 (Retail) | 1/6/83 | 7/1/83 to 9/12/83 |
| Amount of Deposit | 5 cents 2 cents on interchangeable stubby bottle | 5 Cents for Beer & Soda, Liquor >50 ml. | 5 Cents for Beer & Soda, 15 Cents for Wine & Liquor | 10 Cents | 5 Cents | 5 Cents | 5 Cents | 5 Cents | 5 Cents |
| Containers Covered | Beer, Malt, Carbonated and Mineral Water Soft Drinks | Beer, Malt, Mineral Water, Soda Water, Liquor, Soft Drinks | Beer, Soda, Wine Coolers, Wine, Liquor Juice | Beer, Soft Drinks, Canned Cocktails | Beer, Soft Drinks, Carbonated and Mineral Water | Soft Drinks, Beer, Wine, Liquor | All non-aluminum containers less than 2 quarts, Beer, Malt, Soft Drinks, Soda and Mineral Water | All Carbonated Beverages Including Beer and Soft Drinks | Beer, Soft Drinks Carbonated & Mineral Water. |
| Handling Fee | None | 3 Cents | 3 Cents | 25% of escheat monies | Beer-1.5Cents Soda-2 Cents | 1 Cent | 20% of Deposit | 2 Cents | 1.5 Cents |
| Escheat | None | None | None | 75% of unclaimed deposits for environmental programs | | None | None | By 1995 all monies go to Clean Environment Fund | None |
| Redemption Rates | 92-97%-1 | 85%-2 | 95%-3 | 92-93%-4 | 88% cans-5 94% bottles | 95%-alum.-6 85%-glass | N/A | 85%-7 | 63% soda-3 80% beer |
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- 4) Unclaimed Beverage Container Deposits: An Update, James Webster and Peter Pratt, Public Sector Consultants, June 1986, p. 3.
- 5) Can & Bottle Bills, California Public Interest Research Group, p. 122.
- 6) Bob McLaughlin, Recycling Coordinator, Iowa Department of Natural Resources, July 1990.
- 7) Calculated by the Massachusetts Department of Environmental Protection from reports by beer and soda distributors, Julie Bender, July 1990.
- 8) NYSDBQ letter dated 8/24/90.
- 9) Oregon's Bottle Bill, The 1982 Report, Oregon Department of Environmental Quality, p. 3.
- 10) Vermont 5 cent Deposit, A Report on Vermont's Experience with Beverage Container Deposit Legislation, Vermont Agency for Environmental Conservation, from The Can and Bottle Bill, New Jersey Public Interest Research Group, p. 8.
- 11) Maine Department of Highways, 1980 (Environmental Action Foundation's Briefing Papers).
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- 13) Survey conducted by Iowa Department of Transportation, 1980, from Can and Bottle Bills, California Public Interest Group, 1980, p. 116.
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- 16) Maine Department of Highways, 1980, from Environmental Action Foundation's Briefing Papers.
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- 19) The Can and Bottle Bill, Fact and Fiction, NJPIRG, 1985 p.8.
- 20) Seattle Post-Intelligence, 1975, from Can & Bottle Bills, California Public Interest Group, p.59.
- 21) A poll conducted by U.S. Representative James Jeffords, printed in The Vermont Standard, April 30, 1981.
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13-4

The Returnable Times

News From the National Clearinghouse for Deposit Legislation

Fall 1987

Bottle Bill Initiative Spending Records

| State/Year | Vote Count | Campaign Spending |
|---|---|---|
| Colorado 1976 Amendment 8 | 331,315 Yes 682,056 No | Proponents \$25,000 Opponents \$511,000 |
| Maine 1976 Deposit Referendum | 274,164 Yes 200,000 No | Proponents \$26,000 Opponents \$404,000 |
| Michigan 1976 Proposal A | 2,154,215 Yes 1,219,783 No | Proponents \$117,175 Opponents \$1,219,783 |
| Nebraska 1978 Proposition 301 | 211,732 Yes 280,522 No | Proponents \$11,000 Opponents \$350,000 |
| Maine 1979 Repeal attempt | 41,802 Yes (repeal) 226,076 No (uphold) | Proponents \$165,000 Opponents \$22,000 |
| Ohio 1979 Issue 1 | 768,898 Yes 2,019,834 No | Proponents \$88,855 Opponents \$1,550,000 |
| Washington 1979 Initiative 61 | 380,247 Yes 517,177 No | Proponents \$72,000 Opponents \$968,000 |
| California 1982 Proposition 11 | 3,359,281 Yes 4,256,274 No | Proponents \$900,000 Opponents \$5,800,000 |
| Colorado 1982 Initiative 5 | 242,653 Yes 708,564 No | Proponents \$500,000 Opponents \$2,500,000 |
| Massachusetts 1982 Question 4 Repeal Attempt | 1,143,956 Yes (uphold) 791,846 No (repeal) | Proponents \$250,000 Opponents \$1,000,000 |
| Washington 1982 Initiative 414 | 400,136 Yes 965,951 No | Proponents \$248,000 Opponents \$965,951 |
| Washington, D.C. 1987 Initiative 28 | 33,870 Yes 41,836 No | Proponents \$80,000 Opponents \$1,400,000 |

— Environmental Action
Fact Packet on Deposit legislation

13-5

LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

919½ South Kansas Avenue, Topeka, Kansas 66612

2 April 1991

HB #2471 - Litter Control and
Beverage Container Redemption

Mr. Chairman and Members of the Committee:

My name is marci francisco; I am a member of the Board of the League of Women Voters of Kansas. I am pleased to be able to be here today to give testimony before the House Committee on Energy and Natural Resources in support of House Bill No. 2471 relating to litter control and requiring certain beverage containers to be redeemable.

The League of Women Voters has shown strong support at many levels of government for legislation requiring beverage containers to be redeemable. Representatives of the League of Women Voters of the United States (LWVUS) have testified before Congress in support of a national container law; members of the League of Women Voters of Columbia, Mo., lobbied in support of that city's container ordinance. The League of Women Voters of Kansas has a position on Solid Waste Management, adopted in 1973 that "the state...should encourage the recycling or reuse of materials by such means as...a ban on nonreturnable containers..."

The solid waste issue is one that is important to our membership. I have just received a report from the LWVUS office that local leagues in Cloud County, Emporia, Johnson County, Lawrence-Douglas County, Newton-Harvey County, and Topeka-Shawnee County participated in the national league's survey on solid waste. Many of the local leagues in Kansas are involved in recycling programs in their communities.

Beverage containers are a significant proportion of roadside litter; (some studies show 40 to 60%); deposit legislation was initially introduced to reduce litter. A commentary in Public Administration Times, March 15, 1984, cited a report that the nine states (CT, DE, IA, MA, ME, MI, NY, OR, VT) that have adopted deposit laws have reduced beverage container litter 77-86% and total litter volume 35-45%. An added payoff have been the opportunities created for recycling. Such legislation

has created mechanisms for collection of recyclable materials. In addition, it is my understanding that the interest in recycling the polyethylene terephthalate (PET) beverage containers developed because of the accumulations of those containers in states with deposit laws. In rural areas or areas of cities with multi-family dwellings, curbside recycling may not be a viable option; Kansas has relatively low disposal costs, further reducing incentives to operate curbside programs. This legislation would increase the convenience and range of opportunities for Kansans to recycle.

I do want to point out one problem I see: the statewide coordinator for waste reduction, recycling, and market development would need to have until July 1, 1994, rather than 1993, to be able to report on two full years of findings if the first report covering the period from January 1, 1992 to December 1, 1992 is required to be filed March 1, 1993. It does seem that the timing might be adjusted to allow greater lead time for manufacturers, distributors, retailers, and redemption centers to set up their programs. None the less, this legislation would be a significant and important step for Kansas, and should certainly be considered as part of a comprehensive solid waste plan for our future.

Thank you for your consideration.

April 2, 1991
Testimony on HB 2471
April 2, 1991

My name is Diane Christman. I am here today as a concerned citizen. I am also a senior at the University of Kansas. The information that I you have is the result of the senior project by myself and Janeen Grace for a resource and conservation issues class.

Attached is a history of the beverage container, and the results of lengthy research. Information was obtained from federal and state governments, the beverage industry, and environmental groups.

I believe that it is our responsibility to enact this legislation, so that we will improve the quality of life in Kansas. We have the responsibility to increase jobs in Kansas, to reduce litter on the roadways, to extend the life of the Kansas landfills, and to protect our children and our livestock. All of this can be achieved by enacting beverage container deposit legislation in Kansas.

Currently, 9 states have beverage container deposit legislation. They are Connecticut, Delaware, Iowa, Maine, Massachusetts, Michigan, New York, Oregon, and Vermont. Seventeen other states are considering similar deposit legislation this year.

By encouraging the return, refilling, and recycling of beverage containers, the deposit law creates jobs. State-sponsored studies from deposit law states show an increase in retail, distribution, recycling, and beverage filling employment.

*E+NR
4/2/91
Attachment 15*

New jobs are created through the deposit system. The Kansas law will generate between 700-1200 new jobs, ranging from high-skilled management accounting, tracking, and machinist jobs, to needed low skilled jobs in container handling. These numbers were based on statistics from Michigan and New York.

Roadside litter is 40-60% beverage container by volume. States which have this legislation have seen a 75-85% reduction in beverage container litter.

The American Journal of Public Health did a study in Massachusetts on glass-related sutured lacerations to children treated in the emergency room. The study showed a 60% decline in these injuries to children which is directly related to the state's beverage container deposit law.

Other studies have shown that there are reduced injuries to livestock from reduced litter along roadways.

There are 130 landfills in Kansas. Each has an average of 20 years left until it will fill up and close. Kansans throw away about 74,000 tons of beer and soft drink containers each year. By recycling we will receive the obvious benefits of reusing or using less natural resources. but we will also extend the life of our landfills, reduce the solid waste going into the landfills, and reduce transportation costs to the landfills. This should reduce municipalities cost of solid waste disposal.

This bill would positively affect organizations or persons using recycling as means of fundraising. Instead of collecting 100 cans to earn \$1, they would now only need to collect 20.

All deposit states have curbside or other recycling programs in addition to their beverage container deposit systems.

Recyclers would be able to become redemption centers and earn the 2 cent handling fee which is more than they receive now for their work.

There has never been a documented case of unsanitary conditions due to container storage in a collection location in any state with a deposit law. Redemption centers are free to refuse containers on the basis of cleanliness or foreign material.

The comparative increase cost to consumers would be 1 cent per soda container and 2 cents for beer containers. I am convinced that this is not too much to pay for all these benefits. It is in Kansas' best interest to pass HB 2471.

IMPACT OF THE BEVERAGE CONTAINER DEPOSITS IN KANSAS

Why do we need a state deposit law?

Americans throw away an estimated 60 billion containers of beer and soft drinks every year. Several billion of these cans and bottles end up on our beaches, in our streams and parks, and along our roadways. The rest are dumped in our over-burdened landfills. A deposit system is a cost-effective and efficient means of eliminating beverage container litter and reducing solid waste. Recycled aluminum saves 95% of the energy needed to produce new cans. A state deposit law would insure the reuse or recycling of 540 million containers.

How would a beverage container deposit law work?

Consumers buy beverages in glass, aluminum, or plastic containers from a retailer. The price of each drink would increase by 5 cents. When purchased at a retailer, the container can be returned for 5 cents to the same retailer or the nearest redemption center. A single person may not turn in more than \$25 worth of containers in one day. The redemption center must sort the cans by company for pick-up. The center will receive 2 cents for handling fees. States currently having deposit laws see return rates of 85-95%.

What percent of litter is beverage containers?

Beverage containers represent 40-60% of the total litter by volume. In states with beverage container deposit laws, the total litter is reduced between 35-60% by volume. There is a 75-85% reduction in beverage container litter in these states.

How will the containers be collected in urban and rural areas?

In Iowa, the Department of Natural Resources states that redemption centers are most commonly used in rural areas. In urban areas, retailers are most commonly used to collect the containers. But both options are available to both urban and rural. Current regional recycling centers can convert to regional redemption centers.

Will there be a sanitation problem at collection centers?

There has never been a documented case of unsanitary conditions in a collection location in any state with a deposit law. (Florida Citizens Against Throwaways)

What is the solid waste management fund?

It is estimated that 5-20% of deposits are not redeemed. These unclaimed deposits would go into the solid waste management fund. It shall be used to fund programs to reduce solid waste, to promote recycling and market development, to reduce litter, and for other programs related to solid waste management. In one year approximately \$3.5 million would be added to the fund simply from soda containers. Not inclusive are beer and liquor containers.

How will jobs in Kansas be affected?

Deposits on containers will create new state jobs through an increase in recycling. Kansas should see an increase of 700-1200 local jobs. These will range from high skilled management, accounting, trucking, and machinist jobs, to container handling jobs. New jobs will be created when redemption centers are opened. Michigan has had a net increase of about 4500 jobs because of its deposit law. The New York deposit law resulted in a net increase of the hourly equivalent of 5000 full-time jobs.

What is the landfill capacity in Kansas?

Kansas has 130 landfills. All of these will be closed or full within the next 15-20 years. Studies done by New York and Maine show deposit laws reduced landfilled solid waste by 8% and extended landfill life proportionally.

How will the bill affect organizations using recycling as fund raisers?

The bill would change but not negatively affect most organizations recycling now. With the beverage container deposit law, groups or individuals will receive 5 times the amount that they received before.

Will the law decrease beverage consumption?

Per capita beer consumption fell in 7 of 9 states following implementation of deposit laws. But these declines are short-term and not totally due to deposit laws. Since 1970, Americans have increased their per capita consumption of beer and soft drinks.

To what extent does curbside recycling exist now in Kansas?

According to the Kansas Business and Industry Recycling Program (BIRP), there is only one city with a viable recycling program. Several other cities have pilot programs. Curbside recycling would not be threatened. All nine states with deposit laws have successful curbside programs.

Which states currently have beverage container deposit laws?

States currently having bottle laws include California, Connecticut, Delaware, Iowa, Maine, Massachusetts, Michigan, New York, Oregon, and Vermont. Seventeen other states are considering similar deposit legislation. No state has repealed its law.

For further information call:

Joyce Wolf
Audubon Society Legislative Liason
(913)749-3203

Shaun McGrath
Kansas Natural Resource Council
Program Director
(913)233-6707

Prepared by Diane Christman and Janeen Grace

15-5

BEVERAGE CONTAINER DEPOSIT LAW ISSUES

By Diane Christman and Janeen Grace

Why consider a beverage container deposit law?

Americans throw away 60 billion containers of beer and soft drinks every year. Billions of these containers end up in our streams, parks, and along our roadways. But most of the containers are dumped into our over-burdened landfills which are rapidly reaching capacity. A deposit system can greatly reduce beverage container litter, reduce solid waste, and conserve energy and natural resources. With this law, 540 million containers sold in Kansas would be recycled.

What percent of the litter is beverage containers?

The initial motivation for deposit legislation in the 1970's was litter reduction. In the 1990's, this benefit receives less attention than it did in the 1970's, but litter reduction resulting from a deposit law are well documented, and this is a large issue for a rural state like Kansas.

Kansas is 4th in the nation with 132,931 total urban and rural miles of roads. This is important since 25% of beverages are consumed away from home.

Litter is composed of from 10% to 20% beverage containers by weight and 40% to 60% by volume.

Beverage container litter had been reduced by 75-85% in beverage container deposit states. (1)(2)

Table 1: Roadside Litter Reductions in Deposit States as Cited by

| <u>State</u> | <u>Year</u> | <u>% reduction in beverage litter</u> | <u>% reduction in total litter</u> |
|--------------|-------------|---|--|
| Iowa | 1980 | 78.7 (volume) | 38.1 (volume) |
| Maine | 1979 | 56.0 (item) | 10.0 (item) |
| Michigan | 1986 | | 24.4 (item) |
| cans | | 78.4 (item) | |
| bottles | | 51.1 (item) | |
| Oregon | 1974 | 83.0 (item) | 39.0 (item) |

How will the deposit system work?

The price of each glass, aluminum, and plastic container would increase by 5 cents. The consumers would bring their empties back to a retailer that sold the product or a designated redemption center. The 5 cents would then be returned to the consumer. A single person may not return more than \$25 worth of containers (500) per day.

The redemption center would then sort the containers by company for pick-up and would receive 2 cents per container for handling purposes.

If the retailer does not want to store the containers, he must specify at the time of sale a redemption center that will collect and sort the products he sells. The retailer may sponsor a redemption center in this way.

How will jobs in Kansas be affected?

New jobs are created through the deposit system. The Kansas law will generate between 700-1200 new jobs, ranging from high-skilled management, accounting, trucking, and machinist jobs, to needed low skilled jobs in container handling. Michigan has had a net increase of about 4500 jobs because of its deposit law. The New York deposit law resulted in a net increase of the hourly equivalent of 5000 full-time jobs.

By encouraging the return, refilling, and recycling of beverage containers, the deposit law creates jobs. State-sponsored studies from deposit law states show an increase in retail, distribution, recycling, and beverage filling employment. While the glass industry claims that deposit laws have resulted in plant closings and loss of jobs, these claims are unfounded. Plant closings throughout the nation, in states with beverage container deposit laws and ones without are due to over-capacity in the industry because of decline in demand. When a glass plant closes in a bottle-bill state, the reason for closure is the deposit law. But they neglect to say that Owens, a glass manufacturer, alone has closed over 40 plants worldwide since 1980.

What are the benefits of a beverage container deposit law?

Benefits in deposit law states include:

- * reduction in beverage container litter
- * increased recycling
- * reduction of solid waste tonnage
- * conserved landfill space
- * reduction of injuries to children
- * reduction of injuries to cattle
- * deferred or reduced disposal cost

These benefits do occur at minimal cost to consumers and industry. These costs are anticipated effects of the law.

Deposit legislation and proposed alternatives should be evaluated on the basis of their contribution to a state's overall solid waste management strategy. Deposit laws are solid waste management tools.

A deposit system is a cost-effective and efficient means of eliminating beverage container litter and reducing solid waste as well as conserving energy and natural resources.

What do the people want?

An objective study from the General Accounting Office (1) showed that 70% of the public in deposit and non-deposit states support beverage container deposit legislation. Only 18% would oppose such a law. This study also specifies that 68% of the public in non-deposit law states would support a beverage container deposit law. Public approval in states with deposit laws average in favor by 80%.

Do beverage container deposit laws reduce injuries to children?

Up to one-half of all childhood non-intentional injuries are from lacerations and abrasions. This is commonly caused by broken glass. This study done in Massachusetts showed a 60% decline in glass-related sutured lacerations in the emergency ward. (3)

Why should the beverage industries take responsibility?

Solid waste problems don't begin with the consumer, they begin with the producer. The producer wishes to provide the convenience of throwaway containers to the public, however, this creates a larger problem. Just as manufacturing companies are legally responsible for hazardous wastes until properly disposed of, and factories are legally responsible for air pollution (whichever direction it may blow), industries should be responsible for the proper disposal or reuse of beverage containers that they utilize for their products. Deposit legislation has been proven to be an effective way to encourage large-scale recycling.

How serious is the landfill situation?

The GAO (1) report states that 80% of all existing landfills will fill up and close within the next 20 years. Kansas has 130 landfills. Kansans threw away about 74,000 tons of soft drink containers in 1988. This represents space which would be empty if HB 2471 were passed. Other states have extended their

landfill life by implementation of a beverage container deposit law. As much as 8% of the landfilled solid waste can be effected by this bill.

Quickly filling landfills are a threat. There are many problems with building new ones. No one wants a landfill in their backyard.

What is currently being done to promote recycling in Kansas?

According to the Kansas Business and Industry Recycling Program (BIRP) which encourages curbside recycling, there are 24 communities in various stages of curbside recycling programs. Some of these are comprehensive, but most of them are limited or pilot programs. Cities with limited programs would include those that are composting only, or cities with residents contracting with recyclers to pick-up recyclable items. In Kansas, BIRP is supported by retail, soft drink, and beer wholesalers, retailers, and distributors and in turn encourage recycling centers in Kansas.

Dillons is actively recycling plastic milk containers, PET containers, paper sacks, and plastic sacks.

The over 300 recycling centers in the state would be able to become redemption centers if the deposit law was passed and thereby increase their economic viability. They would then earn 2 cents per container more than they now receive for these items.

All deposit states have curbside or other recycling program in addition to their beverage container deposit systems. Their deposit legislation is compatible with curbside and other recycling programs.

Will a deposit law effect beverage container market shares of different types of beverage containers?

There is some concern that a deposit law will cause changes in the way beverages are packaged, and this could adversely affect some container manufacturers. As an example, glass container manufacturers argue that consumers, retailers, and distributors will choose cans and plastic over glass because cans and plastic are lighter in weight, are easier to store, and do not break as easily. Existing studies indicate that any changes that might have been observed were probably not the result of deposit legislation.

