



May 7, 2024

MEMORANDUM IN OPPOSITION

An act to amend the environmental conservation law, in relation to returnable bottles and to retention and use of funds for the beverage container assistance program

S.237-C (May)

A.6353-A (Glick)

The National Supermarket Association (NSA) is a trade association that represents the interest of independent supermarket owners in New York and other urban cities throughout the East Coast, the Mid-Atlantic region, and Florida. In the five boroughs alone, NSA represents over 400 stores that employ over 15,000 New Yorkers. Our members work hard every day to run their businesses, support their families, and provide jobs, healthy food, and full-service supermarkets to their communities. NSA has concerns with provisions of S.237-C / A.6353-A, which will amend the environmental conservation law in relation to returnable bottles and to the retention and use of funds for the beverage container assistance program.

S.237-C / A.6353-A would expand the bottle bill that was originally passed in 1982 and amended in 2009. The bill would extend the types of bottles that can be collected for deposit and redemption to include alcoholic beverages, juice, coffee, and tea beverages. It will also increase consumer protections (i.e. redemption provisions) associated with collecting bottle deposits and require retailers to move empty bottle containers to assist distributors. The proposed amendments would also raise the handling fee paid to retailers from three and a half cents to six cents, and the deposit refund value to consumers from five cents to ten cents. Although the NSA applauds efforts to promote recycling and reduce solid waste throughout New York State, this legislation will disturb independently owned supermarkets that do not have the space or manpower to expand the beverage container assistance program.

S.237-C / A.6353-A would place an undue burden on supermarkets and retailers to hold deposited empty bottles until they can be picked up by beverage distributors. With additional types of bottles that can be redeemed and deposited, retailers will have an influx of empty

bottles awaiting transport to a recycling center. Though the bill considers that dealers must pick up the empty containers in a timely manner, it does not specify the amount of time when they must be removed but will await departmental regulations. Supermarkets, particularly small independently owned stores in New York City, do not have the space to hold additional bottles and this provision will strain retailers' limited capacity. Additionally, the bill requires dealers to load empty bottle containers on the distributor's truck for pick-up, if the dealer has a forklift and appropriate staffing. Independently owned supermarkets are already stretched thin to support their stores. They do not have the resources to help distributors with collection and will face hardships in expanding the beverage container assistance program. These provisions will disrupt supermarkets and retailers across the state and burden stores that are already struggling.

For these reasons, the NSA opposes S.237-C / A.6353-A and urges our representatives to abstain from moving this bill forward.