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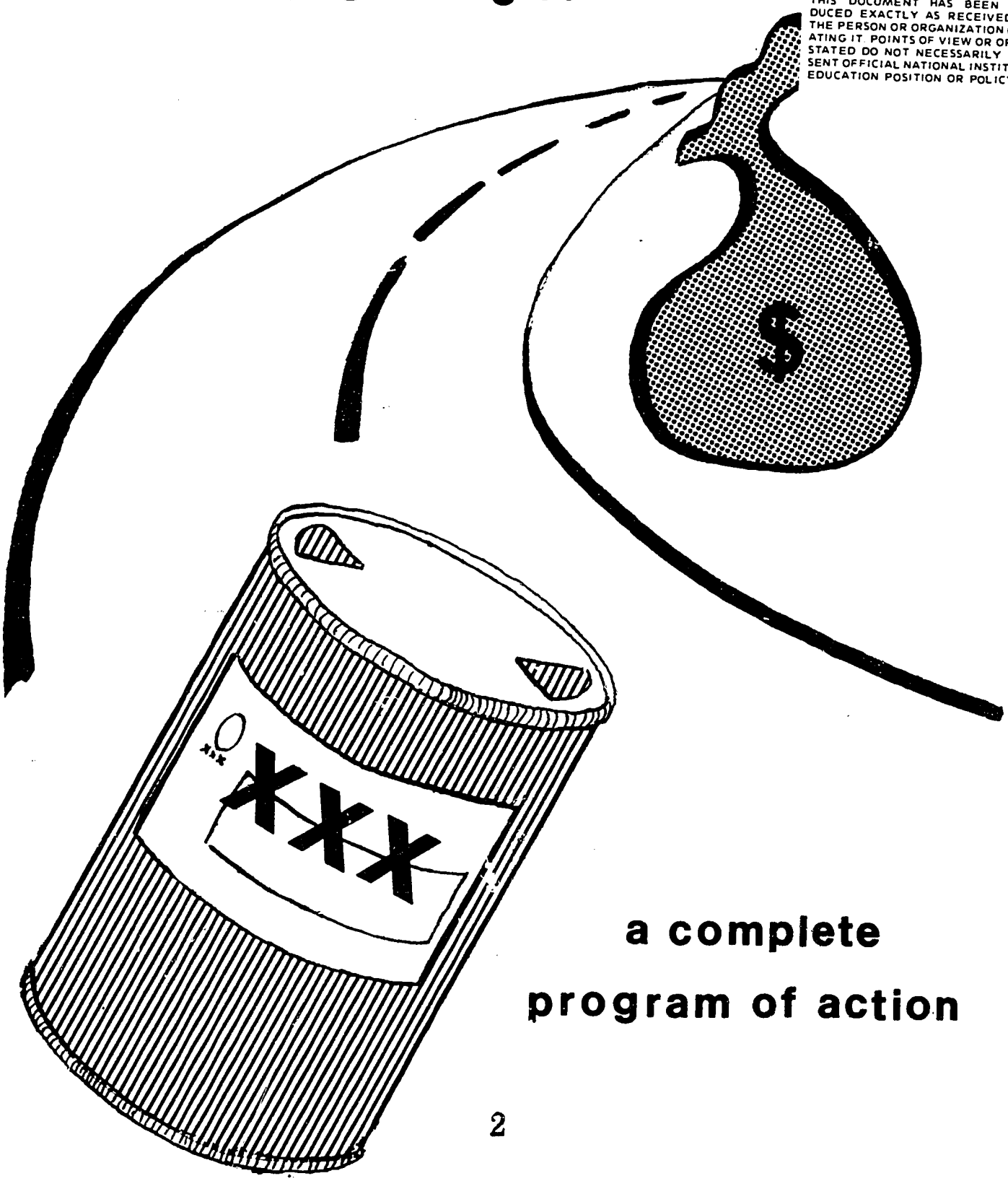
ABSTRACT

This booklet of materials on how to achieve beverage container legislation is the culmination of efforts of many people including students. Included in the booklet is the script to (1) a slide presentation, (2) a copy of the Oregon Bottle Bill and a progress report, and (3) a fact sheet regarding the effect of beverage containers on raw materials, energy, litter, and economics. (RH)

NO DEPOSIT-NO RETURN

What's It Costing Me?



a complete program of action

"NO DEPOSIT - NO RETURN"

WHAT'S IT COSTING ME?