What are the retailer costs?

Retailers do incur additional costs under deposit laws because they have to sort, store, and account for redeemed beverage containers. These costs are offset in most deposit

states by a handling fee paid by the distributor to the retailer. The proposed legislation sets this at 2 cents. In other deposit states, this fee ranges from 1 to 3 cents. Of the retailer costs, 70% is for labor, 19% for storage space, and 11% for other expenses such as investment and operation costs. When these costs exceed the handling fee, they are usually passed on to the consumer through the increase in the price of beverages, or in the prices of other goods. (1)

What are the distributor costs?

Additional costs are incurred by beverage distributors in the collection of empty beverage containers from retailers and redemption centers. These cuts arise from additional transportation, storage, and labor costs. Also the distributors will pay the retailer the 2 cents handling fee per container. These costs are in part offset by the revenue that the distributors will receive from selling the empty beverage containers as scrap. There are conflicting studies done on the net cost of the law. Some show net gain and others net loss. A draft report done by the Research Triangle Institute for the Environmental Protection Agency, indicated that, whatever the direction of the price change caused by deposit laws, the magnitude is quite small. (1)

Will the bill raise the price of beverages?

Yes, the price will increase very slightly. A New York report from the Rockefeller Institute states that the net cost of handling redeemed containers added a price pressure of about 1 cent for every soft drink container and 2 cents for every beer container sold. (4) The retailers have increased costs due to labor, storage space, and other expenses such as investment and operating costs.

Will the deposit law affect beverage consumption?

But consumption decreased for only about one year after the bill was passed. The change in consumption could also be linked to the increase in legal drinking ages or other factors. The GAO (1) report states that though consumption decreased initially, it recovers and levels off in the next few years. The Department of Commerce states that income, health consciousness, and changing demography also affect consumption trends.

What is the beverage industries' approach to a deposit bill?

Beverage industries have launched anti-bottle bill campaigns as pro-recycling campaigns. Their campaigns are an attempt to draw attention away from their concerns about time, capital, and complications a bottle bill would cost them. Beverage industries

spend large sums of money to convince legislators to abandon deposit legislation. For example, the beverage industry outspent deposit legislation advocates in Washington state by 15:1. In Ohio, the beverage industry spent \$1.6 million (5) to defeat the deposit container law proposed there. States which have deposit laws report that typically 90% of all bottles and cans are returned for recycling. Deposit laws are the most successful method in existence for collecting beverage containers.

Will there be a sanitation problem at collection center?

There has never been a documented case of unsanitary conditions linked to the deposit system in a collection location in any state with a deposit law. Redemption centers are free to refuse containers on the basis of cleanliness or foreign material. (6)

How will the containers be collected in urban and rural?

The Iowa Department of Natural Resources states that redemption centers are most commonly used in rural areas. In urban areas, retailers are most commonly used to collect the containers. However, both options are available for urban and rural. Current regional recycling centers can convert to regional redemption centers.

How will the bill affect organizations or persons using recycling as a means of fundraising?

Can collectors need only find 20 containers to earn a dollar compared to the 100 they need now. They will also be paid for collecting glass and plastic which under our present system has little or no resale value.

Enterprising groups and individuals can form services to collect from apartment complexes, residence halls, and neighborhoods, thus generating funds for worthwhile projects and easing the return of containers for some people.

What happens to the deposits that are not redeemed by consumers?

On the average 13% of the deposits are not redeemed by the consumers. Redemption rate varies, but it is primarily a function of the amount of the deposit. The unredeemed containers remain the property of the distributor who initiated the deposit.

Some see these unredeemed monies along with the sale of the scrap material as helping to offset the collection costs of the distributors and bottlers, but others see unclaimed deposits as public monies. Only Massachusetts and Michigan have passed what is called "escheat legislation". This is simply a provision in

the bill allocating the unredeemed deposits to a particular fund.

HB 2471 requires that unclaimed deposits go into the solid waste management fund. This fund shall be used to support programs to reduce solid waste, to promote recycling and market development, reduce litter, and solid waste management. In one year an estimated \$1.5 to 5.8 million would be added to the fund simply from unclaimed pop cans.

Will this legislation affect curbside recycling programs?

Overland Park is the only community in Kansas with a large scale curbside recycling program. Several communities, however, have pilot programs for curbside recycling in operation.

Opponents of deposit legislation say that curbside recycling programs will collapse because they currently get most of their money from the scrap aluminum. Deposit systems costs are borne by the private sector and curbside recycling costs are borne by the public sector. A simulation of several communities found that reduction in aluminum from a deposit law would not damage municipal recycling programs with an adequate resource base. If the program did not have an adequate resource base, the program would fail due to this deficiency. 15-40% more waste is diverted from the solid waste stream with combined curbside and deposit programs than with curbside alone.

Will this bill inconvenience the consumer?

The consumer will have to make storage space for the empty containers. The empties will then have to be returned to the store or the consumer will not receive his/her 5 cent deposit back. To some this may be an inconvenience. However, taking your trash to the curbside is also an inconvenience, but it must be done. If this bill is passed, the consumer will be forced to take responsibility for disposal of the containers instead of spreading the cost of disposal on to the rest of the public by using landfill space.

Does deposit legislation save energy?

It takes energy to manufacture beverage containers. By using recycled materials to produce these containers, energy is saved. Recycled aluminum saves 95% of the energy needed to produce new cans. Recycling aluminum cuts related air pollution by 95% and water pollution by 97%. (7) The energy saved from one recycled aluminum can will operate a TV for 3 hours.

Each ton of recycled glass saves 9 gallons of fuel oil. (8)

Plastic beverage containers can also save energy by being recycled. Currently, only 1% of our plastic is recycled. Most

containers are made from polyethylene terephthalate (PET). If recycled, energy savings could amount to as much as 88%.

Beverage containers take a long time to biodegrade. An aluminum can takes 500 years while a glass container will be around for 3000 years.

Saving oil is important because U. S. oil and natural gas supplies could be depleted by 2020 and world oil could be depleted by 2040. In 1989, the Aluminum Association said that aluminum can recycling saved more than 12 billion kilowatt hours of electricity - the energy equivalent of some 20 million barrels of oil.

Has any state tried to repeal its beverage container deposit law?

Yes, Maine passed deposit legislation through referendum in 1976. It passed by 57%. A repeal initiative was placed on the ballot in 1979. The vote was 84% in favor of keeping the deposits on beverage containers. This is the largest referendum margin in Maine's history. (8)

END NOTES

1. General Accounting Office Report. "Solid Waste: Trade Offs involved in Beverage Container Deposit Legislation", November 1990.
2. US Census Bureau, Statistics Abstract of the U.S., 1990
3. "The Impact of Bottle Bill Legislation on the Incidence of Lacerations in Childhood", American Journal of Public Health, October 1986.
4. Ferretti, William. "The New York State Returnable Container Act as a Solid Waste Management Option Evaluating Its Effectiveness and the Effectiveness of Proposed Alternatives", Journal of Resource Management and Technology, December 1986.
5. "Buying the Voter's Minds", Audubon, January 1980.
6. Florida Citizens Against Throwaways
7. Stauffer, Roberta. "Energy Savings from Recycling", Resource Recycling, January/February 1989.
8. "Bottle Bills", The Solid Waste Alternatives Project and Environmental Action Foundation.

BEVERAGE CONTAINER HISTORY

Bottles were once too valuable to throw away. In the 18th Century, most bottles were for wine, and they were imported from Europe. These bottles were refilled again and again because of the slow, costly process of importation.

Soon with increased capital and technology, bottles were produced in the US. In 1849, there were 64 bottling plants in the US. The first recorded sale of bottled artificial mineral water was in 1807. Soon after, flavorings and sweeteners were added to the soda water, and this became our soda of today. The soda was shipped in bottles for home consumption.

By the beginning of the 19th Century, bottles were still very valuable. In fact so valuable, that new businesses began that dealt solely with second hand bottles.

However, with the beginning of the 20th Century, The bottling companies became hampered by the second hand dealers. They began to use a beverage container deposit system to motivate consumers to return their bottles and to defray the cost of the bottle for the company. In 1911, Kansas bottlers started using deposit systems. The average deposit was five cents. In 1934, the National Recovery Act Code of Fair Competition for the Bottled Carbonated Beverage Industry made deposits mandatory.

During the Depression return rates were high. The consumers could not afford to neglect bottle returns. After the Depression, returnable bottles remained because they were the cheapest and most practical means of distributing beverages.

The industry changed in 1935. Production began on beer cans because they weighed less, took up less shipping space, and

shortened the pasteurization time. There were still deposits on bottles though. In 1947, the return rate was 97%. The steel cans were made returnable during World War II because of a metal shortage.

Convenience was promoted with the switch to cans. Heavy promotional campaigns for nonreturnables cans preached their convenience. In 1940, the National Association of Retail Grocers passed a resolution asking for the elimination of the returnable soft drink bottle. Slowly, the whole beverage industry moved towards nonreturnable containers. By 1962, the Ladies Home Journal did a survey where half of the respondents considered empty bottles " a dreadful chore".

Though some parts of the industry held out for returnable bottles, the consumers bought more nonreturnable bottles containers. Even though returnables bottles were the least costly containers for brewers and bottlers and nonreturnables were more expensive, the public bought the one-way container. In 1965, Pepsi-Cola committed themselves to a transition to nonreturnables. The throw away ethic was embedded into the minds of the people, and the manufacturers were forced to follow suit.

Written by Janeen Grace

All information from:

Busch, Jane Celia, The Throwaway Ethic in America, 1983.

| | Connecticut | Delaware | Iowa | Maine | Mass. | Michigan | New York | Oregon | Vermont |
|--|-------------------------|----------------|-------------------|-------|--------|----------------|----------------------|---------|---------|
| Date of Implementation | 1/1/80 | 1982 | 7/1/79 | 1978 | 1/6/83 | 12/3/78 | 1983 | 10/1/72 | 7, 13 |
| Amount of Deposit | 5¢ | 5¢ | 5¢ | 5¢ | 5¢ | 10¢ | 5¢ | 5¢ | 5¢ |
| Handling Fee | Beer 1¢ Soda 2¢ | 20% of deposit | 1¢ | 3¢ | 2¢ | 25% of escheat | 1.5¢ | none | 3¢ |
| Escheat | no | no | no | no | yes | yes | yes | yes | yes |
| Redemption Rates | 88% cans 94% bottles | N/A | 95%Al 85%glass | 95% | 85% | 93% | 65% soda 80% beer | 95% | 85% |
| % Reduction in beverage container litter | N/A | N/A | 79% | 86% | N/A | 80% | N/A | 83% | 76% |
| % Total Litter reduction by volume | N/A | N/A | 61% | 40% | 30-35% | 41% | N/A | 47% | 35% |
| Public Approval | 64% | N/A | 56% | 84% | 78% | 90% | 80% NY city | 90% | 97% |

Information from National Container Recycling Coalition

15-17

Simple goods

general store

735 Massachusetts Street
Lawrence, Kansas 66044
(913) 841-8321

Testimony: House Bill No. 2471
House Energy & Natural Resources Committee
April 2, 1991

As recently as 1960, 95% of all soft drinks and 53% of all beer in this nation was sold in refillable glass bottles which required a deposit. Unfortunately, during the next two "throw away" decades, no-deposit, no-return beverage containers proliferated, contributing substantially to America's solid waste problems.¹ "Americans go through 2.5 million plastic bottles *every hour*..."²

I speak to you as co-owner of a different type of business, one which seeks to provide consumers with products and resources which reduce environmental impact. As owner of Simple Goods, a general store which carries environmentally sound products of all kinds, from post-consumer recycled paper to energy-saving light bulbs, I would like to speak in favor of House Bill No. 2471. Since the opening of Simple Goods four months ago, I have daily spoken with your constituents. I hear the frustrations of citizens concerned about the environment and with what they perceive as a lack of commitment on the part of industry to resolve solid waste problems and a lack of leadership in government to encourage practices which will reduce waste. Consumers are not duped by the hype of the current green bandwagon onto which every industry seems to be hopping. The "little people" out there are doing the best they can. They are recycling and prerecycling, and making daily choices about how they can reduce their day-to-day environmental impact. In fact, according to a poll by the Michael Peters Group "more than 50% of Americans polled ... say they have declined to buy products that might have a negative impact on the environment."³

Yet it is the very act of recycling which brings to light the enormous amount of packaging which is not recyclable at all. The fact that technology exists to recycle a particular material does not render that material recyclable in small-town Kansas. Unless an infrastructure exists for returning a particular material to a processing plant, it is effectively not recyclable.

House Bill 2471 is an opportunity for Kansas to step to the fore in setting an example for responsible programs for waste management. It will send a message to people out there that, number one, their legislators have heard and listened to their concerns about the

¹"Let's Enact A National Beverage Container Deposit Law", EarthCare Paper Company Catalog, p. 13.

² If You're Not Recycling You're Throwing it All Away", Environmental Defense Fund brochure.

³ "Helping the Earth on Shopping Day", Business Week, April 1990, page 124

E+NR
4/2/91

Attachment 16

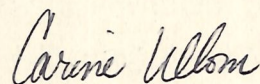
where every day is Earth day!

100% recycled paper

environment, and number two that the beverage industry is willing to do its part to alleviate solid waste problems. The bottle bill will strengthen local recycling efforts by giving value to waste which would otherwise be thrown "away". The fact that aluminum is the most widely recycled waste product is evidence that the monetary value associated with the used containers encourages recycling. By placing a deposit on all beverage containers, recycling efforts will be promoted, waste sent to landfills reduced, and energy and resources conserved. This bill makes good sense.

While it may be true that implementation of a deposit system could mean higher costs to retailers and distributors (and ultimately consumers), the true cost of disposing of used beverage containers will be borne by those who produce, distribute, sell, and consume beverages. Currently, these disposal costs are externalized and are borne by public funds, thus effectively subsidizing the distributors, retailers, and consumers of beverages. Further, according to a survey by Kansas City-based Valentine Radford Inc., "A majority of consumers say they would prefer 'environmentally friendly' products and would even pay 5 percent to 10 percent more for them...".⁴ Thus, is it not thinkable, indeed expedient, that the beverage industry let it be known that because their containers are returnable, they are "light years" ahead of all other packaging industries. Should we enact a bottle bill, I think it shan't be long before the beverage industry is extolling its virtues to a consuming public it knows to be concerned and informed about solid waste problems. House Bill 2471 is a first step at encouraging consumers and industry to take responsibility for the waste they produce.

We at Simple Goods are considering becoming a redemption center, should this bill pass. Rather than an unnecessary burden, we look at this as an opportunity to offer a service which is in keeping with the goals of our store: to provide ways and means for ordinary citizens to reduce their environmental impact. Thus, in addition to helping alleviate solid waste problems, House Bill 2471 will create jobs. Jobs at redemption centers, jobs trucking recyclables to processing plants, jobs processing the materials into new products, and so on. Jobs that without this bill would go straight to the landfill. This bill ultimately represents a win-win situation and deserves your support. Thank you.



Carine Ullom

⁴ "Putting the Earth First, Ingram's, November 1990, page 53.

TESTIMONY BEFORE THE HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE
REGARDING HOUSE BILL NO. 2471

April 2, 1991

I am Joan Vibert, Recycling Coordinator for Lake Region Recycling a six county project sponsored by the Lake Region Resource Conservation and Development Council, a non profit corporation. The RC&D is a rural development project initiated by the county commissioners, conservation districts and communities at large. The counties in our region are: Miami, Franklin, Osage, Linn, Anderson, and Coffey. Lake Region Recycling is a grassroots organization staffed solely by volunteers and we currently have chapters in three counties with a fourth forming. My position is funded by grants and donations which I am responsible to obtain.

Grant funds are readily available for projects but general support and salary funds are sadly lacking. Last fall I contacted Kathy Parker about the possibility of meeting with her and Chiquita Cornelius concerning sources for funds for my salary. Her answer was that she knew of no funds and that my best bet was to contact Waste Management and let them take over our program. She felt sure they would pay a good salary. This did not satisfy my personal sense of environmental responsibility.

I support House Bill No. 2471 because it is the closest we have come to funds for programs such as ours and I see nothing approaching on the far horizon. I am contacted weekly by grassroots groups all over Kansas who want to get a program started. I tell all of them that it costs very little to get started but to sustain and grow requires a salaried coordinator and that will require money, money cities and counties don't have right now.

The bill should be amended to require the return of beverage containers to a redemption center where the materials would be processed for recycling. I see no reason for retailers or distributors to have to handle this material a second time. By their sponsorship of a redemption center they would save the extra transportation, storage and handling that a bottle bill normally requires. The initial sponsorship and subsequent two cent handling fee would promote successful recycling and responsible handling of the beverage container materials while providing a steady stream of marketable materials.

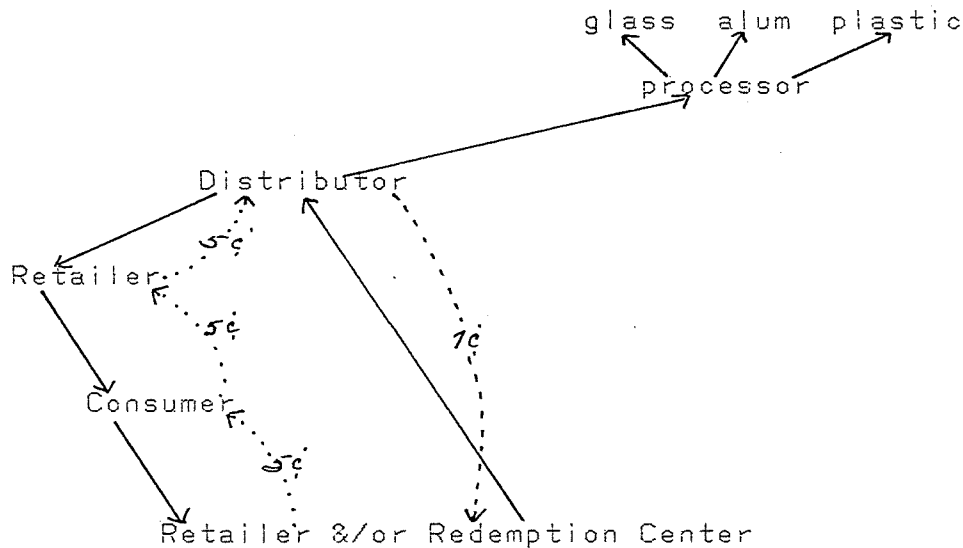
As for the idea that a bottle bill will destroy curbside recycling programs by removing the glass and aluminum from their marketable materials, I disagree. In conversations with established programs already offering curbside, I did not find one who counted on revenues from the sale of materials to support their program. In our region neither the cities or trash haulers, currently looking at curbside pick ups, even want to handle, process and market the recyclables.

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4/2/91
Attachment 17

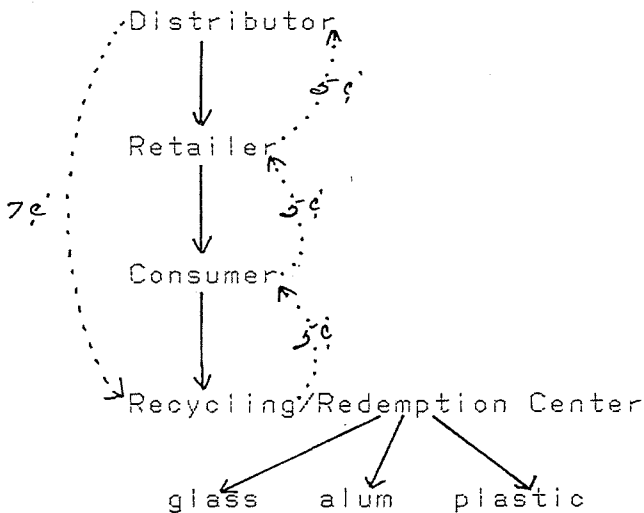
Last of all I feel that a bottle bill sends a signal that "throw-away" can no longer exist. When people begin separating out beverage containers they become patterned for further separations such as tin cans, jars, etc. I realize that "bottles" are only 6 to 8 percent of the solid waste stream but its a good solid start.

Below I have charted movement of beverage containers as provided in the bill and in the utilization of a recycling/redemption center. The solid line is the path of the bottle, dotted line is path of deposit monies.

+++++
As provided in bill



+++++
With Recycling/Redemption Center





KANSAS RECREATION AND PARK ASSOCIATION

700 JACKSON, SUITE 705
TOPEKA, KANSAS 66603

(913) 235-6533
Laura J. Kelly, Executive Director

TESTIMONY BEFORE THE HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

SUPPORTING PASSAGE OF

HB 2471
BEVERAGE CONTAINER DEPOSITS
4/2/91

Chairman Grotewiel, members of the Committee, I am Jerry Dishman, past Chair of the Park and Natural Resources Branch of the Kansas Recreation and Park Association (KRPA). I thank you for the opportunity to speak in favor of HB 2471.

The Kansas Recreation and Park Association is comprised of over 600 individuals representing 175 communities in Kansas. Many of the members, like myself, are employed by municipalities to oversee the development and maintenance of parks and recreation facilities.

KRPA wholeheartedly supports the passage of this very important and long overdue legislation for 2 reasons:

1) Each year, thousands of Kansas taxpayer's dollars go to WASTE. In my department in Manhattan, approximately 1,950 hours of staff time worth \$19,000.00 is spent annually clearing our parks, playgrounds, bikepaths, ballfields and pools of debris so that our citizens, young and old, can enjoy the use of these areas and facilities. Park and recreation departments all over the State are spending proportionally the same amount, needlessly.

2) LITTER HURTS and it hurts more than just the landscape. In fact, in Manhattan, we had a young swimmer, during the first swimming class, jump into our pool, landing on a large broken clear glass bottle in four feet of water, cutting his foot from the bottom of his foot, out through his ankle, causing a serious injury. Other children missed lessons while the pool was cleaned. Parks, playgrounds and pools should be havens where we can relax and rejuvenate, and not worry about injury.

By mandating deposits on glass, aluminum and plastic beverage containers, you can make trash worth something. People don't leave money laying around.

Thank you.

Contact: Jerry Dishman, CLT
Superintendent of Parks
Manhattan Parks & Recreation Department
Manhattan, KS 66502
(913) 587-2757

Laura Kelly, CTRS
Executive Director
Kansas Recreation and Park Association
(913) 235-6533

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4/2/91
Attachment 18

April 2nd, 1991

Chairman Grotewiel
Members of the House Energy
and Natural Resources Committee

re: House Bill #2471

Honorable Chairman and Committee members,

I am glad to see that Kansas is moving to join the many states that have a "bottle bill" already in place. Reduction of the waste stream must be an ever increasing priority as landfill space is not limitless. By the time you hear these comments there will most probably have been representatives of the bottling industry speaking against this bill.

When returnable/reusable pop bottles disappeared from grocer's shelves, I contacted bottlers to discover why this happened. I was told that market surveys dictated the change to throwaways. Malarkey is the polite term I will use for this nonsense. Undercutting the price of returnables with cheap disposables is what changed the stocking of grocery store shelves. A side benefit of this bill would be litter reduction. Pop bottles were never a part of the landscape for more than a day in the neighborhood where I was raised. Someone always picked them up in short order to collect the deposit.

Passage of this bill would be a positive step for the State of Kansas. Let us keep our state the Land of Ah's. Thank you for taking the time to listen.



Mark Hermansen
1420 W. Spruce
Olathe, KS 66061

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4/2/91
Attachment 19

TESTIMONY OF SHERLYN SAMPSON, CLERK OF DISTRICT COURT, DOUGLAS COUNTY, KANSAS

RE: HB 2471

I am Clerk of the District Court of Douglas County, Kansas and President-Elect of the Kansas Association of District Court Clerks and Administrators (KADCCA). I am addressing you this afternoon in opposition to SB 2471.

This bill is in regard to an ACT relating to litter control and sets out fines and penalties for violation of this ACT. It also establishes a Solid Waste Management Fund.

Under section 11 of this bill, any person violating this litter control act can be charged with a misdemeanor and pay a fine of not less than \$50 and as much as \$500 depending on how many times they have been convicted of violating this ACT. Any fines paid because of these violations are to be sent to the state treasurer and credited to the "Solid Waste Management Fund".

In order for us to know how much money was collected because of violations of this litter act, we would have to establish a special category just for fines assessed for violations of this act.

This bill, in its present form, would have a substantial impact on the 105 District Courts of the State requiring them to revise their accounting systems.

The accounting system of the Court is cumbersome as nearly all monies collected have to be broken down into several categories for proper distribution. This bill would add another category to the list. Attached is a list of the categories we now use and a copy of the court receipts journal to help you under-

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4/2/91

Attachment 20

stand the system. There are more categories on the list than you will see columns on the receipts journal. Because of the lack of space on the journal, several of these categories are put under "other".

Passage of this bill would require the court in 105 counties to change their forms and/or computers. Those courts that have their accounting on computer would have to have the computer programs modified to accommodate this change.

The estimated cost of new forms is \$7,500. We would also need new manuals at an estimated cost of \$216. The estimated cost of programming computers, mainframe and micros, is \$180,000.

Because of the accounting problems this bill would cause; the costs of making the necessary changes to forms, computer programs and manuals; and the clerical time involved in posting the additional transactions; we would like to see this bill killed. More and more, the courts seem to be looked upon as a collection agency for funds for projects. This year alone three have been proposed: HB 2526, HB 2471 and this bill.

At a time when we are short staffed and looking at ways to reduce our work load in order to survive the hiring freeze and budget cuts we've been on for the last year, we don't need additional problems to solve or an increase in workload such as the ones this bill could cause.

We feel the bill as it is currently written establishes the worst possible way to collect fees to sustain this fund. If you wish to pass this bill then we would ask that this bill be amended by changing the bill so that the court collects the fine and sends it to the State Treasurer with all of our other fines.

That office would deduct a percentage of the fines paid and place them in a special trust fund for the Solid Waste Management Fund. This amendment would save some of the costs for accounting and clerical time because only one computer and/or form change would be necessary instead of 105. This procedure is currently being done for collection of monies for Crime Victims Compensation Fund and Crime Victims Assistance Fund from the fines paid by District Courts to the State Treasurer each month.

Thank for your time today to listen to my concerns in regard to this bill.

CURRENT CATEGORIES NOW BEING USED FOR DISTRIBUTION OF MONIES COLLECTED BY DISTRICT COURTS IN KANSAS

CLERK FEES STATE

PROBATION FEE

XEROX FEE

JUROR FEES

MARRIAGE LICENSE FEES

CLERK FEES COUNTY

FINES, PENALTIES & FORFEITURES

INTEREST

RESTITUTION

JUDGMENTS

URINALYSIS

PUBLICATION FEE

CHILD SUPPORT

INDIGENT DEFENSE SERVICE FUND (IDS)

LAW ENFORCEMENT TRAINING CENTER FUND (LETC)

ALCOHOL & DRUG SAFETY ACTION PROGRAM (ASAP)

WITNESS FEES

DEFENSE FEES - Felony

GUARDIAN AD LITEM FEES

APPRAISERS FEES

ABSTRACTER FEES

DEFENSE FEES - Misdemeanor

RESINSTATEMENT FEES

APPEARANCE BONDS

ESCROW ACCOUNT (Hold)

REIMBURSEMENTS, OVERPAYMENTS

PROSECUTING ATTORNEY TRAINING FUND (PATF)

LAW LIBRARY

House Bill No. 2471
House Energy and Natural Resources Committee
April 2, 1991

Testimony of Paul Shelby
Assistant Judicial Administrator
Office of Judicial Administration

Mr. Chairman:

I appreciate the opportunity to appear today to discuss House Bill No. 2471 which seeks to regulate littering. It establishes various requirements which placed on persons and entities whose business casuse them to handle beverage containers.

This bill if enacted with its present language would cause severe dislocation of our district court accounting systems. The accounting systems now in use have no provision for collecting, segregating, and forwarding fines to be deposited by the State Treasurer in a solid waste management fund. To comply with Section 11 of the proposed bill such provisions would be required throughout the state.

An accounting system dislocation of this sort would cost \$180,000 for programming mainframe computers, \$7,500 for form changes in our manual system, and \$216.00 for new manuals. These costs would be to the County General Fund.

The Clerks of the District Court are presently required to keep serarate and maintain more than twelve different funds. These include Fines, Law Library, Prosecutors Training Fund, Clerks Fees State, Clerks Fees County, Law Enforcement Training Center Fund, Indigent Defense Servides, Marriage License Fees, Child Support, Restitution payments, Probation Fees, Alcohol and Drug Safety Action program fees, Drivers License Reinstatement Fees and Judgments to name a few.

This new fund will just add to the above requirements and during this time of budget cuts and a hiring freeze is a harship on the Judicial Branch and especially the Clerks of the District Court.

Some of the costs for the acctoning and the harship on the Clerks of the District Court could be saved by changing the bill so that the deduction is made by the State Treasurer from the total amount of fines paid to the state.

I urge your support for our amendment.

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4/2/91
Attachment 2/

21-2

1 person is a misdemeanor punishable by a fine of not less than
 2 \$100 nor more than \$100 for the first offense, not less than \$100 nor
 3 more than \$200 for a second offense, and not less than \$250 nor
 4 more than \$500 for a third offense.

5 (b) All fines collected under this section shall be remitted to the
 6 state treasurer ~~who shall deposit the entire amount in the state~~
 7 ~~treasury and credit it to the solid waste management fund.~~

8 Sec. 12. This act shall take effect and be in force from and after
 9 its publication in the statute book.



Of the remittances of fines, penalties and forfeitures received from clerks of the district court pursuant to K.S.A. 20-2801, at least monthly, the state treasurer shall credit ____% to the solid management fund.

Kansas Business and Industry Recycling Program, Inc.

2231 S.W. Wanamaker Rd., Suite 200, Topeka, KS 66614 (913) 273-6808 FAX: (913) 273-2405



Statement respectfully submitted before the House Energy and Natural Resources Committee in Opposition to HB 2471.

By

Chiquita Cornelius, Executive Director, Ks BIRP

Mr. Chairman and Members of the Committee:

The Kansas Business and Industry Recycling Program (Ks BIRP) is a non profit organization founded in 1983 which is dedicated to the reduction of the waste stream by increasing the capability of our citizens to recycle. In 1983 we had forty-three recycling centers in the entire state. Our first efforts were directed toward establishing a network of collection points so our citizens would have the availability of a center in or near their community. In 1990 we published a directory which now identifies over 300 collection centers or programs (see attached map), some of which have been nationally recognized and have provided leadership for other states. Simultaneously with expanding collection points we set forth to increase the types of materials that could be collected and returned to the market place to be recycled.

In 1983, basically, the only material being collected at our recycling centers was the aluminum can. In addition to aluminum cans, we now see programs taking: scrap metals, car batteries, used oil, food and beverage glass containers, plastic containers,

*E+NR
4/2/91*

Attachment 22

grocery sacks, newspaper, cardboard, tin or steel cans, aluminum foil, styrofoam, office paper and yard waste. Last year we assisted with the first efforts in reclaiming telephone directories and magazines. We realize there is more work to be done but I do not feel we should ignore the tremendous progress that has been made.

As I indicated to you yesterday, we support the development of a comprehensive solid waste management plan which includes everyone in the solution. We do not feel this bill accomplishes the goal of reducing the entire waste stream, in fact, could be very detrimental to that goal for it will jeopardize the collection system we have in place.

Multi material centers will be put at a financial risk. I believe we will see centers close or reduce substantially the types of materials they are willing to reclaim. The aluminum can and glass bottle is their "cash crop". If we divert substantial volumes of these materials from their centers we could effectively close them down. These centers are restricted by local zoning ordinances to light or heavy industrial areas and that will put them at a distinct disadvantage to compete with redemption centers and retail grocers. While competition is certainly the name of the game in any business, I believe it behooves the government to not pass laws which favors one business over another.

Other programs which we feel will be negatively impacted are the curbside programs. Statistics show that while aluminum cans may be a small per cent of the volume collected thru a curbside program, they represent the largest percent of revenue generated.

We are still seeing resistance by the public in accepting the fact that reducing the waste stream by recycling has a price tag. We must keep the costs of curbside as low as possible to ensure we can continue to see the expansion of these types of programs.

We have to decide what we want in this state. Do we want a comprehensive approach as we talked about yesterday or do we want a piece meal approach. If we truly want a comprehensive plan and we know that will cost our citizens, then why do we see this bill being introduced and touted as providing a cash incentive to the public to recycle. **We are sending two messages to the public which absolutely contradict each other.**

Additionally, we have heard that this bill will dramatically reduce the litter stream and the claims that beverage containers are 40 to 60% of the waste stream. We have never read of any studies being conducted which show these containers to make up more than 20% of the waste stream. We have seen reports of recent surveys reporting the following figures:

| | | |
|-----------------|------------|--------|
| Florida | 4.92% | (1989) |
| Texas | 5.00% | (1989) |
| Louisiana | 7.87% | (1990) |
| Oklahoma | 8.91% | (1989) |
| Vermont | 6.00% | (1990) |
| 16 state survey | 6.8% (avg) | (1989) |

Two states (Nebraska and Texas) in the sixteen state survey were of particular interest to us because they are 2 of 18 states which have adopted the Keep America Beautiful Program as their litter reduction program. These states beverage container reduction rates

were 55% and 43% respectively.

We have had a Keep America Beautiful Program in Shawnee county since 1977 and we have seen a substantial decrease in the total litter stream since the implementation of this program. A base line was established in 1977 and each year a random survey is made with an actual count made of each piece of litter and then the total compared to the baseline. We have documented a 74% reduction in the total waste stream in Topeka (1990).

We feel a comprehensive approach should be taken to reduce our litter stream as well as our waste stream and there are proven programs in place, that can be implemented which will obtain the same, if not, better results and for substantially less money.

Lastly, I am truly concerned for the future of Ks BIRP if this legislation is passed. We have no guarantees from any one industry or business for our funding. We rely on private funds, membership dues, that we solicit from individual companies. Our members are willing to support a program which is not focused on a single component of the waste stream, or a single approach to reducing the waste stream, a program which provides assistance at no cost to all who ask. The very industries that are targeted by this bill today are the very ones that stepped forward eight years ago and voluntarily funded a comprehensive program to increase recycling in the state of Kansas. They probably would be justified in taking the position that someone else can fund the service this program has provided. Quite frankly, I don't believe any other organization or government entity is in a position to do that now, at a time when it is most critically needed.

The real question here today is do we want to develop a comprehensive Solid Waste Management Plan for the state of Kansas or take a piece meal approach. Mr. Chairman, you are to be congratulated for you found the common thread yesterday. A way to bring everyone together in working toward a common goal. I urge a no vote on HB 2471. Lets work together and develop a model comprehensive plan that will set Kansas heads and shoulders above other states.



Which recyclable always generate

The aluminum beverage can.



Here's proof: Rumson, New Jersey's curbside figures show that aluminum cans contributed 73% of the recycling program's revenue and only 2% of the volume.

| Material | Volume (tons) | Volume (percentage) | Revenue (1989) | Revenue (percentage) |
|------------------|---------------|---------------------|------------------------|----------------------|
| Cardboard | 58 | 6% | \$ 192 | 1% |
| Glass | 302 | 29% | \$ 5,344 | 26% |
| Aluminum | 22 | 2% | \$15,261 | 73% |
| Steel | 29 | 3% | \$ 94 | 0% |
| Newspaper | 628 | 60% | \$ -3,801 ² | N/A |
| PET ³ | N/A | N/A | N/A | N/A |

Communities that initiate curbside recycling quickly learn that aluminum cans generate more revenue for mandatory and voluntary programs than any other recyclable. National averages show that, in 1989, the price paid for used aluminum cans was 21 times higher than clear glass, 20 times higher than steel and six times higher than PET.¹

The aluminum can is the most valuable curbside material

22-9

TOPEKA-SHAWNEE COUNTY LITTER CONTROL COMMISSION TOPEKA, KANSAS

The Topeka-Shawnee County Litter Control Commission (LCC) was granted certification by the National KAB program in 1977. The purpose of LCC is to serve the total community by encouraging and supporting a clean community through awareness to litter and solid waste disposition and co-operating with other groups with similar goals. Throughout its history, LCC has continued to make an increasing impact on our community, and this year LCC made major strides in many areas. Serving Shawnee County as well as the Kansas Capital City of Topeka, LCC's membership is a good cross section of our community with representatives from Neighborhood Improvement Associations, county and city government, schools, retired citizens, businesses, community organizations, and youth groups working together.

Following is a summary of our program's activities and achievements for August 1, 1989 through July 30, 1990:

COMMUNITY AND BUSINESS EVENTS:

1. **Heartland Raceway/Pepsi Recycling Project** - A combined effort between these two businesses and LCC resulted in 12,200 participants in this August event which exchanged aluminum cans for admission to the park. (C/B=1:3,415.68)
2. **Public Lands Day** - LCC cosponsored the third annual Public Lands Day at Lake Perry. 190 volunteers pre-registered for this September event. Volunteers cleaned the park and then were treated to a picnic and recognition ceremony. The 1990 Public Lands Day planning meetings started in October 1989, and a Lake Perry Pride Day was held April 27th, 1990 serving as a spring preview for the September observance. On April 27th, over 477 lbs of litter including 257 lbs of recycleables were picked up from the area. (C/B=1:16.57)
3. **LCC's 2nd Model Block Project** - Central Topeka NIA joined forces with LCC and businesses in our community to revitalize a deteriorating neighborhood suffering from benign neglect. Security Benefit Group of Companies was an important sponsor for the Model Block Project of the 1200 block of SW 5th Street, offering \$6,000 and over 90 volunteers for an intense workday which visibly transformed the area. The overwhelming difference the project made has spirited continued support from Security Benefit Group and other businesses. Coordination of LCC's 3rd Model Block Project is well underway with an intense "workday" scheduled for September.
4. **Recycle for a Reason** - Highland Park Bank and Trust, using the resources of LCC, held this event in October to raise awareness for recycling as well as awareness of the homeless problem. Over 30 TONS of recycleables were contributed raising over \$2,000 for the Rescue Mission which is conducting a fund raising drive for housing for the homeless. This event was so successful in securing community participation that the bank is gladly sponsoring the second collection drive on September 22, 1990 with the same purpose.
5. **Lake Sherwood Curbside Recycling Pilot Project** - Inspired by the year-round Indian Hills Elementary School recycling program started with LCC's assistance 2 years ago, several parents organized the Lake Sherwood Trashbusters. These Trashbusters, with the assistance of LCC, ran a 3 month pilot project for curbside recycling in their area. The information and data gathered was presented to the City and County Officials for support of a county-wide voluntary curbside recycling program.
5. **Adopt-A-Park** - 35 community groups and schools adopted city and county parks. This was a 40% increase from 1989 and included such groups as girl scouts, retired citizens, school children, church groups, and businesses organizations. (C/B= 1:699.00)

6. **Stick-It-To-Them** - A new project initiated this year sent over 17,000 DO NOT LITTER reminders to customers of Girl Scout Cookies in March. Over 300 Girl Scouts of Kaw Valley Girl Scout Council, Service Unit 8, attached stickers to each of their cookie customers orders thanking them for buying GS cookies and asking for their help in not littering. (C/B= 1:1,637.00)
The positive feedback from the pilot project has encouraged consideration for expansion of the project in 1991 to include the entire Shawnee County/Topeka Area with an estimated 1500 scouts contacting over 67,000 customers in the 2 week delivery period.
7. **Girl Scouts on Litter Look-Out** - This program which was initiated 2 years ago in the Topeka area has expanded to include the entire Kaw Valley Girl Scout Council area. Kaw Valley Girl Scout Council has over 6000 scouts in 13 counties of NE Kansas. In this program, the scouts first check their own homes for their solid waste handling policies, and then the young ladies approach businesses using simple checklists. The cooperation of the businesses is amazing, and the confidence of the scouts grows as they realize they can do something about our environment.(C/B = 1:785.38)
8. **Beautify Topeka** - A city-wide clean up involving over 750 boy scouts and their leaders placed the emphasis on cleaning up our community. Sections of the city were assigned and the Burger King Restaurants and SW Bell were cosponsors for this event on April 21, 1990. (C/B = 1:1,620.00)
9. **Free Landfill Day** - April 21, 1990 also saw Rolling Meadows Landfill offering free dumping for covered pick up trucks to encourage the residents of the community to clean up their own corners of the world and adding to the city-wide clean up. 281 pick up loads of trash were dumped into the landfill on this Saturday. (C/B = 1:237.73)
10. **Earth Day 1990** - Events held in Topeka at the World Famous Topeka Zoo included the Rainforest Run, Recycling Drive, Educational Exhibits, Train Rides, Carousel Rides and more. 2,500 people participated in the activities and tons of recycleables were collected.
11. **Project ReDirectory** - This first time project was another excellent example of major accomplishments this year. 102,000 directories (90 tons) were collected in June and July through the efforts of businesses, government, youth organizations, retired citizens, LCC, and Southwestern Bell Telephone Company. The importance of this project also came from the fact that Southwestern Bell was closing the loop by buying the products made from the collected and recycled directories.
12. **Kansas' First Magazine Recycling Drive** - Another first this year was the Magazine Recycling Drive held in June and July 1990. More than 30 tons of old magazines were collected for use in a recycling experiment by Central Fiber of Wellsville.

EDUCATION:

1. **School Districts** - A record breaking 100% participation by all four Unified School Districts serving our community was achieved this year. In 1989 only USD 501 boasted of 100% participation with KAB activities. Through our committee's efforts, in 1990 USD 501, 450, 437, AND 345 all had 100% participation.
2. **Schools** - Participation from the school children increased 71%. A large increase was seen in the higher grade levels which added to the success of our campaign. Washburn Rural High School also encouraged and supported LCC's effort by providing Junior and Senior students to visit every elementary in their district giving presentations and assisting in school yard clean ups.
3. **Litter Look-Out for Homes** - This program was an extension of the Girl Scouts on Litter Look-Out Program which proved so successful that the "home" checklist was adapted for use by the elementary school children. Schools printed the checklist on the back on newsletters sent home with each student allowing the students to "check out" their own family's awareness and solid waste handling policies. The checklists were made available to each school in the four districts (25,455 student population).

Environmental Day at Tokavaca - Another first time project, LCC and the Kaw Valley Circuit Court Council coordinated the resources of the Kansas Wildlife Federation, Master Garden Park Naturalist, and Soil Conservation Department to provide a 3 1/2 hour hands on environmental educational workshop for over 150 young ladies and leaders in our community.(C/B=1:1,030.16)

5. **Presentations and Speakers** - LCC provided over 50 informational presentations during the year to over 2,600 area residents (an increase of 20%).
6. **Educational Booths and Exhibits** - LCC provided educational booths, exhibits and materials to the community for the Lawn and Garden Show and Environmental Fairs. 19,000 flyers, brochures, and litterbags were distributed with information covering KAB programs, litter reduction, recycling, etc.
7. **LCC Brochures** - 10,000 LCC updated informational brochures were printed with the funding provided by a \$1,000 grant from the Topeka Rotary Foundation. This brochure covers information regarding our program, solid waste ordinances, locations of recycling center and disposal sites, and more.
8. **Covered Truck Flyers** - This flyer generated from LCC notes the statute requiring trucks to be covered and the penalty associated with non-compliance and will be given to each owner applying for a truck tag at the County Treasurer's Office. Distribution began in June and will continue year round.
9. **Phone Call Requests** - Our program's efforts are reflected in the 1,646 phone call requests for information which were received in our office during this past year. Requests for literature, speakers, slide presentations, assistance in planning recycling drives, recycling center and market information, as well as the basics of how individuals can recycle were received.

MEDIA:

1. **Printed Media** - This media provided excellent support of our program and awareness campaign. Over 115 news articles covering our program, events, and activities were printed in the two area papers, the Topeka Capital-Journal and the Topeka Metro News.
2. **TV and Radio Media** - All the stations of our area enhanced our program with coverage before and after events. Over 190 minutes of time were donated to our organization during the past year which greatly increased the awareness level of our citizens.
3. **Marque Displays** - Donated display time has been given to LCC at 7 of the highest visibility sites around our community. Events, time, dates, and messages are posted for such projects as Public Lands Day and Keep America Beautiful Month.

GOVERNMENT:

1. **Task Forces** - LCC is represented on task forces involved with planning and decision making for our community. The Shawnee County Trash Recycling/Reduction Task Force researched information during this past year and presented recommendations to the County Commissioners July 10, 1990. One of LCC representatives on this Task Force was selected by the Commisisoners for the Implementation Committee which will suggest a time schedule for the recommendations.
2. **Proclamations** - City, County, and State Proclamations were made for KAB Month and several other activities with the officials expressing their support of our programs and accomplishments.
3. **Government Offices** - Through encouragement and visibility, our government offices are participating with in-house office recycling programs.

INTEER FORCE:

The strength of our program reveals itself in the participation of our community. This year we can document participation of 31,739 volunteers, more than a 73% increase from last year. An important aspect of this increased participation is that it includes a wide spectrum of our community including school children and retired citizens, professionals and homemakers, community organizations and church groups, businesses and neighborhood associations, and others. Their efforts represent a benefit value to our community of \$935,620.24 (using the National Volunteer Center in Washington DC values).

RECOGNITION PROGRAM:

The LCC recognizes KAB efforts throughout the entire year with quarterly **Brighten Your Corner Awards** for exceptional efforts or projects which protect or enhance the environment from four categories: Individuals, Business/Government, Community Organizations, and Schools. Presentations are made by city and county officials and the President of LCC with media in attendance.

LCC also recognizes every volunteer at an Appreciation Luncheon held in May. This year over 200 groups, individuals, schools, organizations, etc. were presented certificates as an expression of our appreciation by City and County Officials and LCC for their efforts.

PHOTOMETRIC INDEX:

Our City and County's population has grown and changed considerably over the last 13 years; and so, the area of our original photometric was reviewed. New areas were determined to be more representative of our community. For this reason, two photometric surveys were performed this year. One covers the areas outlined in the original photometric survey of 1977 and reveals an index of 1.56, a 74% reduction of litter since 1977. Our baseline in the new areas reveals an index of 1.18 which proved to be an interesting and encouraging surprise. The two photometric indexes show the same conscious litter control in both outlined areas. It will be difficult to show large percentages of improvement in our new photometric survey area due to its already low index, but our program is proud of the fact that the low index shows we have made a major impact on our city.

Education, litter control, recycling, awareness, and behavioral changes have all been incorporated into this past year's program with marvelous success. Our program is truly a year round program with events and projects through out the year. Many first time projects have set the foundations for future continuing projects. Many established projects have expanded 3 and 4 fold. We have accomplished almost a million dollars in benefits to our community through the efforts of our program and its volunteers. Even according to national porportions, we have grown and will continue to grow. Our foundations are firm and in place, our support is wide based in our community, our resources grow as our education and awareness campaign reach more citizens every day. As each of our projects succeed, the residents of our area step forward to become part of the long-term correction of the environmental problems we now face.

Your consideration is requested for the recognition of our program, for its foundation's strength, its growth of volunteer participation in both numbers and diversity, its ability to create and initiate new programs with overwhelming success, its appreciation and recognition system for its volunteers, and its complete support of the KAB system purpose and techinques. We therefore respectfully submit this application in honor of our volunteers and the benefits they provide to our community.

DILLON STORES DIVISION

2700 East Fourth Street
Hutchinson, KS 67504-1608

(316) 665-5511

Concerns regarding adoption of a mandatory deposit bill for the State of Kansas:

Dillon Stores Division considers itself to be a Kansas Company. We have over 7,500 associates, who are residents of Kansas communities. Many of us have spent the majority of our lives here in Kansas. We have made a commitment to take an active position in environmental issues. This commitment is long-standing and continues today.

In the early 1970's, we decided to start recycling cardboard in all of our stores. Hydraulic balers were installed in every store, and we began to bale the cardboard from our shipping boxes. We backhaul these bales to our Hutchinson Distribution Center, where they can be sold to a recycler. Currently, we collect over 15,000,000 pounds of cardboard annually. Our primary customer is a Hutchinson firm . . . a Republic Paperboard plant, where the material is reprocessed into brown craft paper and light weight cardboard that can be used in paper towel rolls. The waste cardboard is worth only about 2¢ per pound, but we add the landfill tipping fee savings to this value and feel we can justify the labor required to bale and transport this material.

In the early 1980's, we started a program to reclaim and recycle used aluminum beverage containers. This program has been successful and continues today. Anyone can return empty aluminum beverage containers to any of our stores, for a cash value of 24¢ per pound - or about 1¢ per can. We redeem over 40,000 pounds of this material each week. This represents almost 1,000,000 cans every week . . . or over 75% of the number of cans we sell.

We backhaul the aluminum to our Hutchinson Center, where we have a contract with a Training Center For The Handicapped (TECH) to process the cans into bales. The aluminum bales are then sold to a major smelter to be reprocessed into new aluminum materials. We pay TECH over \$200,000 a year to process these bales.

In 1990, Dillons became the first supermarket chain in the United States to begin a statewide collection program for plastic milk and soft drink containers.

Our stores serve as collection points . . . then the material is backhauled to our Hutchinson Center. We transfer this plastic to TECH, where it is baled and sold to a major recycler. We have pledged all the income from this program to TECH to allow them to provide additional jobs to their clients.

E+NR
4/2/91

Attachment 23

Our goal is to collect 1,000,000 pounds of plastic a year. This will be over 25% of the plastic we sell in the form of those containers. This will represent 7,000,000 gallon milk or 2-liter soft drink containers. The income to TECH will be almost \$80,000 per year.

During the past twelve (12) months, we have found a market and have provided a recycling program for:

- Used plastic grocery bags,
- Used paper grocery bags, and -
- Used 'food contact' polystyrene, such as foam egg cartons.

In addition, we have served as collection points for phone books and other materials in some of our store locations.

The programs I have described above are all justified in the market place. While some areas, such as plastic grocery bags, do not have enough market value to cover the recycling costs, we are able to justify them - based on the value of the aluminum.

Under a mandatory deposit bill, we suspect that we will have to redeem the aluminum cans whole, not crushed, and read the label to verify the can is from Kansas. (What about the potential for lost sales in stores located in state border towns? An additional cost of 60¢ to \$1.20 for a 12-pack of soft drinks is a significant increase.) Then, we must sort the cans, so they can be redeemed by the proper vendor. All of this will add labor and expense to what is now a simple, market-based, system. Also, we view our program with TECH as potentially in jeopardy - with a mandatory deposit bill. We know that TECH provides a number of jobs for their clients through our existing program, and they have made a substantial investment in the equipment required to process the material. If the containers are redeemed from the stores by the manufacturers or local redemption centers, we feel TECH may lose their supply of material.

| | <u>Annually</u> |
|---|-----------------|
| Paid to customers (for aluminum cans) - | \$500,000 |
| Value of recycled cardboard - | \$300,000 |
| Paid to TECH -- Aluminum - | \$187,200 |
| -- Plastic - | \$ 60,000 |

Over 12,000 truck loads of cardboard have been diverted from landfills.

The cans we have recycled would reach around the world over two times, if laid end to end.

In closing, we would like to support a comprehensive solid waste management plan that would, hopefully, include either curbside collection of recyclables or a material sortation facility. Unfortunately, we do not feel H.B. 2605 fills this description.

We feel a mandatory deposit bill would interfere with free market programs already in place, and would fall short of providing a comprehensive solid waste management plan.

4/2/91

**TO: House Energy and Natural Resource Committee
Representative Ken Grotewiel, Chairman**

**FROM: Maurice F. Cummings, President and Chief Executive Officer
Training and Evaluation Center for the Handicapped,
P.O. Box 399, 1300 East Ave A, Hutchinson Ks. 67504- (316) 663-1596**

RE: House Bill 2471 - An act relating to Litter

DATE: April 2, 1991

My name is Maurice Cummings, President and Chief Executive Officer for the Training and Evaluation Center for the Handicapped, Inc. (TECH) located in Hutchinson Kansas. TECH is a not-for-profit comprehensive rehabilitation center with the purpose of providing specialized services to persons with disabilities living in Reno County, Ks. TECH has a significant interest in HB-2471. My testimony today will clarify our interest.

You will hear much information today that will speak to methodologies, regulations, and intent. The one element I would like to place into your thinking at this moment is...how will this effect the people, the individuals that are living and working in their home community? I am specifically concerned about those individuals with disabilities that, unknown to them, are surrounded by rules, regulations and fiscal concerns of which they have very little say.

With that in mind, I would like to share with you today why TECH is interested in this bill. We can discuss in general, the day to day concerns of the agency and those we serve. These concerns include dealing with a long waiting list for men and women needing a place to live and work. We can discuss level funding and funding cuts. We can talk about the demand for more services with greater quality. We can talk about the ups and down of State and Federal funds. How about the ever increased complexities of managing social services? We are experiencing more demands for services, all without increased revenue. The issues we face today are very challenging. I use we, meaning the person with a disability, the TECH board of directors, the various funding agencies and staff involved. We are ready and willing to meet these challenges, especially the challenge of meeting the needs of people with disabilities.

*E+NR
4/2/91
Attachment 24*

The reason we are interested in HB-2471 is very simple. If the bill should become law we stand to lose the most valuable contract we have at the work center. I'm sure you are aware of the recycling efforts promoted by the Dillon Stores throughout Kansas. They either purchase or collect recycleable products in each of their stores. These products are then shipped to TECH's work center where people with disabilities sort and process the product which is shipped to an end user. Last year (1990) we processed and shipped over 2,500,000 pounds of aluminum beverage cans, in the last nine months of 1990 we processed over 600,000 pounds of plastic milk and soft drink containers. We are also processing plastic paper sacks and styrofoam collected at Dillon stores.

The passage of this bill will have significant impact on our training programs. One result would be the loss of jobs to more than forty men and women with disabilities. Another reason would be the loss of a significant revenue source. As stated earlier we are challenged to do more with less tax revenue. The loss of this contract with Dillon Stores will impact on our ability to deliver quality services to our clients.

This contract is critical to our total program for a number of reasons. The work provides a consistent predictable work load for our training program. We attribute the successful placement of 24 people with disabilities on jobs in business and industry last year directly to the Dillon contract. Training on this contract provides consistency and work hardness that develop saleable work skills. On a daily average we have thirty to thirty five disabled "clients" working on this job. In addition to those in training we have hired ten full time employees, of which eight were hired following their training program at TECH. These individuals are now earning full wages and benefits and are no longer on any public assistance.

Early in this testimony I talked about funds and funding for social services. If we were to lose this work, we will need a significant increase to offset the loss. Where will that come from? I don't know. Most contract and sub-contracts in work centers at best, break even. This work provides us with significant revenue to support TECH sponsored projects. This is a once in a lifetime work center project.

In closing I wish to state my concern about the loss of jobs for people with disabilities and the revenue produced through the Dillon recycling promotions. It will take a number of years to restore the loss. I am also convinced that this effort and other recycling efforts being promoted by the various governmental units and private contractors will keep the environment clean making HB-2471 unnecessary. I am also concerned about the cost to the consumer and have no confidence the bill will do what is expected.

Thank you for your time, and I extend you an invitation to visit our center to observe the work we do preparing men and women with disabilities to enter the work force. The people with disabilities at TECH are proud of our contribution to environmental solutions in the State of Kansas.

April 2, 1991

A Response to HB 2471

Submitted By: Howard Wilson, Howie's Recycling, 626 S. 10th, Manhattan, KS 66502

I am Howard Wilson of Howie's Recycling in Manhattan, Kansas. Howie's is owned and operated by my wife and I, plus 3 full-time and 2 part-time employees.

In 1967, I graduated from Kansas State University with a degree in Dairy Science. For 17 years, I worked for Safeway Milk Plant. The last 10 years I was a plant superintendent in Clovis, New Mexico. My wife, Joann is also a graduate of KSU with a degree in Elementary Education.

The dream of owning my own business and the faith in myself to succeed was my primary reasons for leaving Safeway. In July, 1984, we invested all my Safeway retirement and all of my wife's teaching retirement in four new reverse vending machines for aluminum cans called Golden Goats. The price of these Goats was \$17,500 each. For information on the Golden Goats see exhibit A.

Currently we own and operate nine Golden Goats throughout Kansas. The machines are located in Concordia, Salina, Abilene, Junction City, Fort Riley, Marysville, Manhattan, and two in Topeka. Some of these Goats were purchased as used machines so the average cost is \$10,500 each.

To get the highest return on my investment in the Golden Goats, I bought a densifier in 1986 to bale the aluminum cans. This purchase enabled me to cut out the middle man and sell my aluminum directly to Alcoa.

In 1987, I built a new building and expanded my business into a full buy-back operation of solid wastes. Since then, our investment has continued to grow to over \$300 thousand in warehouse and equipment and over \$100 thousand in Golden Goats.

Like every good habit, recycling has to start somewhere. Howie's Recycling has worked hard to educate individuals and organizations on the valuable and reuseable commodities that can be recycled. This education has taken place in trade shows, classrooms, churches, and tours through our facility. We stress to our customers that recycling must be comprehensive, that is, it must include ALL SOLID MATERIALS that can be removed from our landfills.

Howie's Recycling averages 125-150 customers in foot traffic each day. Countless others will just drop their materials off in the marked receptacles. Other averages include:

| | |
|-----------------------------|------------------------|
| glass | 100,000 pounds/month |
| aluminum cans | 100,000 pounds/month |
| plastic | 10,000 pounds/month |
| newspaper | 100,000 pounds/month |
| cardboard | 30-40,000 pounds/month |
| batteries | 25,000 pounds/month |
| scrap aluminum | 25,000 pounds/month |
| red metals | 10,000 pounds/month |
| old appliances | 60,000 pounds/month |
| computer/white office paper | 30,000 pounds/month |

We have just started taking steel vegetable cans.

E+NR
4/2/91
Attachment 25

Storage is my biggest problem. Every item is sold and shipped in separate semi loads, so huge quantities of each item must be stored until that quantity is reached. I have purchased more land so that I will be able to expand my storage facilities in 1991. With additional storage space available, I hope to expand the amount of cardboard that I am buying. I am confident that this can be easily done.

According to my 1990 income taxes, the breakdown of income for Howie's Recycling from the sale of recycled products was as follows:

| | | |
|---------------|--------|---------------|
| Aluminum Cans | 79.85% | 1,333,722 lbs |
| Scrap | 13.65% | 295,000 lbs |
| Batteries | 2.97% | 310,000 lbs |
| Glass | 1.96% | 1,100,000 lbs |
| Paper | .74% | 1,200,000 lbs |
| Cardboard | .56% | 400,000 lbs |
| Plastic | .25% | 109,000 lbs |

Without aluminum cans our buy-back center could not survive.

Garbage and what to do with it is a top issue for most communities today. Recycling is just beginning. People are beginning to form the habits necessary to make a dramatic difference in the amount of solid waste going into the landfill. We find that people who are interested in protecting the environment want to recycle all the materials that are recyclable, even if they are not going to be paid for some.

If there is a deposit on aluminum cans and beverage glass, where will the rest of the recyclable materials go? What will happen to the other glass jars such as mayonnaise jars, baby food jars? Will these be returned to the landfills?

In my opinion, this bottle bill would only shut the door to the many communities that are now recycling with curbside programs, drop-off centers, and full-service buy-back centers.

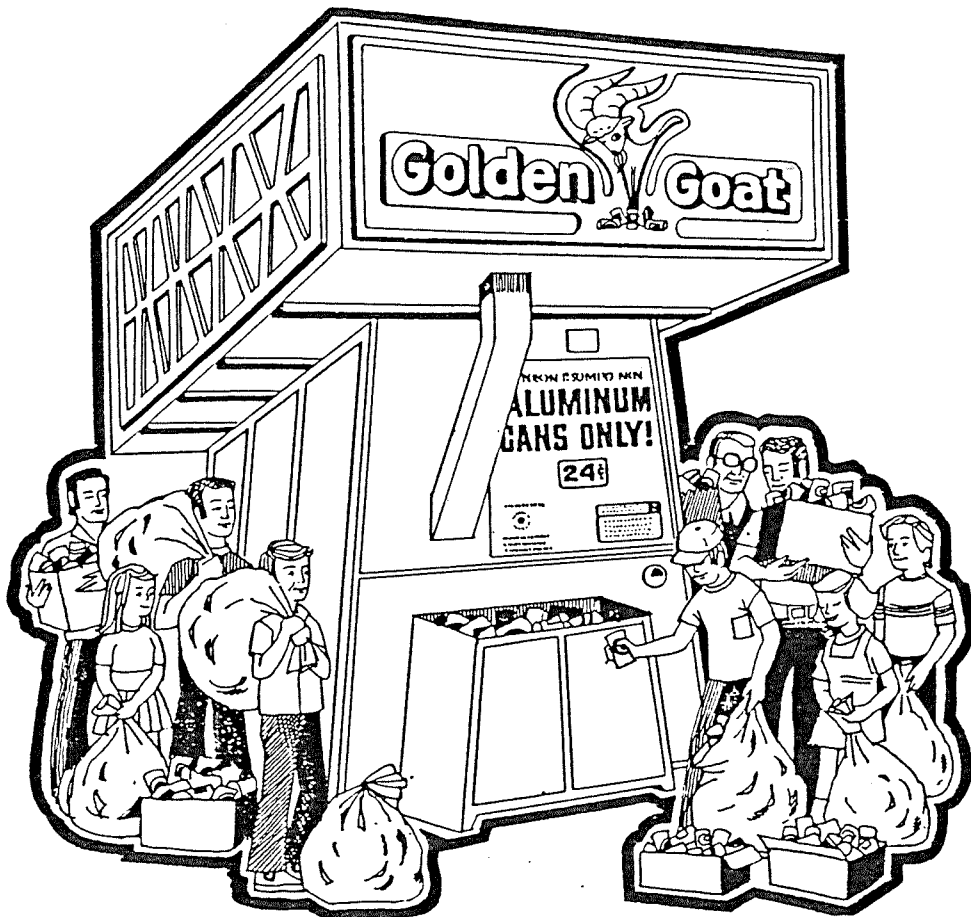
With a deposit on aluminum cans and beverage glass, consumers will be encouraged to take these items back to their local grocery stores. This will create many new problems for grocery stores such as lack of storage, additional bugs and dirt brought in with the containers and a constant odor caused by the soured contents of the empty containers.

Before you vote, imagine your grocery store taking part in this program and how it would handle the problems I mentioned. Then, visit a recycling center and begin to understand how they operate.

I invite you to come to Howie's Recycling. I promise you a complete tour with enough time to ask questions and an ice cold Pepsi, in an aluminum can, of course.

Golden Goat

Reverse vending machine: Deposit cans and receive cash back.
24-hour operation.
Conveniently located in popular store parking lots.



HOUSE ENERGY AND NATURAL RESOURCE COMMITTEE

CHAIR, REPRESENTATIVE KEN GROTEWIEL

Submitted by:

**Deffenbaugh Industries, Inc.
P.O. Box 3220
Shawnee, Kansas 66203
913-631-3300**

Recycling.....The Way of the Future

Printed on Recycled Paper

*E+NR
4/2/91
Attachment 26*

Starting 35 years ago in Johnson County, Kansas, Deffenbaugh Industries, Inc. has grown to be one of the largest solid waste management firms in the area. Engaged in both waste collection and landfill operations, Deffenbaugh has had the opportunity to observe, first hand, the impact of the growing solid waste stream on landfill capacity. As a consequence, in the Fall of 1989 Deffenbaugh worked with the City of Lenexa to commence the first truly comprehensive "curbside recycling" program in the Kansas City metropolitan area.

Since that time, recycling has grown dramatically. By year-end, it is anticipated that very nearly every city in Johnson County will have some form of recycling service in place.

As a general proposition, comprehensive recycling seeks to accomplish two goals: the removal of valuable resources from the waste stream for purposes of re-use, and the conservation of diminishing landfill space. In our view, the proposed legislation (HB 2471) represents a significant threat to both.

As a practical matter, the fulfillment of any effective recycling program depends upon the willingness of both private industry and the community to commit the necessary financial resources to the project. In our particular case, well over two million dollars has been spent within the past 18 months on the acquisition of the equipment necessary to collect, process and market the recyclable materials. At the same time, 70 new jobs have been created and a Lenexa, Kansas plastics company has designed and manufactured a recycling collection bin used by both local and national firms.

Kansas citizens served have similarly supported recycling by paying a small monthly fee to partially offset the enormous cost of the effort. The fee, however, does not and will not support recycling.

Fundamental to the economics any recycling program is the sale of the materials collected. Statistics obtained through Deffenbaugh's recycling program reveal that aluminum, glass and plastic beverage containers represent 23.3% (by weight) of the materials collected. However, these same materials account for 97.8% of the revenue derived from the sale of the commodities! By way of contrast, while newsprint represents roughly 75% of the material obtained as a result of our collection efforts, it presently generates no revenue whatsoever.

Very bluntly, implementation of a "bottle bill" would serve to remove a fundamental economic support for recycling programs throughout the State of Kansas. In so doing, the collection and recycling of the remaining 76% of the currently recyclable waste stream would be very seriously threatened.

ATTACHMENT A

RECYCLABLES BY WEIGHT AND REVENUE

| <u>RECYCLABLE COMMODITY</u> | <u>WEIGHT (%)</u> | <u>REVENUE (%)</u> |
|-----------------------------|-------------------|--------------------|
| Newsprint | 75.3 | 0.0 |
| Tin (bi-metal cans) | 1.4 | 2.2 |
| Aluminum | 1.0 | 37.1 |
| Glass (all colors) | 18.5 | 36.6 |
| Plastic (HDPE & PET) | 3.8 | 24.1 |

ATTACHMENT B

To accommodate and encourage the growth of recycling, Deffenbaugh has invested a significant amount of money for collection and processing equipment - all dedicated absolutely to recycling. In terms of hard equipment for purposes of collection, this has amounted to:

- 17 specially designed recycling trucks,
- 60,000 plastic recycling bins.

Collected recyclables are not readily marketable without a significant amount of preparation. In this regard, and apart from the design and construction of a processing plant, the following machinery has been purchased for the exclusive purpose of converting the "raw" recyclables into saleable commodities:

- 3 glass crushers,
- 2 magnetic head conveyors (to separate aluminum from tin),
- 2 hydraulic baling machines and supporting conveying equipment,
- 2 materials handling equipment (front-end loader and fork truck).



THE WICHITA *Coca-Cola* BOTTLING COMPANY

3001 East Harry • P.O. Box 365 • Wichita, Kansas 67201 • Telephone (316) 682-1553

April 2, 1991

TO: Chairman Ken Grotewiel
and Members of the House Energy and Natural
Resources Committee

RE: House Bill No. 2471

Dear Chairman Grotewiel and Committee Members:

My name is Ron Richardson. I am Executive Vice President
of Wichita Coca-Cola Bottling Company and President of
The Kansas Soft Drink Association.

We oppose House Bill No. 2471 in its entirety.

Wichita Coca-Cola opened our Recycling Center in Wichita
in October 1989. We have centers in Ft. Scott, Garden
City, Concordia, and Pueblo, Colorado. We take aluminum
and glass in these centers. We have placed an order for
equipment to grind plastic milk, water, and soft drink
bottles.

Our plans include building a 42,000 square foot facility
to handle all the above, with the goal of recycling tires
in the future. Our company will spend 1½ to 2 million
dollars to help improve the overall solid waste situation,
even though soft drink containers account for less than
2% of the solid waste stream.

In 1990 our centers have recycled over 500,000 lbs. of
aluminum cans and over 1,200,000 lbs. of glass. This was
14 million cans and 2,420,000 bottles that were kept out of
the landfills. We are working with schools, hospitals,
and other organizations to increase our tonnage. We
furnish identified collection boxes to assist them in
their recycling efforts. We expect to double our tonnage
this year compared to 1990.

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4/2/91

Attachment 27





THE WICHITA *Coca-Cola* BOTTLING COMPANY

3001 East Harry • P.O. Box 365 • Wichita, Kansas 67201 • Telephone (316) 682-1553

We continually ask our suppliers to recycle as we do. Our can supplier is presently using 75% recycled material to produce the cans we purchase. (Letter enclosed)

We employ a full time recycling manager, with a staff of eight employees dedicated full time to recycling. The possibility for additional industry coming to Kansas is good if we take the lead.

The Kansas Soft Drink Association supports a comprehensive statewide recycling and solid waste program. We do not feel that asking an industry which accounts for less than 2% of the solid waste in our landfills, should be singled out.

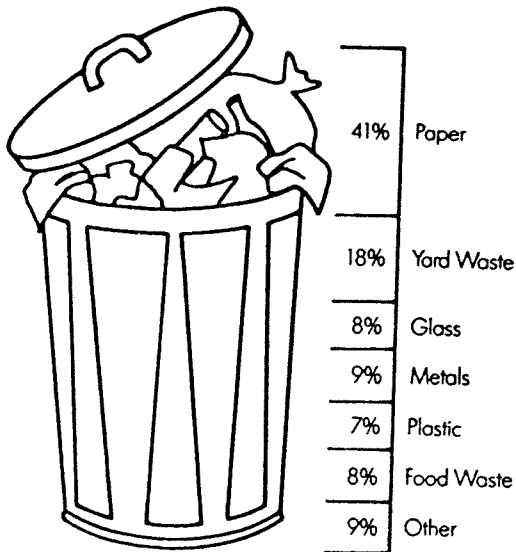
Recycle -
"It's Your Nature"

Recycle -
"It's Your Nature"

A handwritten signature in black ink, appearing to read "Ron", is written in a cursive style.



WHAT'S IN OUR TRASH?

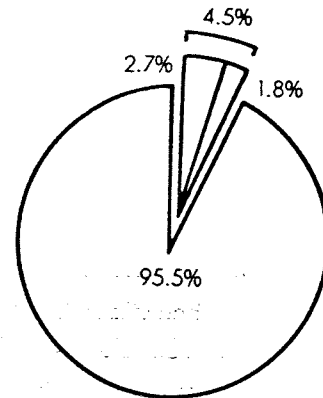


Total packaging accounts for 34% of solid waste. Packaging is necessary because it communicates product contents, protects product quality and reduces waste. For example, making orange juice from fresh oranges at home results in 61 times more waste than buying the 12-oz orange juice concentrate. Processors package at a central location and use the orange peels, rinds and seeds to make molasses, animal feed and orange oil.

The Coca-Cola system continues to minimize its impact in the waste stream. Our bottle/can packages have been lightweighted since introduction. And these packages are being recycled at high rates.

| | Recycling Rate | Material Reduction |
|-----------------|----------------|--------------------|
| Aluminum cans | 60% | 35% |
| 2 Liter PET | 28% | 21% |
| 16 oz. NR glass | 30% | 43% |
| Steel cans | 21% | 66% |

BEVERAGE CONTAINERS AS A % OF SOLID WASTE



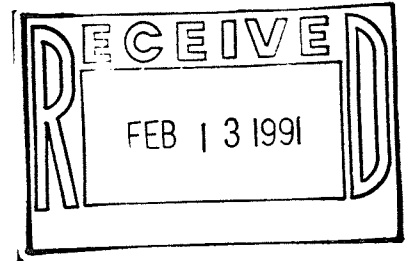
Beer 2.7%
 Soft Drink 1.8%
 Beer & Soft Drink Totals 4.5%
 Remaining Municipal Solid Waste 95.5%



CROWN CORK & SEAL COMPANY, INC.

7140 N. Broadway, St. Louis, MO. 63147 (314) 679-7457

February 11, 1991



Mr. Ron Richardson
Vice President
Wichita Coca-Cola Bottling Company
P. O. Box 365
3001 East Harry Street
Wichita, Kansas 67201

Dear Ron:

I would like to take a moment to commend you and the Wichita Coca-Cola Bottling Company for your recycling efforts. From what I have seen and heard, you are setting standards for others to follow in the beverage business and in your community.

We at Crown Cork & Seal are also trying to do our part in this effort by utilizing as much recycled material in our products as possible. For example, and confirming several discussions, approximately 75% of the aluminum cans you purchase from us out of our Longview, Texas plant come from recycled aluminum cans remelted and rolled into aluminum can sheet. I hope this also demonstrates our commitment to recycling and the conservation of electrical power and other natural resources.

Sincerely yours,

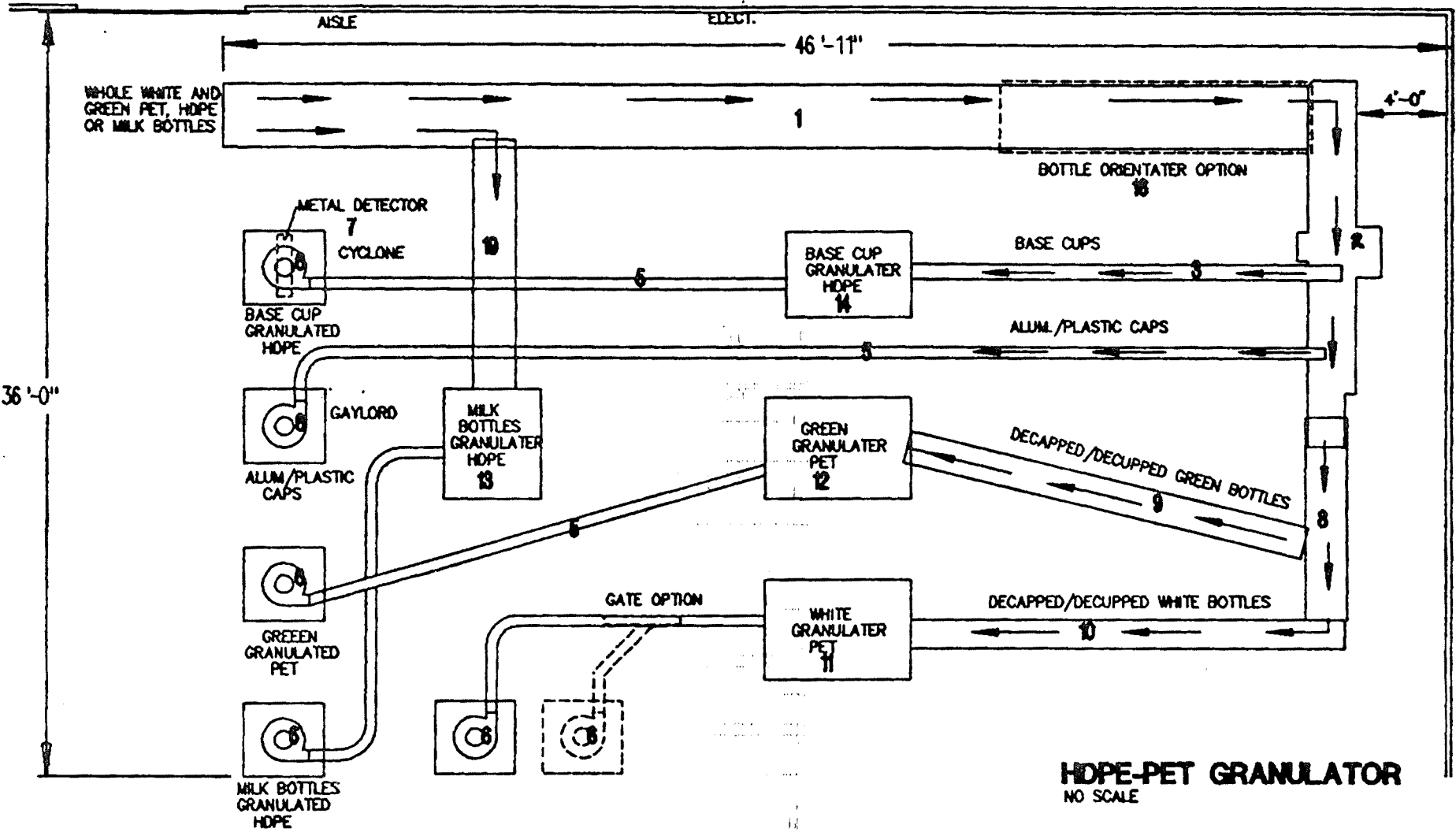
Gary E. Ellerbrock
Sales Manager, Beverage

mb

cc/ Mr. Frank Late
Late Oil Company, Dallas

Mrs. Phyliss Harrington
Wichita Coca-Cola Bottling Company

WICHITA PLANT





SENECA WHOLESALE CO. INC.

36 South 8th • Seneca, Kansas 66538 • (913) 336-2118

April 2, 1991

Chairman Ken Grotewiel
and
Members of the House Energy and Natural Resources Committee

In Re: House Bill No. 2471

Dear Chairman Grotewiel and Committee Members:

My name is Robert Strathman. My family own and operate Seneca Wholesale Company, the Dr Pepper bottler in Seneca, Kansas.

The bottling business is made up of large corporations and small independent bottlers. I am a small independent.

If House Bill No. 2471 were to be enacted, we would be forced to go to our suppliers and ask them to alter their standard production, and place special Kansas caps, crowns, can ends, or labels on the small amount of product we would buy.

The small independent has been able to survive because he can buy a standard product from several production centers. Several production centers make for a competitive price.

At present, we can compare prices and delivery cost, and do buy from six locations because it is a standard product. Filling machines now run from 1000 to 2000 cans a minute. It would not be economical for them to sell to us a non-standard product at their present price.

-1-

*E+NR
4/2/91
Attachment 28*

This is what I see happening if this Bill is enacted: two large franchises would apply the Kansas label and have a monopoly on the soft drink business because there would not be competition on production.

If the small bottlers cannot buy at a competitive price, the likelihood of their survival is diminished considerably.

The Royal Crown bottler in Sioux City, Iowa told me what happened to him when Iowa put on their deposit. He could only buy Iowa cans from one production facility at their price. That production facility now owns his franchise; he is out of business.

This is what House Bill No. 2471 would do to the small plants in Kansas.

I oppose this Bill.

Sincerely,

Robert J. Strathman

KSDA

KANSAS SOFT DRINK ASSOCIATION
615 S. TOPEKA BOULEVARD
TOPEKA, KANSAS 66603
PHONE: 913-354-7611

Officers As of Nov. 15, 1990

Ron Richardson
President
Coca-Cola Bottling Co.
P. O. Box 365
Wichita, KS 67201
(316) 682-1553

Wayne Probasco
Executive Secretary

Bill Clay
Vice-President/Treasurer
Coca-Cola Mid-America
Lenexa, KS 66215

Randy Downing
Secretary
Pepsi-Cola General
Bottlers, Inc.
Olathe, KS 66061

Laurent C. Debaugé
Ex-Officio
Coca-Cola Bottling Co.
of Emporia, Inc.

Directors Term Expires 1991

Robert Strathman
Dr. Pepper Bottling Co.,
Seneca, KS

H. Arnold Wassenberg
Pepsi-Cola Bottling Co.,
Manhattan, KS

Directors Term Expires 1993

Dan L. Hodges
Mid-Continent Bottlers,
Lenexa, KS

Greg Lyon
Pepsi-Cola Bottling Co.,
Wichita, KS

Charles Wilson
7-Up Bottling Co.
of Topeka, Inc.

April 2, 1991

Chairman Ken Grotewiel
and
Members of the House Energy and Natural Resources Committee

In Re: House Bill No. 2471

Dear Chairman Grotewiel and Committee Members:

My name is Wayne Probasco. I represent the Kansas Soft Drink Association.

The Association opposes House Bill No. 2471 in its entirety, but I wish to address my remarks only with regard to two items, those being: (1) Sections 6, 7, 8 and 9 of that bill wherein the State is claiming the unredeemed deposits.

We believe that the states' claiming these unredeemed deposits is unconstitutional. In February of this year, the State Court of Michigan heard the case of the Michigan Soft Drink Association vs. the Department of Treasury of the State of Michigan, in the Circuit Court in the county of Ingham, Michigan, File No. 90-66522CZ.

In that case, the State of Michigan enacted a Michigan Bottle Deposit Law through initiation; included in that law was a section that gave to Michigan all of the unredeemed deposits; the Michigan Soft Drink Association filed suit claiming that this was an unconstitutional taking of private property. The Court agreed and, after a well reasoned and thought out opinion, stated the following paragraph:

"The recycling of natural resources, despite years of publicity, appears to be in the infant stages of development. Thus far, the most efficient means of recycling has proven to be the return of raw materials to the original manufacturer. The efficiency of deposits

to induce individuals to participate in ecologically sound practices is evidenced by the success rate of returned beverage containers alone. Based on this successful role model it is conceivable that the State's supermarkets may be the recycling centers of the future. The concept of forced deposits may be expanded to all forms of containers as the needs of society dictate. The day may not be far off when deposits will be attached to all food containers made of paper, metal, or plastic. Allowing the governmental claim to private funds which result from collection methods that are neither a tax or a user fee."

Also, in a case handed down in February, 1991, the Commonwealth of Massachusetts, Supreme Judicial Court for the Commonwealth in the case of Massachusetts Wholesalers of Malt Beverages, Inc. vs. the Attorney General, Case No. 88-0400 stated that that state had a deposit on beverage containers, that the law stated that the bottler or distributor shall receive a deposit and shall deposit that money in a fund to be maintained separately from other revenues. This Appellate Court stated that there are two questions involved in this case: (1) Do these deposits become the property of the bottlers and distributors and, if they are not reclaimed, are these deposits then turned over to the state as unclaimed deposits, as abandoned property? (2) Must the bottlers and distributors maintain a separate bank account for these deposits? The Court held, after a lengthy 10 page opinion reasoning out the legal ramifications, stated the unclaimed deposits are the property of the bottlers and the distributors and, further, that the bottlers and distributors do not need to establish and maintain separate bank accounts for these deposits.


So far as is known, these are the only two cases that have to do with unclaimed or unredeemed deposits on beverage containers. As mentioned, both of these cases were decided in February, 1991.

The only other comment that I wish to make to the Committee is in regard to the General Accounting Office (GAO) report of November, 1990, entitled 'Solid Waste Trade-offs' involved in beverage container deposit legislation.

The staff of the National Soft Drink Association in Washington, D.C. analyzed that report. Attached hereto and made a part hereof is a paper entitled, 'Comments on Government Accounting Office Report on National Forced Deposits on Beverage Containers' and a paper entitled, 'What the GAO Report Didn't Say'. I would like to call your attention to the fact that the analysis does

state that the GAO report does nothing to dispel the conviction held by the beverage industry, recycling experts, solid waste officials and millions of consumers; deposits are costly, inconvenient, discriminatory, deal with a fraction of litter and solid waste, and are less effective than comprehensive source separation programs.

Respectfully submitted,


Wayne Probasco

NATIONAL SOFT DRINK ASSOCIATION
COMMENTS ON
GOVERNMENT ACCOUNTING OFFICE
REPORT ON NATIONAL FORCED DEPOSITS
ON BEVERAGE CONTAINERS

GENERAL COMMENTS

Report conclusions generally support positions of the Members of Congress who requested it. The report is a literature search without testing validity of studies reviewed, "as agreed with the requesters' offices." Many of the pertinent points in the report are offered without any presentation of data that would question or further clarify information offered. Examples are:

COMPATIBILITY OF DEPOSIT LEGISLATION AND CURBSIDE PROGRAMS

Report simply says they can work together without adding data to reflect sharply increased costs associated with operating dual programs. Comment is made that all nine deposit states have added curbside programs. No mention is made that NO state with comprehensive curbside programs has ever added a deposit law.

WASTE REDUCTION/ENVIRONMENTAL EFFECTS

Report leads reader to believe national forced deposit law would reduce waste significantly without explaining that beverage containers comprise only 3-4% of waste stream. However, their scrap value to recyclers (up to 65% of value in stream) is ignored -- particularly the detrimental impact deposit laws would have on comprehensive programs by removing that value.

The report's three sentence discussion of deposit laws reducing litter is not credible. We know of no studies characterizing beverage containers as comprising 20% of roadside litter. Reliable surveys show the number to be far less than half that, and a recent survey in the deposit law state of Vermont indicates the beverage container percentage of roadside litter is higher than in many non-deposit states.

POLL

"Poll" conducted by GAO ironically is the only original information in the report -- and perhaps is the most flawed section of the report. In soliciting responses about support for deposit laws, the poll did not offer or mention curbside or comprehensive recycling as an alternative. In fact, recent Gallup polling shows, when offered recycling choices, an overwhelming percentage of Americans prefer comprehensive programs to deposit laws.

CONCLUSION

The GAO report does nothing to dispel the conviction held by beverage industry, recycling experts, solid waste officials and millions of consumers: DEPOSITS ARE COSTLY, INCONVENIENT, DISCRIMINATORY, DEAL WITH A FRACTION OF LITTER AND SOLID WASTE, AND ARE LESS EFFECTIVE THAN COMPREHENSIVE SOURCE SEPARATION PROGRAMS.

What the GAO Report Didn't Say

- o The vast majority (over 70%) of Americans would support a national beverage container deposit law.*

Respondents were not asked about their support for curbside recycling, private buy-back programs, drop-off centers, or any other popular recycling method. A recent Gallup Poll found that when given a choice, over 50% of Americans prefer curbside recycling as the preferred recycling method. That same poll had Americans rating deposits dead last. And when voters are educated on the issue, rather than responding in a vacuum, they overwhelmingly reject forced deposits. During the decade of the 80's eight forced deposit referendums were soundly defeated in various states by an average of 62% to 38%.

- o More than 82% of the public approves of their states' deposit laws, while only about 6% strongly disapproves.*

Surveys conducted by Market Opinion Research found that in Michigan residents favor replacing that state's bottle bill with a curbside recycling program. Similarly, Vermont residents favor replacing that state's deposit law with curbside by an overwhelming 81%.

- o A disproportionately large percent of the nation's recycling is taking place in deposit law states.*

The highest recycling rate in the country can be found in the state of Washington, where through comprehensive approaches toward solid waste management, including a heavy emphasis on multi-material recycling, about 29% of the state's municipal solid waste is recycled. The City of Seattle recycles 34% of its msw.

Similarly, the non-deposit states of New Jersey and Minnesota have reached statewide recycling rates of 18% and 15% respectively without the heavy-handed approach of a mandatory beverage container deposit law. By contrast, according to the New York Times the state of New York with a forced deposit law in place only recycles 4% of it's solid waste.

- o While they account for only 18% of the population, deposit law states recycle nearly two-thirds of all glass and 98% of all PET plastic recycled nationwide.*

Comprehensive recycling programs like curbside are relatively new approaches toward solid waste management and take time to be put into place. Given a chance to work, startling waste reductions can be achieved. Some deposit laws are old and established among the populace. The point is, Americans could recycle every beverage container manufactured and still only reduce solid waste by 2 or 3 percent, at a tremendous cost to beverage consumers. That's hardly enough to keep the landfills from closing. In fact,

nearly every deposit state is struggling to devise comprehensive recycling programs.

- o Deposit laws could play a significant role in helping the nation meet EPA's 25% solid waste recycling goal.*

Deposit laws have the potential to divert at best 2-3 percent of municipal solid waste. Comprehensive approaches involving a wide array of materials, involving yard waste composting programs, addressing commercial and industrial wastes in addition to residential, play a far more significant role in reaching the EPA's goal. In Washington State, the 25% goal has already been exceeded, again, without a beverage container deposit law.

- o Beverage containers represent 40%-60% of total litter by volume.*

To our knowledge, no study exists characterizing beverage containers as comprising more than 20% of total litter, whether by volume, weight, or count. Recent independent or industry surveys in a number of states show beverage container litter at the following rates: Florida, 4.92% (1989); Texas, 5.00% (1989); Louisiana, 7.87% (1990); Oklahoma 8.91% (1989); and in Vermont, a deposit state since 1976, beverage container litter is approximately 6% (1990). Please note that most survey numbers are by unit count. Using volume to measure roadside eyesores is at best specious, at worst deceptive.

- o Price changes caused by deposit laws have been quite small and are generally short-lived.*

Soft drinks are one of the most competitive consumer products in the marketplace today. Numerous studies have documented the price increases caused by imposition of deposits on beverages. In Iowa the deposit law cost consumers \$20 million during its first year; New Yorkers are paying up to 25% more for some brands of beer; Connecticut residents pay 12-13% more for their beverages.

While beverage sales may eventually recover to pre-deposit levels, the adjustment period -- sometimes a matter of years -- amounts to a lost opportunity, and those revenues can never be recouped.

- o No measurable correlation exists between enactment of deposit laws and reduction in beverage consumption rates.*

The GAO report attributes reduction in beverage consumption to such factors as marketing strategies, health consciousness, and changing consumer desires. All of these factors affect sales, but they do so over a long period of time. The deposit's price effect, however, is immediate and results in sharp consumption declines which are clearly related to the deposit. In nearly every deposit state enactment sales drops are swift and dramatic. Eventually sales begin to climb, but from a much lower starting point.

- o *Deposit laws have been small, if any, factors in the decline of glass container manufacturing jobs: "Our analysis suggests that the observed changes may be due to such factors as changing consumer demographics and preferences, rather than only the presence of deposit laws."*

A report conducted by Franklin Associates estimates that the glass beverage container market share fell 35% after imposition of the New York deposit law. Such a dramatic market share decline has a very definite, measurable impact on glass container production, and therefore employment. Without exception, the glass manufacturing industry suffers drastic cutbacks when deposits are imposed, and that is why the Glass Molders, Pottery, Plastic, Allied Workers Union opposes forced deposits.

- o *All nine deposit law states have successful curbside and other comprehensive recycling programs in place.*

And all nine deposit law states are operating these recycling programs at up to 2.5 times the cost of a recycling program alone. Beverage containers represent the most valuable portion of the waste stream. Their high scrap value helps offset the cost of operation of local recycling programs. If the containers are not going to the curbside, more tax dollars must be spent to collect other recyclables.

In addition, it should be noted that if the forced deposits were an effective tool in reducing solid waste, those states would not have had to go back and enact a comprehensive solid waste law to pick up the slack left behind by the inefficient, ineffective deposit program. Oregon has one of the lowest participation rates of any statewide recycling program in the nation.

It is interesting to note that no state which has first enacted a comprehensive recycling law has then backtracked to enact a deposit system.

- o *Officials strongly believe that deposit legislation is compatible with curbside recycling: "The two programs complement each other and should be seen as compatible tools for managing solid waste."*

Officials at GAO do not have any experience in running recycling programs. Here's what recycling professionals have to say:

"A deposit law would be detrimental to the recycling infrastructure we're trying to establish here in Ohio. Beverage containers are by far the most valuable commodity. Taking [them] away from private and public recyclers would hurt and maybe kill them. The last thing you want to do is layer a deposit law on top of a thriving curbside recycling program. That would create a financial burden on consumers. Nobody wins." (Linda Holterhoff, Public Advisory Committee, Ohio SWM District)

"Beverage containers are the backbone of recycling. Many private recycling operations here in New Mexico would die if we had a deposit law." (Gene Crabtree, Recycling Coordinator for the City of Albuquerque)

"A deposit law would actually harm many recycling operations and hinder their ability to recycle other, less valuable materials." (Greg Wright, Executive Director, Washington State Recycling Association) Even the GAO report admits that running duplicate systems will cost between 15%-40% more for taxpayers. Other independent studies place the costs even higher.

- o Curbside programs are not totally dependent on the revenue from scrap beverage containers.*

Perhaps not, but the state of Rhode Island derives 65% of its scrap revenue from the sale of beverage containers. Do deposit proponents advocate raising taxes instead to make up the revenue loss which would result from enactment of the bottle bill? Other municipal recycling programs have indicated that any redirection of beverage containers could rob their programs of up to 75% of recyclable revenues. It is very clear that beverage containers are the "gold" in the recycling stream.

- o A dual curbside/deposit program would remove more materials from the waste stream than either program alone.*

And do so at 2.5 times the cost than just a curbside program and with minimal benefits. Again, the universe for beverage container recycling is still only 3.5% of municipal solid waste!

- o Deposit systems cost municipalities nothing.*

Deposit systems fool municipalities into believing they have adequately addressed the waste crisis. Deposit systems are piecemeal, window-dressing approaches which fly in the face of rational solid waste management policy and work to the detriment of comprehensive approaches. A forced deposit system is like a 300 pound man who is told to lose weight by his doctor and begins doing finger exercises. Deposit laws are a feel good, do nothing, cost too much approach!

K · A · N · S · A · S
WINE & SPIRITS
WHOLESALE ASSOCIATION, INC.

April 2, 1991

To: House Committee on Energy and Natural Resources
From: R.E. "Tuck" Duncan and John Bottenberg
Kansas Wine and Spirits Wholesalers Association
RE: H.B. 2471

The Kansas Wine and Spirits Wholesalers Association supports recycling, we support a comprehensive look at issues regarding the reduction of solid wastes (paper, containers, yard wastes, rubber and the like), we support a collective community approach to a curb-side recycling program, we support composting, and creating markets for recycled materials. In short, we do not oppose improving our environment while eliminating the senseless dumping of materials that can be put to productive re-use.

We do however oppose H.B. 2471. This bill does not, for many of the reasons you have already heard, provide for a 1990's solution to the comprehensive problems of solid waste management.

I am no expert in solid waste, but I am extremely familiar with recycling. As a student at the University of Kansas in the early 70's I and my wife were involved in establishing a recycling center called the "Whomper." We collected a lot of glass, and a lot of cans, and at that time a bill such as H.B. 2471 would have been, in the absence of the recognition to take a more comprehensive approach to solid waste management, a good concept.

It is not an appropriate concept today. It attempts to mandate upon one set of industries a responsibility that the entire community must take responsibility towards. Quite candidly the cost to our industry is unknown, but in light of what others have stated, we are confident it is high.

We support a comprehensive look at the solid waste disposal issue, and in particular the development of curb-side programs. Therefore ask that you reject this bill. Thank you for your consideration of this matter.

TESTIMONY TO HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

REGARDING OPPOSITION TO HB 2471

ART DAVIS, ASSISTANT TO THE CITY ADMINISTRATOR

LENEXA, KANSAS

APRIL 2, 1991

Chairman Grotewiel and Members of the Committee:

My name is Art Davis, Assistant to the City Administrator for Lenexa, Kansas, a city of approximately 34,000 residents located in Johnson County.

On behalf of the Lenexa Governing Body, I am here to testify in opposition to HB 2471 which is referred to as the "bottle bill". On November 1, 1989, Lenexa became the first city in the greater Kansas City metropolitan area and in the State of Kansas to initiate a permanent and comprehensive curbside recycling program. All residents are required to pay an additional \$1.50 per month per household for this service. However, participation is strictly voluntary.

During the first 14 months of the program, Lenexa residents diverted 3,556,488 pounds (1778 tons) of materials away from the landfill to be used again. Lenexa residents have recycled at a 61% average during those 14 months.

Lenexa's wastehauling services are completely privatized. As a part of the new recycling ordinance and administrative regulations adopted by the Governing Body, the private residential wastehauler is permitted to keep the revenue obtained

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4/2/91 Attachment 31

from marketing the collected recyclable materials. The revenues that the waste hauler receives from marketing the materials help to offset the cost of providing this service to Lenexa residents.

It is my belief that HB 2471 would provide a deterrent for people to further participate in Lenexa's recycling program. This legislation would also adversely affect the efforts and monies put forth by local units of government throughout this state to raise the awareness of our citizens by implementing recycling programs.

This state must adopt a comprehensive waste management plan and not initiate a "quick fix" like HB 2471 which would only remove a small amount of materials out of the waste stream. Ultimately, local governments are the ones that must implement and deal with providing and regulating waste disposal issues in Kansas. Please leave us some latitude and flexibility to further develop our recycling and waste management programs by disposing of HB 2471.

Thank you for your time. I would be happy to answer any questions or provide further detailed information on our recycling program.

April 2, 1991

TO: CHAIRMAN KEN GROTEWIEL
MEMBERS OF THE ENERGY AND NATURAL RESOURCES COMMITTEE

RE: HOUSE BILL 2471

Good afternoon, I am Jim Twigg, Special Projects Coordinator for the City of Overland Park.

Among my duties for Overland Park, I am responsible for our curbside recycling program, currently the largest in the State of Kansas.

I believe that House Bill 2471 would do great harm to our existing recycling program, and would discourage the implementation of new programs within the state by removing the primary revenue generating element from these resource recovery programs.

I would urge the legislature to consider measures to encourage waste reduction and recycling taking into account the overall solid waste problem, using the "Recommendations on Solid Waste Management" prepared by the Kansas Solid Waste Advisory Task Force as a guide.

Thank you

E + NR
4/2/91
Attachment 32



Testimony by
Neal Whitaker
representing the Kansas Beer Wholesalers Association
concerning House Bill 2471
before the House Energy and Natural Resources Committee
April 2, 1991

Members of the Committee:

We rise in opposition to **HB 2471** which would place a nickel deposit on beverage containers. The idea of requiring a mandatory deposit on these types of containers is an expensive and pointless proposition. Because of the elaborate collection system that must be set up at the retail level and the wholesale level, forced deposits will increase the cost of operation for these businesses that will potentially be passed on to Kansas consumers. **HB 2471** does not attempt to address the real problem facing Kansas today regarding trash. That problem was discussed in the form of **House Bill 2605** yesterday before this committee and I look forward to an interim study on that issue. As a matter of fact, forced deposit is contrary to many of the solutions to our growing solid waste problem being proposed in Kansas communities. A system of curbside sorting of trash as suggested by **HB 2605** will substantially reduce the amount of space used in solid waste disposal sites and will not work if the aluminum is removed from the waste stream. Forced deposit will remove the aluminum beverage containers from the curbside sort systems.

Over the last 20 years Kansas has considered the issued of forced deposit several times. You have heard by now that nine states have deposit laws. Another way of stating this fact is to say that 41 states do not have deposit. As a result of the legislative discussions in Kansas businesses became interested in seeing how they could foster recycling through private means without government interference. This quest led to the foundation of the Kansas Business and Industry Recycling Program in 1983.

We must recognize that today recycling is different. The reason to recycle is that we as a nation have a solid waste crises that is not going to vanish without citizen cooperation. The solutions will be difficult and expensive. Until recently it has been difficult to get the attention of members of the general public when it comes to our solid waste problems. We know that Kansans are interested. The BIRP office receives hundreds of requests every month for information on how or where to recycle. A forced deposit system penalizes those Kansans who have become concerned enough to recycle their bottles and cans today. It will also penalize the extensive voluntary recycling system that private industry has developed throughout this state. The economic impact of forced deposits can be calculated as follows: In 1989 there were approximately 41 million cases of beer and soft drinks sold in Kansas. **HB 2471** will require that a reverse distribution system be established by these industries at a estimated cost of up to \$1.00 per case. In addition, the handling fee required by this bill to be paid to retailers of 2¢ per container is an added cost of \$18.5 million annually. This means that forced deposits could increase costs an additional \$59.6 million on an annual basis, some or all of which may be passed on to the ultimate consumer. Finally, at 5¢ per container consumers will lay down more that \$46 million on an annual basis in deposits.

HB 2471 seeks to capture unclaimed deposits for creation of a solid waste management fund. Cases in two states have found that this method of escheating unclaimed deposits to the state unconstitutional. These unclaimed deposits also take money directly out of the consumers' pockets. Ideally Kansans can be expected to return approximately 90% of the containers they purchase meaning that unclaimed deposits could amount to \$4.6 million which will be removed from the economy. If you add the unclaimed deposits to the cost of

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4/2/91

Attachment 33

the reverse distribution system the total cost on an annual basis for forced deposits required by **HB 2471** would amount to \$64.2 million. This amounts to nothing more than a \$64 million tax increase on consumers of beer and soft drinks in Kansas. Please remember that these consumers are the same ones who today are recycling a high percentage of the containers that they use. Depending on which study you wish to look at researchers reveal that beer and soft drink containers range nationally from 1.6% to 4% of the total solid waste volume. Today we recycle approximately 65% of the aluminum beverage containers distributed. As I mentioned yesterday in testimony on HB 2605, Anheuser-Busch in 1990 recovered 90% of the aluminum volume that they placed in the market place during that year. Their goal for 1991 is 100%. This is direct evidence that beer and soft drink consumers do recycle.

Forced deposits do not stop litter. A survey of roadsides and beaches recently in Florida contained only 5% to 7% beverage containers. Other surveys in New Jersey, Louisiana, and Minnesota have established the same conclusions. Therefore, forced deposits must ignore the vast majority of litter generating products.

Today the value of beverage containers support recycling centers and curbside sort systems. **HB 2471** will require that these containers be returned through another system which will in time put recyclers out of business and reduce the financial viability of curbside systems. It is important to note that these recyclers also recycle many other items besides beverage containers, and if they cease to exist, recycling of all materials will be set back substantially.

What are the alternatives?

Suddenly there is impatience on the part of many in establishing recycling systems. This impatience is directly related to citizen interest in recycling that has been developing over the past 20 years and has been encouraged by organizations such as the Business and Industry Recycling Program. The state should take a comprehensive look at solid waste management and provide direction, assistance and resources to local governments for addressing the total solid waste crises. Kansas communities could learn a lesson from Berlin Township, New Jersey, which has one of the highest residential recovery levels, 57%, in the United States. They target and separate from their waste stream aluminum, ferrous metals, glass, newspaper, plastics, corrugated cardboard, mixed paper, leaves, brush, wood waste, Christmas trees, oil, batteries, tires and white goods. This approach to community waste collection can be realized at a cost far less than the potential \$64.2 million of costs included in **HB 2471** to collect only 4% of the waste stream.

There are a number of documents available to facilitate committee discussion on addressing the total solid waste problem in Kansas beginning with the State's own report of the Advisory Commission on Solid Waste Management and an excellent document compiled from presentations made during the conference **Solid Waste: Planning for the Future**, held in May 1990, sponsored by the University of Kansas. The KU report discusses the experience of other states concerning solid waste planning for the future and provides technical information on siting and engineering specifications for solid waste disposal sites. It is interesting to note that during the KU conference not once did any of the assembled experts suggest that forced deposit was a solution for the future.

In closing, Mr. Chairman and members of the committee, our industry has invested considerable financial and manpower resources over the last 16 years toward developing a voluntary recycling system for beverage containers. This program is a private industry success which will be dismantled by **House Bill 2471**.

Written

J.S. Garton

March 31, 1991

Representative Ken Grotewiel, Chair
Energy & Natural Resources Committee
State Capitol
Topeka, Ks. 66612

Dear Representative Grotewiel,

Because I am unable to testify in person on behalf of HB 2471, I ask that my written testimony be included in the record. Thank you.

I support HB 2471 for three reasons:

(1) We already are exceeding the capacity of the Earth's resources to sustain human life -- at least at the standard to which we in the United States have become accustomed. According to a publication, "Kansas Ecology," written by the U.S. Department of Agriculture, Soil Conservation Service, "It would require more than 20 times the resources used today to bring all the people of the world up to the U.S. standard of living. The earth simply does not have this amount of resources." (emphasis added)

Consequently, we must cease to view used materials as waste to be discarded; rather, we must look at all used materials as resources to be mined again and again.

HB 2471 is a step in that process by placing value on used materials which encourages consumers to return resources to the pool of usable materials. Voluntary urging to recycle certainly will touch many people, but given the information from the SCS, responsible legislation must move beyond that to attempt to bring all containers back to be recycled.

(2) I believe this bill contains provisions which will not allow redemption centers or distributors to throw away containers once they've been collected. This is a critical part of the bill, because it requires all the returned containers to become part of the resource pool, rather than the waste stream.

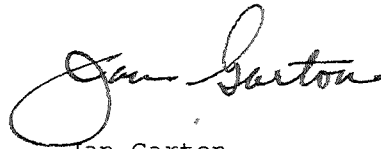
(3) HB 2471 will also curtail the roadside litter problem. While the Adopt-a-Highway program appears to be successful, it is also an enormous waste of human energy that could be spent on other, more valuable projects such as restoring houses for the homeless, planting windbreaks and restoring riparian habitat, rebuilding native prairies, insulating homes for low income people, etc. This bill should reduce the need for one group of humans to clean up after another.

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4/2/91

Written

Attachment 34

Because I already recycle, this bill will impose a burden on me. Frankly, I don't look forward to paying a deposit on the containers I purchase. But I will do it and grumble only a little bit because I believe that the end results of this legislation are too critical to let a little inconvenience stand in the way.

A handwritten signature in cursive script that reads "Jan Garton". The signature is written in dark ink and is positioned above the typed name.

Jan Garton
219 Westwood Rd.
Manhattan, Ks. 66502

TESTIMONY BEFORE THE HOUSE COMMITTEE ON
ENERGY AND NATURAL RESOURCES

by

Margaret J. Miller
personally and for

Sedgwick County Citizens for Recycling

I am writing in support of HB 2471 for beverage container deposit and litter control legislation.

You may recall that when we of Citizens for Recycling submitted a list of issues that we hoped would be considered to the Legislature in January that beverage container deposit legislation was first on our list. We believe such legislation is good in itself and also valuable in making citizens aware of litter/recycling issues and the good these regulations would do for the economy and for the environment.

As you know, HB 2471 would place a 5-cent deposit on each glass, aluminum and plastic beverage container. The customer would pay this deposit and then have it returned when the containers are returned.

One particularly good aspect of this bill is having redemption centers at recycling businesses so that food retailers would not have to handle the returned containers. A 2-cent charge for each container sold would be levied against bottlers and dealers to pay for the handling of returns. This business would be valuable to recycling centers and would lead customers to do other business with these centers.

What is the value of container deposit legislation? The states which already have such legislation report that container litter has been almost eliminated. In addition, most of these states report that other litter diminished a great deal, too, probably because the public becomes aware that there is something to do with wrapping and containers besides throwing them out on streets, roads, parking lots, etc.

Another important value of container deposit legislation would be that it will encourage the recycling and reuse of containers. Michigan, for instance, reports a 93% return rate on beverage containers because of their legislation.

We can save our natural resources and reduce pollution when we have returnable beverage container legislation. Instead of burying glass, aluminum and plastic in the landfill, we can reuse it. We can also save energy and water use in reusing containers or producing new containers from old. For instance, 97% of the energy is saved by recycling aluminum containers, rather than making them from the original bauxite.

How big is the problem? We have only to look along the streets and roads we travel to see the problem. Beverage World, a trade magazine, June 1990, estimated that there would be over 35 billion plastic beverage containers sold in 1990. The estimate for glass beverage containers sold in 1990 was 41 billion or 165 per capita. They estimate that almost 83 billion aluminum cans were used in 1990 or over 334 cans per capita. And an estimated nearly 3 billion steel cans were used.

OVER

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4/2/91
Attachment 35

A detailed study of the Rhode Island curbside recycling program, combined with a deposit law, shows that 31% to 47% more tonnage of containers are removed from the waste stream through a combined curbside/deposit program. Those who collect cans, whether individuals or businesses, can make more money redeeming containers for the deposit than they can selling it for scrap.

Residents in rural areas and apartment buildings are often frustrated by their lack of opportunity to recycle. With beverage container deposit legislation, they can participate just like everyone else.

Beverage businesses may say that under a beverage container deposit bill they are being singled out for regulation. However, these businesses are the source of a large part of our roadside litter—which we would prefer to see eliminated. Some states are beginning to regulate all packaging—an idea whose time will come eventually. Some may suggest that a Bottle Bill will adversely affect recycling because aluminum cans are the most lucrative item in the waste stream. This is really a short-sighted view because the aluminum cans that are returned are recycled and it also makes everyone aware of the need to recycle. Let's not say that we should throw out more materials so that we can recycle more. Let's work together to reduce waste and recycle as much as possible.

Now we have a way of preventing all these containers from being dumped in our landfills. We urge that you approve this bill.

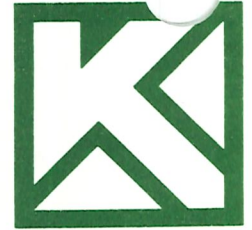
We are also interested in HB 2605, although we have not seen a copy of the bill. We favor the intent of the bill which would be to encourage better handling of our solid waste problem.

Margaret J. Miller
6807 E. Bayley
Wichita KS 67207-2613
(316) 686-2555

LEGISLATIVE TESTIMONY

Kansas Chamber of Commerce and Industry

500 Bank IV Tower One Townsite Plaza Topeka, KS 66603-3460 (913) 357-6321



A consolidation of the
Kansas State Chamber
of Commerce,
Associated Industries
of Kansas,
Kansas Retail Council

HB 2471

April 2, 1991

KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the

House Committee on Energy and Natural Resources

by

Terry Leatherman
Executive Director
Kansas Industrial Council

Mr. Chairman and members of the Committee:

I am Terry Leatherman, with the Kansas Chamber of Commerce and Industry.

Thank you for the opportunity to express KCCI's concerns regarding HB 2471. At the heart of the Kansas Chamber's objection to HB 2471 is that forced deposit legislation does not promote an economically responsible approach to reducing waste.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

E+NR
4/2/91
Attachment 36

According to the National Soft Drink Association, soft drink prices have risen 13% to 17%, and beer prices have risen 18% to 30% in states where forced deposit laws have been enacted. The increases reflect the need for stores to pay for extra handling equipment, storage space, sanitation measures, and to cover the risk of breakage and paying refunds for containers bought elsewhere. If the Kansas experience would be similar to other states with a deposit law, Kansas consumers would pay several million dollars annually to reduce the landfilling and littering of beverage containers, a price which is too high for the results Kansans could expect.

Beverage containers represent a very small portion of the Kansas waste stream. Most estimates conclude beverage containers take up less than five percent of the waste in the landfills in our state. In addition, HB 2471 attempts to alter the recycling process in the area where recycling is most efficiently performed. An impressive network of private recycling operations is already recycling aluminum and glass, and their efforts are growing every year.

In short, HB 2471 represents a multi-million dollar investment by Kansas consumers to address a very small portion of the Kansas waste stream. In addition, it requires Kansas retailers to assume the duties of serving as, or sponsoring, a recycling center and will damage the efforts of established recycling centers. It is also important to note HB 2471 will do nothing to promote a marketplace for beverage containers which are recycled.

The Kansas Chamber appreciates the goals of HB 2471. However, it is KCCI's hope this Committee will agree that HB 2471 costs too much and accomplishes too little.

April 2, 1991

House Energy & Natural Resources Committee
Capitol Building
Topeka, KS 66612

RE: HB 2471

Dear Committee Members:

My name is Gary Roberts, owner of Golden Goats of Topeka. For the last six years, we have operated reverse vending machines, which allow recycling conscious individuals the convenience of twenty-four hour self-service recycling for aluminum cans. Individuals like myself have placed these machines conveniently in shopping center parking lots across Kansas.

In 1990, our company alone collected over 200,000 pounds, or about five million aluminum cans in Topeka only. The majority of our customers are households with a small amount of cans. These people are paid for their recycling efforts, new money in the economy, not a return of a deposit they paid at point of purchase.

HB 2471 will put our company out of business because it would require us to sort cans by brand and return each brand to its distributor to receive our money. Because the cans are crushed during processing in our machines, distinguishing brands and verifying that the Kansas refund label is on the can would be impossible. Also, the customer would receive payment for all cans whether the refund label was on it or not, since the machine would have no way to determine this.

We feel that our type of business has contributed significantly to the recycling effort and that other alternatives should be considered before taking such drastic action.

Sincerely,

Gary Roberts

Gary Roberts
Golden Goats of Topeka
3601 SW 29th, Suite 235
Topeka, KS 66614
913-272-8698

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4/2/91
Attachment 37*

TESTIMONY IN OPPOSITION TO
HOUSE BILL 2471
KANSAS STATE LEGISLATURE
APRIL 2, 1991

by
Gail Ederer
Executive Director
MidAmerica Glass Recycling Program
(A Regional Program of the
Glass Packaging
Institute)
(501) 855-4703

Printed on both sides to conserve paper.

*E & NR
4/2/91
Attachment 38*

HOUSE BILL 2471 - TESTIMONY IN OPPOSITION
Gail Ederer - Glass Packaging Institute

My name is Gail Ederer and I am the executive director of the MidAmerica Glass Recycling Program, which is an 8-state regional effort of the Glass Packaging Institute (GPI). GPI is the national trade association representing glass container manufacturers in this country. The MidAmerica program represents eleven glass container plants in this region, six of which operate in your neighboring state, Oklahoma.

The glass industry has been a founding member of Kansas' remarkable voluntary recycling network - the Kansas Business & Industry Recycling Program - since its inception. We have provided significant funding and industry expertise to help build Kansas' only organized voluntary recycling effort. As part of the beverage industry coalition, glass container manufacturers have aided in the work done by Kansas BIRP to educate the public, provide recycling opportunities and to raise the volumes of glass containers being returned for recycling in the state of Kansas.

Kansas BIRP was one of the first organizations to step forward with answers based on strong local experience when solid waste issues became so enormously public. Recycling is proving to be the logical first step toward reducing solid waste, and thanks to BIRP's founding industries, the recycling infrastructure is solidly in place and growing.

Introduction of forced deposits on beverage containers would be a very real step backward.

This bill is intended to reduce the waste stream by placing a deposit on glass, aluminum and plastic beverage containers in order to insure their return to retail outlets or specially permitted redemption centers. It's no secret that beverage deposits prove extremely expensive to the beverage industry...and it's no secret that those costs are passed along to the public. Beverage sales drop, sales and excise taxes are lost to the state, business suffers, retailers on state borders lose business due to the "draw" of non-deposit neighbors; the total costs have been shown to be in the millions per year.

Recent US Environmental Protection Agency studies show that beverage containers make up only 2.5% of the volume of the municipal solid waste stream. Even if deposits were successful in reclaiming 100% of beverage containers, the waste stream would see only an additional reduction of 2.5%. Deposits are an extremely costly method for reducing a clearly small percentage of solid waste.

Beverage container deposits do not address yard waste, paper and other significant contributors to the municipal waste stream. (Yard waste is 10% of MSW volume; paper and paper products constitute 34%.) All these other materials must still be handled.

No state has passed a beverage container deposit law since 1983 even though many state legislatures have considered them. And, there is good reason for that. Every state that has a deposit law has been forced to pass additional comprehensive

recycling legislation in order successfully to address the solid waste reduction issues of today. No state which initially passed a comprehensive recycling law has found it necessary to pass beverage container deposit legislation. The record speaks for itself: recycling rates are highest in non-deposit states. New Jersey has a 20% recycling rate; Washington a 29% recycling rate and Minnesota a 16% recycling rate.

Beverage container deposits send a confusing message to the public: 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 don't we put deposits on all packaging, including food and milk containers? Why not place deposits on the largest solid waste contributors: newspapers, magazines, phone books?

Deposits combined with comprehensive curbside recycling programs create two competing systems for recycling. Citizens must return beverage containers to retail stores or redemption centers and place other recyclables at the curb. This dual system wastes energy and resources. Let's put all our energies into reclaiming as much of the waste stream as conveniently as possible.

Curbside recycling is proving to be the wave of the future in this country. The state of Kansas is beginning to have successes in waste reduction through curbside recycling programs. The public approves, the public participates and the public

becomes a part of the solution. Deposits on beverage containers would jeopardize the fragile economics of curbside programs. Since beverage containers are the most valuable materials in the waste stream, when they are removed (by deposits) from the revenue potential of a curbside program, the curbside operation suddenly becomes about 40% more expensive to operate and thus at risk to fail.

Beverage containers make up about 11% of the volume that is processed in Material Recovery Facilities (MRFs); although they are responsible for nearly 65% of the revenues recovered. In non-deposit states, operators of MRFs expect the revenue from the sale of recyclables to cover their operating costs. In deposit states, MRF operators must receive a much higher public subsidy to cover their operational and maintenance costs due to the lost revenue from the missing beverage containers.

In other words, taxpayers in deposit states pay more for solid waste reduction through recycling than in non-deposit states. Deposits are simply a hidden tax.

In deposit states, glass containers historically lose market share due to the public preference for larger, lighter packaging. (Paying a nickel deposit on a 2-liter plastic container rather than a 30-cent deposit for six glass bottles) This ironically puts an even greater burden on the waste stream.

On an average, every glass container on the market today is made from 30% recycled material. The national recycling rate for glass is nearing 25%. Lighter, larger packaging means plastic

containers; which today are being recycled at a rate nearing 2%. So, one inadvertent result of deposits is to remove one of the most recyclable materials from the market in favor of one of the least recyclable.

Loss of market share for glass, means a loss of skilled jobs in the glass container industry. A deposit bill in Kansas could result in the immediate loss of around 400 skilled labor jobs in Oklahoma; with possibly the closing of an entire glass plant.

The glass container industry has embraced recycling technology. Our glass plants, the end users for recycled glass, have invested millions of dollars in glass cleaning and processing systems. Today, glass manufacturers want and need all the used glass they can get. Oklahoma plants have been buying used glass from Kansas for years, and the numbers keep growing. The six Oklahoma plants have enough capacity to accommodate the entire state of Kansas, Oklahoma, and more.

In the proposed deposit bill for Kansas, the author calls for the unclaimed deposits to revert to the state Department of Revenue. Similar laws in both Massachusetts and Michigan have been challenged.

Recently courts in both states ruled that state seizure of unclaimed beverage container deposits violates state law; primarily as an unconstitutional seizure of private property without just compensation. With such legal precedents now in place, this escheat feature of HB2471 makes deposit legislation a very unlikely method for enhancing state revenues.

Consumers in Kansas have demonstrated their willingness to return glass and other materials voluntarily for recycling. Community-wide comprehensive recycling programs are beginning to show success in reducing the solid waste stream. These well-run programs that embrace the full range of recyclable materials can expect to reduce what's going to the landfill by 30-35%. Deposit legislation would handcuff these good starts, drive up the costs and confuse the public.

What's needed today is direction from progressive lawmakers with an eye on comprehensive solutions. Solutions which address the entire problem of solid waste. Laws which speak to the economics of solid waste management, the market demands, market supplies...and laws that make the best possible use of existing systems and expertise.

Much has been done in Kansas already. Don't put a stop to the expansion of voluntary recycling and comprehensive curbside programs by applying a deposit band-aid.

TESTIMONY OF
William E. Franklin
BEFORE THE HOUSE ENERGY AND
NATURAL RESOURCES COMMITTEE
ON HB 2471

April 2, 1991

E+NR
4/2/91
Attachment 39

My name is William E. Franklin, I am Principal, Franklin Associates, Ltd., Prairie Village, Kansas. Our company is in its 17th year. We are known nationally and internationally for our independent work in the field of solid waste management. I have personally been involved in solid waste management consulting for 23 years. A brief background on Franklin Associates, Ltd. (FAL) is attached to this testimony.

I am also a member of the Kansas Commission on Waste Reduction, Recycling, and Market Development as provided by S.B. 310 in 1990. However, I do not appear here as a representative of the Commission.

I also bring local government experience because I was mayor of Prairie Village from 1973 to 1979 and a Johnson County Commissioner from 1983 to 1989. There are county and city government responsibilities in HB 2605 that I may be able to comment on as a former elected official.

My firm and/or myself provided assistance to Lenexa and Prairie Village (pro bono) and to Overland Park in developing their curbside recycling programs.

Finally, FAL conducted an integrated solid waste management planning effort for the Big Lakes Regional Council in 1989, which included Clay, Geary, Marshall, Pottawatomie, and Riley Counties. An integrated system including recovery of recyclables, composting, and development of a regional landfill was recommended for the five-county area. A regional solid waste management agency/authority was proposed to implement the integrated system.

Packaging was the subject of my very first study of solid waste in 1968/69. Beverage containers were largely the focus of attention in solid waste and litter in the 1970s.

In 1991 packaging is still the focus of attention and interest in Beverage Container Deposit Laws (BCDLs) has been rekindled. However, there is much more recognition today that comprehensive approaches to SWM are the principal agenda of the 1990s.

My comments on HB 2471 are more of the nature of an overview of this approach to solid waste management and are not directed at specific provisions of HB 2471.

There are two pieces of work that FAL has carried out recently that have relevance here. The first is our widely used report prepared for EPA, **Characterization of Municipal Solid Waste in the United States: 1990 Update.**

The findings are as follows: beverage containers were 4.1 percent of municipal solid waste generated in 1988, but after recovery for recycling were 3.5 percent of municipal solid waste

disposed. By 1995 beverage containers will have declined even further as recycling continues to increase and beverage packaging becomes more efficient. In 1995 we project beverage containers to be 2.4 percent of municipal solid waste disposed. (Relevant tables from the report are attached.)

The second relevant study was a strictly economic analysis of the cost effectiveness of municipally based (curbside) recycling programs operating with and without a BCDL in place. (The executive summary is attached.)

PLEASE NOTE—we made no judgments about the merits and limitations of BCDLs, but simply "cranked the numbers" from an economic standpoint.

Beverage container deposit laws go back to Earth Day 1970; the first state to pass a law was Oregon in 1972. The most recent were Massachusetts and New York in 1983.

Solid waste management is much more comprehensive and targeted today than in the 1970s and early 1980s. Virtually every state with an identified solid waste management issue to resolve has passed some sort of comprehensive state legislation since 1986, including Missouri in 1990. It is interesting to note that those states with BCDL have been among those to adopt comprehensive solid waste management laws also.

BCDLs have been effective in calling attention to an issue of importance, but have not been a solution. Nor could they because they target 3 to 4 percent of the waste stream, and that portion already showing great success in recovery for recycling—of aluminum, glass, and plastics.

BCDLs succeed in some respects and these should be acknowledged:

1. They are a way to focus attention on a need to manage our wastes more effectively and usefully.
2. They provide an economic incentive to reduce litter.
3. They do bring back 80 to 90 percent of the beverage containers sold.

BCDLs fail in some important aspects, some of which are critical issues in Kansas:

1. They introduce a special collection infrastructure that is costly to operate and which returns less revenue than cost. Result: consumers pay a hidden tax to retailers and wholesalers of beverages.
2. They create a new collection system at the very time that integrated and comprehensive solid waste

management are recognized as addressing all of solid waste, not just one product category.

3. A BCDL would endanger the private collection system that BIRP has built up over 10 years.
4. A BCDL would endanger the fragile economics of curbside collection now practiced in many communities across the state and/or private collection systems in place in smaller communities.
5. A BCDL captures the two most valuable recyclables in solid waste—aluminum and plastic soft drink containers. We showed rather conclusively in 1989 that the cost effectiveness of community-based programs is diminished under BCDLs.
6. BCDLs give the public a false sense of accomplishment, thus causing the problem of telling the public that "this is not enough."
7. From a public policy standpoint there is little merit in a fragmented and selective approach to solid waste management. Newspapers in solid waste alone exceed all the beverage containers reaching disposal sites today—only one example of the limited effectiveness of selective legislation where the public health and welfare is not a concern.

After 23 years in the solid waste business and study after study for both private industry and government agencies on this subject over the years, I must conclude that BCDLs, while effective in a very limited way, fail to address the full scope of municipal solid waste. We have a real need to do that, so our attention should be directed more broadly and soon.

Table 19

PRODUCTS GENERATED* IN THE MUNICIPAL WASTE STREAM, 1960 TO 1988
(WITH DETAIL ON CONTAINERS AND PACKAGING)
(In percent of total generation)

| Products | Percent of Total Generation | | | | | | |
|---|-----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| | 1960 | 1965 | 1970 | 1975 | 1980 | 1985 | 1988 |
| Durable Goods (Detail in Table 12) | 10.7 | 10.7 | 12.4 | 13.7 | 13.2 | 13.3 | 13.9 |
| Nondurable Goods (Detail in Table 15) | 20.0 | 21.5 | 20.9 | 20.0 | 24.4 | 26.4 | 28.1 |
| Containers and Packaging | | | | | | | |
| Glass Packaging | | | | | | | |
| Beer and Soft Drink Bottles | 1.6 | 2.5 | 4.6 | 4.9 | 4.5 | 3.5 | 3.0 |
| Wine and Liquor Bottles | 1.3 | 1.4 | 1.6 | 1.6 | 1.7 | 1.4 | 1.1 |
| Food and Other Bottles & Jars | 4.2 | 4.0 | 3.6 | 3.4 | 3.2 | 2.6 | 2.2 |
| Total Glass Pkg | <u>7.1</u> | <u>7.8</u> | <u>9.8</u> | <u>9.9</u> | <u>9.4</u> | <u>7.5</u> | <u>6.3</u> |
| Steel Packaging | | | | | | | |
| Beer and Soft Drink Cans | 0.7 | 0.9 | 1.3 | 1.0 | 0.3 | 0.1 | 0.1 |
| Food and Other Cans | 4.3 | 3.5 | 2.9 | 2.7 | 1.9 | 1.6 | 1.4 |
| Other Steel Packaging | 0.2 | 0.3 | 0.2 | 0.2 | 0.1 | 0.1 | 0.1 |
| Total Steel Pkg | <u>5.2</u> | <u>4.6</u> | <u>4.4</u> | <u>3.8</u> | <u>2.4</u> | <u>1.8</u> | <u>1.6</u> |
| Aluminum Packaging | | | | | | | |
| Beer and Soft Drink Cans | 0.1 | 0.1 | 0.2 | 0.4 | 0.6 | 0.8 | 0.8 |
| Other Cans | 0.0 | 0.0 | 0.1 | 0.0 | 0.0 | 0.0 | 0.0 |
| Foil and Closures | 0.1 | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 |
| Total Aluminum Pkg | <u>0.2</u> | <u>0.3</u> | <u>0.5</u> | <u>0.6</u> | <u>0.8</u> | <u>1.0</u> | <u>1.0</u> |
| Paper & Paperboard Pkg | | | | | | | |
| Corrugated Boxes | 8.3 | 9.7 | 10.4 | 10.5 | 11.4 | 11.8 | 12.9 |
| Milk Cartons | 0.0 | 0.0 | 0.0 | 0.0 | 0.4 | 0.3 | 0.3 |
| Folding Cartons | 0.0 | 0.0 | 0.0 | 0.0 | 2.5 | 2.5 | 2.4 |
| Other Paperboard Packaging | 4.3 | 4.4 | 3.9 | 3.4 | 0.2 | 0.2 | 0.2 |
| Bags and Sacks | 0.0 | 0.0 | 0.0 | 0.0 | 2.3 | 1.9 | 1.6 |
| Wrapping Papers | 0.0 | 0.0 | 0.0 | 0.0 | 0.1 | 0.1 | 0.1 |
| Other Paper Packaging | 3.3 | 3.2 | 3.1 | 2.6 | 0.5 | 0.8 | 0.9 |
| Total Paper & Board Pkg | <u>15.9</u> | <u>17.2</u> | <u>17.5</u> | <u>16.5</u> | <u>17.4</u> | <u>17.6</u> | <u>18.3</u> |
| Plastics Packaging | | | | | | | |
| Soft Drink Bottles | 0.0 | 0.0 | 0.0 | 0.0 | 0.2 | 0.2 | 0.2 |
| Milk Bottles | 0.0 | 0.0 | 0.0 | 0.0 | 0.1 | 0.2 | 0.2 |
| Other Containers | 0.1 | 0.3 | 0.7 | 1.0 | 0.6 | 0.7 | 1.0 |
| Bags and Sacks | 0.0 | 0.0 | 0.0 | 0.0 | 0.3 | 0.4 | 0.4 |
| Wraps | 0.0 | 0.0 | 0.0 | 0.0 | 0.5 | 0.6 | 0.6 |
| Other Plastics Packaging | 0.1 | 0.7 | 1.0 | 1.1 | 0.5 | 0.6 | 0.7 |
| Total Plastics Pkg | <u>0.2</u> | <u>1.0</u> | <u>1.7</u> | <u>2.1</u> | <u>2.3</u> | <u>2.8</u> | <u>3.1</u> |
| Wood Packaging | 2.3 | 2.0 | 1.7 | 1.6 | 1.4 | 1.3 | 1.2 |
| Other Misc. Packaging | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 |
| Total Containers & Pkg | <u>31.1</u> | <u>33.1</u> | <u>35.7</u> | <u>34.7</u> | <u>33.8</u> | <u>32.1</u> | <u>31.6</u> |
| Total Nonfood Product Wastes | <u>61.8</u> | <u>65.3</u> | <u>69.0</u> | <u>68.3</u> | <u>71.3</u> | <u>71.7</u> | <u>73.5</u> |
| Other Wastes | | | | | | | |
| Food Wastes | 13.9 | 12.3 | 10.5 | 10.5 | 8.8 | 8.2 | 7.4 |
| Yard Wastes | 22.8 | 20.9 | 19.0 | 19.7 | 18.4 | 18.6 | 17.6 |
| Miscellaneous Inorganic Wastes | 1.5 | 1.5 | 1.5 | 1.6 | 1.5 | 1.5 | 1.5 |
| Total Other Wastes | <u>38.2</u> | <u>34.7</u> | <u>31.0</u> | <u>31.7</u> | <u>28.7</u> | <u>28.3</u> | <u>26.5</u> |
| Total MSW Generated - Percent | <u>100.0</u> | <u>100.0</u> | <u>100.0</u> | <u>100.0</u> | <u>100.0</u> | <u>100.0</u> | <u>100.0</u> |

* Generation before materials recovery or combustion.
 Details may not add to totals due to rounding.

Source: Franklin Associates, Ltd.

Table 21

**RECOVERY* OF PRODUCTS AND COMPOSTING
OF FOOD AND YARD WASTES, 1960 TO 1988
(WITH DETAIL ON CONTAINERS AND PACKAGING)
(In percent of generation of each product)**

| Products | Percent of Generation of Each Product | | | | | | |
|---|---------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | 1960 | 1965 | 1970 | 1975 | 1980 | 1985 | 1988 |
| Durable Goods (Detail in Table 13) | 4.3 | 8.1 | 6.0 | 5.7 | 6.6 | 6.5 | 7.5 |
| Nondurable Goods (Detail in Table 16) | 13.6 | 12.6 | 14.9 | 14.8 | 13.2 | 13.1 | 14.6 |
| Containers and Packaging | | | | | | | |
| Glass Packaging | | | | | | | |
| Beer and Soft Drink Bottles | 7.1 | 3.8 | 2.6 | 6.3 | 11.9 | 17.5 | 20.0 |
| Wine and Liquor Bottles | 0.0 | 0.0 | 0.5 | 0.0 | 0.0 | 4.5 | 5.0 |
| Food and Other Bottles & Jars | 0.0 | 0.0 | 0.5 | 0.0 | 0.0 | 0.0 | 8.1 |
| Total Glass Pkg | <u>1.6</u> | <u>1.2</u> | <u>1.5</u> | <u>3.1</u> | <u>5.7</u> | <u>9.1</u> | <u>13.3</u> |
| Steel Packaging | | | | | | | |
| Beer and Soft Drink Cans | 1.6 | 1.7 | 1.3 | 3.9 | 9.7 | 7.5 | 15.2 |
| Food and Other Cans | 0.5 | 1.2 | 1.8 | 2.7 | 5.2 | 4.3 | 15.0 |
| Other Steel Packaging | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Total Steel Pkg | <u>0.6</u> | <u>1.3</u> | <u>1.6</u> | <u>2.9</u> | <u>5.5</u> | <u>4.2</u> | <u>13.8</u> |
| Aluminum Packaging | | | | | | | |
| Beer and Soft Drink Cans | 0.0 | 0.0 | 5.1 | 27.0 | 37.0 | 51.0 | 55.0 |
| Other Cans | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Foil and Closures | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 4.9 |
| Total Aluminum Pkg | <u>0.0</u> | <u>0.0</u> | <u>0.0</u> | <u>17.3</u> | <u>27.1</u> | <u>37.5</u> | <u>44.1</u> |
| Paper & Paperboard Pkg | | | | | | | |
| Corrugated Boxes | 34.2 | 22.0 | 21.3 | 26.7 | 37.1 | 37.9 | 45.4 |
| Milk Cartons | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Folding Cartons | 0.0 | 0.0 | 0.0 | 0.0 | 13.5 | 5.0 | 7.7 |
| Other Paperboard Packaging | 7.9 | 8.9 | 10.4 | 11.4 | 0.0 | 0.0 | 0.0 |
| Bags and Sacks | 0.0 | 0.0 | 0.0 | 0.0 | 8.8 | 3.2 | 7.0 |
| Wrapping Papers | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Other Paper Packaging | 6.9 | 9.1 | 10.5 | 12.1 | 0.0 | 0.0 | 0.0 |
| Total Paper & Board Pkg | <u>21.4</u> | <u>16.3</u> | <u>16.9</u> | <u>21.2</u> | <u>27.3</u> | <u>26.4</u> | <u>33.5</u> |
| Plastics Packaging | | | | | | | |
| Soft Drink Bottles | 0.0 | 0.0 | 0.0 | 0.0 | 4.6 | 18.7 | 21.0 |
| Milk Bottles | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.5 |
| Other Containers | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Bags and Sacks | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Wraps | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Other Plastics Packaging | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Total Plastics Pkg | <u>0.0</u> | <u>0.0</u> | <u>0.0</u> | <u>0.0</u> | <u>0.3</u> | <u>1.5</u> | <u>1.6</u> |
| Wood Packaging | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Other Misc. Packaging | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Total Containers & Pkg | <u>11.4</u> | <u>9.1</u> | <u>8.9</u> | <u>11.5</u> | <u>16.6</u> | <u>18.1</u> | <u>24.3</u> |
| Total Nonfood Product Wastes | <u>10.9</u> | <u>10.1</u> | <u>10.2</u> | <u>11.3</u> | <u>13.6</u> | <u>14.2</u> | <u>17.5</u> |
| Other Wastes | | | | | | | |
| Food Wastes | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Yard Wastes | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 1.6 |
| Miscellaneous Inorganic Wastes | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Total Other Wastes | <u>0.0</u> | <u>0.0</u> | <u>0.0</u> | <u>0.0</u> | <u>0.0</u> | <u>0.0</u> | <u>1.0</u> |
| Total MSW Recovered - Percent | <u>6.7</u> | <u>6.6</u> | <u>7.0</u> | <u>7.7</u> | <u>9.7</u> | <u>10.1</u> | <u>13.1</u> |

* Recovery of postconsumer wastes; does not include converting/fabrication scrap.
Details may not add to totals due to rounding.

Source: Franklin Associates, Ltd.

Table 23

PRODUCTS DISCARDED* IN THE MUNICIPAL WASTE STREAM, 1960 TO 1988
(WITH DETAIL ON CONTAINERS AND PACKAGING)
(In percent of total discards)

| Products | Percent of Total Discards | | | | | | |
|---|---------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| | 1960 | 1965 | 1970 | 1975 | 1980 | 1985 | 1988 |
| Durable Goods (Detail in Table 14) | 11.0 | 10.6 | 12.5 | 14.0 | 13.6 | 13.8 | 14.7 |
| Nondurable Goods (Detail in Table 17) | 18.6 | 20.1 | 19.2 | 18.4 | 23.5 | 25.5 | 27.6 |
| Containers and Packaging | | | | | | | |
| Glass Packaging | | | | | | | |
| Beer and Soft Drink Bottles | 1.6 | 2.6 | 4.8 | 5.0 | 4.4 | 3.2 | 2.8 |
| Wine and Liquor Bottles | 1.3 | 1.4 | 1.7 | 1.7 | 1.9 | 1.4 | 1.2 |
| Food and Other Bottles & Jars | 4.5 | 4.2 | 3.9 | 3.7 | 3.6 | 2.9 | 2.3 |
| Total Glass Pkg | <u>7.4</u> | <u>8.3</u> | <u>10.3</u> | <u>10.4</u> | <u>9.8</u> | <u>7.6</u> | <u>6.3</u> |
| Steel Packaging | | | | | | | |
| Beer and Soft Drink Cans | 0.7 | 0.9 | 1.4 | 1.1 | 0.3 | 0.1 | 0.1 |
| Food and Other Cans | 4.6 | 3.6 | 3.0 | 2.8 | 2.1 | 1.7 | 1.4 |
| Other Steel Packaging | 0.2 | 0.3 | 0.3 | 0.2 | 0.1 | 0.1 | 0.1 |
| Total Steel Pkg | <u>5.6</u> | <u>4.9</u> | <u>4.7</u> | <u>4.1</u> | <u>2.5</u> | <u>1.9</u> | <u>1.6</u> |
| Aluminum Packaging | | | | | | | |
| Beer and Soft Drink Cans | 0.1 | 0.1 | 0.3 | 0.3 | 0.4 | 0.5 | 0.4 |
| Other Cans | 0.0 | 0.0 | 0.1 | 0.0 | 0.0 | 0.0 | 0.0 |
| Foil and Closures | 0.1 | 0.2 | 0.2 | 0.3 | 0.2 | 0.2 | 0.2 |
| Total Aluminum Pkg | <u>0.2</u> | <u>0.3</u> | <u>0.5</u> | <u>0.6</u> | <u>0.7</u> | <u>0.7</u> | <u>0.7</u> |
| Paper & Paperboard Pkg | | | | | | | |
| Corrugated Boxes | 5.9 | 8.1 | 8.8 | 8.4 | 7.9 | 8.1 | 8.1 |
| Milk Cartons | 0.0 | 0.0 | 0.0 | 0.0 | 0.4 | 0.3 | 0.3 |
| Folding Cartons | 0.0 | 0.0 | 0.0 | 0.0 | 2.4 | 2.6 | 2.6 |
| Other Paperboard Packaging | 4.3 | 4.2 | 3.8 | 3.3 | 0.2 | 0.3 | 0.2 |
| Bags and Sacks | 0.0 | 0.0 | 0.0 | 0.0 | 2.3 | 2.1 | 1.7 |
| Wrapping Papers | 0.0 | 0.0 | 0.0 | 0.0 | 0.1 | 0.1 | 0.1 |
| Other Paper Packaging | 3.3 | 3.1 | 3.0 | 2.5 | 0.6 | 0.9 | 1.0 |
| Total Paper & Board Pkg | <u>13.4</u> | <u>15.4</u> | <u>15.6</u> | <u>14.1</u> | <u>14.0</u> | <u>14.4</u> | <u>14.0</u> |
| Plastics Packaging | | | | | | | |
| Soft Drink Bottles | 0.0 | 0.0 | 0.0 | 0.0 | 0.2 | 0.2 | 0.2 |
| Milk Bottles | 0.0 | 0.0 | 0.0 | 0.0 | 0.1 | 0.2 | 0.2 |
| Other Containers | 0.1 | 0.3 | 0.8 | 1.1 | 0.7 | 0.8 | 1.1 |
| Bags and Sacks | 0.0 | 0.0 | 0.0 | 0.0 | 0.3 | 0.4 | 0.5 |
| Wraps | 0.0 | 0.0 | 0.0 | 0.0 | 0.6 | 0.7 | 0.7 |
| Other Plastics Packaging | 0.1 | 0.7 | 1.1 | 1.2 | 0.6 | 0.7 | 0.8 |
| Total Plastics Pkg | <u>0.2</u> | <u>1.0</u> | <u>1.9</u> | <u>2.3</u> | <u>2.5</u> | <u>3.0</u> | <u>3.5</u> |
| Wood Packaging | 2.4 | 2.2 | 1.9 | 1.7 | 1.6 | 1.4 | 1.3 |
| Other Misc. Packaging | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 |
| Total Containers & Pkg | <u>29.5</u> | <u>32.2</u> | <u>35.0</u> | <u>33.2</u> | <u>31.2</u> | <u>29.2</u> | <u>27.6</u> |
| Total Nonfood Product Wastes | <u>59.1</u> | <u>62.8</u> | <u>66.6</u> | <u>65.7</u> | <u>68.2</u> | <u>68.5</u> | <u>69.9</u> |
| Other Wastes | | | | | | | |
| Food Wastes | 14.9 | 13.1 | 11.3 | 11.3 | 9.8 | 9.1 | 8.5 |
| Yard Wastes | 24.4 | 22.4 | 20.5 | 21.3 | 20.4 | 20.7 | 20.0 |
| Miscellaneous Inorganic Wastes | 1.6 | 1.7 | 1.6 | 1.7 | 1.6 | 1.7 | 1.7 |
| Total Other Wastes | <u>40.9</u> | <u>37.2</u> | <u>33.4</u> | <u>34.3</u> | <u>31.8</u> | <u>31.5</u> | <u>30.1</u> |
| Total MSW Discarded - Percent | <u>100.0</u> | <u>100.0</u> | <u>100.0</u> | <u>100.0</u> | <u>100.0</u> | <u>100.0</u> | <u>100.0</u> |

* Discards after materials and compost recovery.
Details may not add to totals due to rounding.

Source: Franklin Associates, Ltd.

FRANKLIN ASSOCIATES, LTD.

Franklin Associates, Ltd. (FAL) is well-known nationwide as an independent consultant in municipal and industrial waste management for both public and private clients. Services offered include integrated solid waste management plans for communities, life cycle analyses of products and packaging, waste characterizations, feasibility studies for recycling and waste-to-energy projects, market analyses, waste reduction studies, and studies addressing policy issues.

Franklin Associates was founded as a Kansas corporation in late 1974 by William E. Franklin and Marjorie A. Franklin. Our headquarters and principal office is centrally located in Prairie Village, Kansas, a Kansas City suburb. FAL also has an office in the Washington, DC area.

Franklin Associates' public clients include city, county, and state government agencies and regional planning agencies. Our private clients include major industrial companies in the plastics, paper, packaging, consumer products, solid waste management, and other industries. The firm works for a number of trade associations, including the Society of the Plastics Industry, the Council for Solid Waste Solutions, the Council on Plastics and Packaging in the Environment, the American Paper Institute, and others.

Franklin Associates' staff includes professionals with academic backgrounds in civil/environmental, chemical, and mechanical engineering plus physics, biology, mathematics, and other sciences. Principals of the firm have more than 20 years of experience in solid waste management issues.

SERVICES PROVIDED BY FRANKLIN ASSOCIATES

Franklin Associates excels in gathering data, analyzing data, and presenting the results in a useful manner. We can address both technical and policy issues.

Resource and Environmental Profile Analysis/Life Cycle Analysis

Since its founding in 1974, Franklin Associates has been nationally known for providing expert consulting services in Life Cycle Analysis (also known as Resource and Environmental Profile Analysis). Our staff includes developers of the original LCA/REPA methodology, who have continued to use and improve upon the concept. Life cycle analyses list and quantify energy and resource usage and environmental discharges through a product's entire life cycle. We have performed life cycle analyses for federal agencies, trade associations, and private industry. Subjects have included various paper/paperboard, glass, steel, aluminum, and plastic products, diaper



systems, packaging, beverage container and delivery systems, building materials, transportation products, and others.

Regulatory Analysis

For industry and governmental clients, Franklin Associates analyzes the effects of proposed regulations. These proposed regulations have included deposit laws, tax incentives to increase recycling, bans on products, labeling, "environmentally friendly" regulations and programs, mandatory recycling, charges to internalize disposal costs, laws to control the flow of wastes, and the like.

Municipal Solid Waste Characterization

Franklin Associates is the only firm in the United States having a high level of skills in the two methods of municipal solid waste characterization: sampling and material flows. For many years we have prepared the national characterization of MSW, by material and by product, that is published by EPA and widely used by planners. In addition to the EPA work, FAL has characterized many local waste streams, including hand sorting and weighing. For other clients, we have developed more detailed analyses of the individual components of MSW, and we have developed weight/volume factors for the materials in MSW.

Integrated Solid Waste Management

Franklin Associates does studies that analyze the complete range of solid waste management alternatives for public and private clients. Studies for communities typically include assessment of waste reduction, materials recovery, composting, waste-to-energy, and landfilling alternatives. Waste characterization, technology assessment, market analysis, environmental and site assessments, and recommendations for implementation are all included. We can also provide implementation assistance.

We have done materials market analyses and made program recommendations for all the major grades of waste paper, tires, compost, glass, metals, plastics, used oil, and others. Our waste-to-energy projects have included assessment of all the major markets for recovered energy projects and the major technologies for energy recovery.

Franklin Associates also does market and planning studies for private clients interested in one or more of these waste management alternatives.