

Let's Fix Flawed "Bottle Bill"

July 16, 2009

Dear Editor,

Even though legislation that would repeal Delaware's "bottle bill" gained a lot of support in the House and Senate this session, I was among the few members in the House who voted against the initiative. As the bill heads to the Governor's office for his approval, I would urge that the Governor veto the measure based on the following reasons.

Right now, like it or not, our bottle bill is the only statewide recycling program we have in place. Requiring that a deposit be paid by consumers for each bottle they purchase has encouraged people to return their used bottles in order to get their deposit refunded. By repealing the deposit requirement we are certain to minimize the importance of recycling in Delaware, which already is at an embarrassingly low rate.

The chairman of the Governor's Recycling Public Advisory Council, Brock Vinton, has stated that repealing the bottle bill "will result in the immediate decrease in recycling diversion rates in Delaware," adding that in 2007 the law "was specifically responsible for the collection and recycling" of over 5,000 tons of glass containers, while only 234 tons of glass were collected at residential curbsides. He further stated that he believes nearly 70% of all separated glass containers were recycled as a *direct* result of the bottle bill.

If there are flaws with our current bottle bill – which I believe there are – then let us take the time to fix them, instead of eliminating an entire program. It is unacceptable that state law does not require distributors to recycle the bottles that have been returned to them. In fact, in a 2007 report prepared for the Delaware Solid Waste Authority by a private environmental firm it was estimated that the amount of beverage containers taken to the New Castle County landfill by top Delaware distributors – NKS Distributors and Standard Distributing – was over 2,000 tons annually. One improvement that we can make to the law, for sure, would be to require the distributors to recycle the bottles that have been returned. As our landfills near peak capacity, it makes little sense to not require Delaware alcohol distributors to do their fair share in the way of recycling.

Another problem with the current law is in the event that consumers do not return the used bottles, the deposit they originally paid goes to the distributor. I contend that this is unclaimed money and it should revert back to the state, not the distributors. As a matter of fact, returning the bottle bill deposit money to the state's coffers was part of the House Republicans' comprehensive proposal on how to solve this year's budget crisis. It is expected that this escheat money could likely bring in \$3 million annually for the state.

Last year I had the opportunity to chair a legislative task force on recycling. Our group spent several months examining ways to improve recycling efforts in Delaware and made recommendations on steps that could be taken to increase how much residents and businesses recycle on a daily basis. We recommended that we move toward putting in place a viable statewide recycling program with mandatory participation. Among the options recommended was a proposal to ban the disposal of other recyclable materials (glass, paper, plastic, metal, etc.) into the landfill – just as yard waste has been banned from disposal at the Cherry Island Landfill in New Castle County and just as many other states ban a variety of recyclable materials. It was suggested that perhaps this piecemeal approach to recycling could be a more effective way of expanding recycling efforts in Delaware, with the yard waste ban being the first step to preventing the disposal of recyclable material.

If we are to remain serious about our recycling efforts – and, more specifically, to increase how much we actually recycle from an annual rate of 32% to 51% (the recommended diversion rate set by then-Governor Minner in 2006) – then we should stay the course, and not undo the progress already made. It is not necessary to completely do away with a program that has many benefits because of a few flaws. We in state government have a responsibility to fix those problems to make sure we have a law on the books that is as effective and environmentally-friendly as possible.

Sincerely,

A handwritten signature in black ink that reads "Nick T. Manolakos". The signature is written in a cursive style with a large, sweeping initial "N".

Nick T. Manolakos
State Representatives
20th District