BY

H.B. LANTZ, JR.

FEBRUARY, 1975

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"NO DEPOSIT - NO RETURN"

WHAT'S IT COSTING ME?

INTRODUCTION

This booklet of materials on how to achieve beverage container legislation is the culmination of efforts of the Eco-Science club of Orange County High School and numerous resource persons. Realizing that litter (of which a large part is composed of no deposit, no return beverage containers) is one of the major environmental problems of Orange County, the State of Virginia, and the nation, the Eco-Science club adopted this project in the fall of 1974.

The opposition to mandatory leisure beverage deposit legislation is truly formidable, for it is comprised of many members of 'who's who' in American business. Some of the members of the profit making from status quo, convenience seeking throwaway society advocates are: the steel, glass, and aluminum companies, the container manufacturers, the big "Bottlers", the distributors, the retail grocers and union members working in the above industries. To win the bottle against these well financed 'Pollution Profiteers' requires a strong regional and national level effort.

The Eco-Science club is one such group. The following is a composite of their materials to alert their fellow citizens of the insidious effects of the throwaway on our society and the need for deposit legislation.

Additional copies of this booklet are available from the Eco-Science Club, Orange County High School, Orange, Virginia, 22960

Script -- slide presentation for beverage container deposit legislation promotion.

"NO DEPOSIT -- NO RETURN"

...WHAT'S IT COSTING ME?

This slide presentation may be localized as needed: Read through the script and note places where local facts can be used. You may wish, for example, to ask your local mayor, county parks chief or other authority to comment on litter, solid waste or other problems of the one-way container. Try to get a succinct statement you can quote and insert a slide of the individual--perhaps looking at non-returnables with a member of your local committee. While this presentation may be used exactly as it appears here, it is suggested that each presentor put it in his or her own words--words that fit the individual delivering the presentation and the audience.

Follow through is critical. After the presentation entertain discussion (and this means you've got to know your facts!) and then ask the audience to sign the sheet and vote for or against the issue. A sample "vote sheet" is attached. (Note: Those developing this presentation felt that it would be more effective to show the proportion favoring the legislation than just those who would sign a petition. Visiting civic and service organizations is not an efficient way to gather large numbers of signers--better to stand in busy shopping areas for numbers.) Ask your audience for a resolution favoring deposit legislation. Send it to all legislative representatives. Other "what you can do" suggestions are in the script.

SCRIPT: "NO DEPOSIT -- NO RETURN" ...WHAT's IT COSTING ME?

SLIDE NUMBER	SLIDE DESCRIPTION	NARRATION
1	HAND AROUND A BEER CAN	You...
2	CHILDREN WITH SOFT DRINKS	...and the other members of your family...
3	CARTOON AVERAGE FAMILY	...if you're an average American family...
4	CARTOON FAMILY BURIED IN BOTTLES AND CANS	...consume 1,646 bottles or cans of beer and carbonated soft drinks each year.
5	HAND WITH MONEY AND GROCERY SLIPS	Have you ever figured out what that's costing you? Well, that's what I'd like to invite you to consider with me for the next few minutes.
6	(TITLE) "NO DEPOSIT -- NO RETURN"...WHAT'S IT COSTING ME?	No deposit -- No return...It's costing you plenty!
7	BEVERAGE DISPLAY	Orange Co., Va. (local county, state) consumers are buying most of their beverages in non-returnable bottles and cans. And if you'll look at the beverage display, you'll see why--they don't have much choice.

8	COKE IN DEPOSIT AND NO-DEPOSIT CONTAINERS (Syracuse, NY prices December, 1973)	The beverage industry has led us to believe that non-returnables are cheaper and more convenient than the deposit container.
9	HAND THROWING CAN OUT CAR WINDOW	More convenient?...Well, maybe.
10	PIE GRAPH: COSTS TO PRODUCE CANS BEER	But cheaper? No! Writing in Beverage Industry magazine, Sanford Bernstein said: "Packaging is the major factor in the production of beer. For all the big three, it comprises more than 50 per cent of the total cost of producing the product for marketing."
11	SHOES & SHOE BOX	Mr. N. E. Norton, President of Royal Crown and Dr. Pepper Bottling Co. wrote: "The constant amazement to me is why so many bottlers cannot see the returnable bottle is the cheapest way to get our product to the consumer, and at the same time, help the litter and solid

waste problems. A comparison which I frequently use is, 'