Canadian Environmental Law Association
L'Association canadienne du droit de l'environnement

243 Queen Street W., 4th Floor, Toronto, Ontario M5V 1Z4, telephone (416) 977-2410

PRESS RELEASE

FOR IMMEDIATE RELEASE

July 17, 1985

Contact: Eva Ligeti
CELA
977-2410

ENVIRONMENTAL CONCERNS LEFT OUT OF POP CAN DEAL

A regulation intended to replace existing Environmental Protection Act regulations protecting the refillable soft drink container is making its way to Cabinet for implementation, CELA learned today.

This regulation, if implemented, allows for the eventual disappearance of refillable containers from the Ontario market.

"Our position is that 100% of metal, glass, and plastic containers manufactured for carbonated soft drinks in Ontario should be refillable, as this is the only environmentally sound soft drink container system," said CELA lawyer Eva Ligeti.

In a letter sent to Environment Minister James Bradley, Ms Ligeti urged the Minister to continue to ensure that regulations have as their primary goal the protection of the environment and changes to the regulation be done in the context of public participation.

Ms Ligeti also deplored the policy of not enforcing the existing carbonated softdrink regulations. "This policy, if allowed to continue, will be seen to undermine the other positive initiatives for environmental protection undertaken by the Liberal government. As well, any regulation intended for the enforcement of a recycling scheme of carbonated soft drink containers must include a deposit system or else it is doomed to failure," CELA said today.

- 30 -

Att: Letter to Hon. James Bradley
Michigan Bottle Bill

Canadian Environmental Law Association
L'Association canadienne du droit de l'environnement

243 Queen Street W., 4th Floor, Toronto, Ontario M5V 1Z4, telephone (416) 977-2410

July 16, 1985

The Honourable James Bradley
Minister of the Environment
Ontario Ministry of the Environment
135 St. Clair Avenue West, 15th Floor
Toronto, Ontario
M4V 1P5

Dear Mr. Bradley,

We understand that a set of regulations are on their way to Cabinet which are intended to replace Regulations 299 and 300 of the Environmental Protection Act with respect to carbonated soft drink containers in Ontario. We understand that this action contemplates the eventual disappearance of the protection for the refillable soft drink container. We further understand that these regulations were formulated by a small group of people, in a series of closed door sessions, and that there is no further plan for public input.

The Canadian Environmental Law Association continues to support the refillable container as the only environmentally sound soft drink container system. Our position is that 100 per cent of metal, plastic and glass containers manufactured for carbonated soft drinks should be refillable. This is the only guaranteed way of diverting these containers from Ontario's already overburdened landfill capacity.

As an alternative, in the short term, we would be in support of protection of the refillable container to the extent of at least 75 per cent of the market with the imposition of a deposit-return system for the nonrefillable 25 per cent portion of the market. We would support a deposit of no less than 25 cents for each returnable container. I enclose a copy of Michigan's Bottle Bill as an example of this kind of legislation and the benefits to be reaped from this approach. We understand the proposed regulations do not include a deposit system, an approach the Canadian Environmental Association cannot accept.

We also deplore the present lack of enforcement of the existing regulations, which is a policy left over from the previous government. This lack of enforcement, if allowed to continue, can be seen to undermine the other positive initiatives for environmental protection undertaken by your government. As a very first step, the present regulations must be enforced.

We strongly support a recycling initiative and we believe that a comprehensive recycling program for Ontario is long overdue. However, we would caution that the recycling plan will only gain success and public support if it is done in the context of public participation in overall waste management planning and public involvement in finding solutions to the issues raised.

We urge the Minister to continue to ensure that the regulations have as their primary goal the protection of the environment. Any changes to the regulations must build upon the strong environment principles which were the original impetus for carbonated soft drink container regulations.

We would appreciate being kept informed of the developments in this very important matter.

Yours very truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

Eva B. Ligeti
Counsel

Encl.
/lg

STATE OF MICHIGAN

WILLIAM G. MILLIKEN, Governor

DEPARTMENT OF NATURAL RESOURCES

HOWARD A. TANNER, Director

RESOURCE RECOVERY DIVISION
P.O. BOX 30028
LANSING, MI 48909
ADMINISTRATION/RESOURCE RECOVERY SECTION
517/373-0540
PLANNING SECTION/ HAZARDOUS WASTE SECTION
517/373-1818
GEOLOGY SECTION
517/373-0907

As per your request, enclosed is a copy of the Beverage Container Deposit Law for Michigan (Bottle Bill). Also enclosed are reports on the impact of the Bill on solid waste and natural resources, and a roster of other reports that deal with various effects of the Bottle Bill in Michigan.

Over all, the Bottle Bill has had a positive impact on the State of Michigan.

Thank you for your interest in a cleaner environment.

Sincerely,

RESOURCE RECOVERY DIVISION

Elaine M. Brown

Elaine M. Brown, Environmental Sanitarian
Resource Recovery Section

EMB:ks

Enclosures

R-1070-6 10/80

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. As used in this act:

(a) "Beverage" means a soft drink, soda water, carbonated natural or mineral water, or other nonalcoholic carbonated drink; beer, ale, or other malt drink of whatever alcoholic content.

(b) "Beverage container" means an airtight metal, glass, paper, or plastic container, or a container composed of a combination of these materials, which, at the time of sale, contains 1 gallon or less of a beverage.

(c) "Returnable container" means a beverage container upon which a deposit of at least 10 cents has been paid, or is required to be paid upon the removal of the container from the sale or consumption area, and for which a refund of at least 10 cents in cash is payable by every dealer or distributor in this state of that beverage in beverage containers, as further provided in section 2. A beverage container certified as provided in section 3 shall also be deemed a returnable container if the deposit is at least 5 cents, and the requirements of the preceding sentence are met in all other respects.

(d) "Nonreturnable container" means a beverage container upon which no deposit or a deposit of less than 10 cents has been paid, or is required to be paid upon the removal of the container from the sale or consumption area, or for which no cash refund or a refund of less than 10 cents is payable by a dealer or distributor in this state of that beverage in beverage containers, as further provided in section 2. A beverage container certified as provided in section 3 shall not be deemed a nonreturnable beverage container if the deposit is at least 5 cents, and the requirements of the first sentence of subdivision (c) of this section are met in all other respects.

(e) "Person" means an individual, partnership, corporation, association, or other legal entity.

(f) "Dealer" means a person who sells or offers for sale to consumers within this state a beverage in a beverage container, including an operator of a vending machine containing a beverage in a beverage container.

(g) "Operator" of a vending machine means equally its owner, the person who refills it, and the owner or lessee of the property upon which it is located.

(h) "Distributor" means a person who se[lls] beverages in beverage containers to a dealer within this state, and includes a manufacturer who engages in such sales.

(i) "Manufacturer" means a person who bottles, can, or otherwise places beverages in beverage containers for sale to distributors, dealers, or consumers.

(j) "Within this state" means within the exterior limits of the State of Michiga[n] and includes the territory within these limits owned by or ceded to the United States of America.

(k) "Commission" means the Michigan liquor control commission.

(l) "Sale or consumption area" means the premises within the property of the dealer or of his lessor where the sale is made, within which beverages in returnable containers may be consumed without payment of a deposit, and upon removing a beverage container from which, the customer is required by the dealer to pay the deposit.

Sec. 2. (1) A dealer shall not, within this state, sell, offer for sale, or give to consumers a nonreturnable container or a beverage in a nonreturnable container.

(2) A dealer who regularly sells beverages for consumption off his premises shall provide on his premises, or within 100 yards of the premises on which he sells or offers for sale a beverage in a returnable container, a convenient means whereby the containers of any kind, size, and brand sold or offered for sale by him may be returned by, and the deposit refunded in cash, to a person whether or not the person is the original customer of that dealer, and whether or not the container was sold by that dealer.

(3) Regional centers for redemption of returnable containers may be established in addition to, but not as substitutes for, means for refund of deposits in accordance with subsection (2).

(4) A dealer shall not refuse to accept from a person an empty returnable container of any kind, size, and brand sold by that dealer, nor refuse to pay to the person its full refund value in cash, except as provided in subsections (5) and (7).

(5) A dealer who does not require a deposit on a returnable container when the

contents are consumed in the dealer's sale or consumption area shall not be required to pay a refund for accepting that empty container.

(6) A distributor shall not refuse to accept from a dealer an empty returnable container of any kind, size, and brand sold by that distributor, nor refuse to pay to the dealer its full refund value in cash, except as provided in subsection (7).

(7) Every beverage container sold or offered for sale by a dealer within this state shall clearly indicate by embossing or by a stamp, or by a label or other method securely affixed to the beverage container, the refund value of the container and the name of this state. A dealer or distributor may, but is not required to, refuse to accept from a person an empty returnable container which does not state thereon the refund value of the container and the name of this state.

(8) A dealer within this state shall not sell, offer for sale, or give to consumers a metal beverage container, any part of which becomes detached when opened.

Sec. 3. (1) To promote the use of this state of reusable beverage containers of uniform design, and to facilitate the return of containers to manufacturers for reuse as a beverage container, the commission shall certify beverage containers which satisfy the requirements of this section.

(2) A beverage container shall be certified if:

(a) It is reusable as a beverage container by more than one manufacturer in the ordinary course of business.

(b) More than 1 manufacturer will in the ordinary course of business accept the beverage container for reuse as a beverage container and pay the refund value of the container.

(3) The commission shall not certify more than 1 beverage container of a particular manufacturer in each size classification. The commission shall by rule establish appropriate size classifications in accordance with the purposes set forth in subsection (1), each of which shall include a size range of at least 3 liquid ounces.

(4) A beverage container shall not be certified under this section:

(a) If by reason of its shape or design, or by reason of words or symbols permanently inscribed thereon, whether by engraving, embossing, painting, or other permanent method, it is reusable as a beve[illegible]ge container in the ordinary course of business only by a manufacturer of a beverage sold under a specific brand name.

(b) If the commission finds that its use by more than 1 manufacturer is not of sufficient volume to promote the purposes set forth in subsection (1).

(5) Unless an application for certification under this section is denied by the commission within 60 days after the application is filed, the beverage container shall be deemed certifie[d]

(6) The commission may at any time revie[w] certification of a beverage container. If, upon the review, after written notice and hearing afforded to the person who filed the original application for certification of the beverage container under this section, the commission determines that the beverage container is no longer qualified for certification, it shall withdraw certification. Withdrawal of certification shall be effective on a date specified by the commissi[on] but not less than 30 days after written notice to the person who filed the original application for certification of the beverage container under this section, and t[o] the manufacturer referred to in subsection (2).

Sec. 4. A dealer, distributor, or manufacturer who violates this act shall be fined not less than $100 nor more than $1,000 and costs of prosecution. Every day a violation occurs is a separate offense.

Sec. 5. Act No. 142 of the Public Acts of 1971, being section 445.191 of the Compil[ed] Laws of 1970, is repealed.

Sec. 6. This act shall take effect two years after it becomes law.

ABSTRACT

Beverage container litter at Michigan's 82 state parks and recreation areas declined an estimated 90 percent in 1979 following passage of the state's beverage container law, which took effect December 3, 1978.

The Department of Natural Resources undertook a litter survey in 1978 in order to determine what effect the law would have on state parks, recreation areas, forests, game areas, research areas, and public access sites.

For the DNR to measure all of the litter deposited on its vast holdings would have been an immense task. A more reasonable approach was decided on that would measure the relative change in litter before and after the effective date of the law on a sample of sites selected from throughout the state.

Data was collected for the survey from 36 sites, six in the Upper Peninsula, 13 in the northern Lower Peninsula, and 17 in the southern Lower Peninsula.

Results of the survey show an overall decline in both beverage containers and total litter in every region of the state.

Based on the survey results, the DNR estimates that litter at state parks and recreation areas alone decreased during 1979 by over nine million beverage containers--a decrease of 90 percent compared to the previous year.

Largest decreases in beverage container litter were found at the following areas: McLain State Park near Hancock (95%); Anderson Lake West Forest Campground near Gwinn (82%); South Higgins Lake State Park (96%); Mears State Park near Pentwater (85%); Round Lake Forest Campground near Vanderbilt (100%); Prudenville Snowmobile Trail (85%); Sterling State Park near Monroe (83%); Van Buren State Park near South Haven (89%); Lakeport State Park near Port Huron (92%); Dodge #4 State Park near Pontiac (96%); Muskegon State Game Area (95%); and Flat River State Game Area near Belding (89%).

Overall, total litter also showed a decline, but not nearly as large a decrease as beverage container litter alone.

In comparing the two years, 1978 and 1979, a decrease in park and recreation area use was taken into consideration. In 1979, increased gasoline prices and fears of shortages in northern areas adversely affected recreation travel, particularly in the Upper Peninsula. Since use intensity alone could affect litter volumes, it was necessary to adjust the 1979 data for attendance shifts in order to make meaningful comparisons. That adjustment was made using attendance data from both 1978 and 1979 for the various sites surveyed.

5/13/80

MICHIGAN'S EXPERIENCE WITH BOTTLE BILL

Michigan's experience with the Deposit Law has been a positive one. Public support for the law has increased since its implementation in spite of increased costs and the inconvenience to consumers of returning bottles and cans. The industry has rallied to the cause and has done a very commendable job of overcoming the difficulties in implementing the extensive changes necessary to carry out the law.

I. History and Summary of the Michigan Deposit Law
   A. In November, 1976 the deposit legislation was placed on the ballot by an initiative.
   B. It won approval of 64% of the voters.
   C. It became law on December 3, 1976 and went into effect December 3, 1978.
   D. See attached summary of main provisions of the deposit law.

II. Impacts of the Deposit Law
   A. Opinion polls conducted in December, 1978 and January, 1980, verify that public support has increased for the returnable system.
   B. The container mix has shifted to increased use of refillable glass soft-drink containers and to increased use of glass for beer (as opposed to cans).
   C. Litter
      1. Roadside litter of beverage containers decreased by about 85%.
      2. Overall litter has decreased by 10%.
      3. Overall impact appears greater:
         a) Non-biodegradability of beverage containers.
         b) Size of beverage containers (twice size of other litter items).
         c) Public exposure to broken beer and soft drink bottles and metal pull-tabs was reduced by 75%.
   D. Cost of litter clean-up
      1. Reduction in litter collection costs.
      2. Mowing, operation expenses reduced.
         a) Less litter pick-up time.
         b) Less damage to mowing equipment.
   E. Resources through recycling
      1. Shift to refillabel containers which can be reused many times.
      2. Recycling 15,000 tons of aluminum and steel and 65,000 tons of glass annually.
   F. Solid waste
      1. Six percent reduction in solid waste to landfill by weight; about 600,000 tons per year.
   G. Employment
      1. Overall increase by 4,500 jobs.
      2. Shift in employment due to Deposit Legislation.
   H. Beverage prices
      1. Most controversial issue is beer prices.
         a) Price always somewhat higher in Michigan due to excise tax in Michigan.
      2. Thorough price studies have not been done for before and after effects of Deposit Legislation.
   I. Industry operating costs
      1. Studies haven't come up with a conclusive answer as to whether or not a net cost increase to the total industry.

J. Border areas
   1. Retailers have had a loss in beer sales.
   2. Litter in form of outstate beverage containers is greater near border.

Reference worth reading: "Michigan's Deposit Law: Second Year", December, 1980. The final report of the special joint committee to study the impact of the beverage container deposit law.

States' experience with beverage container deposit laws show positive benefits.

EMB:ks
10/28/81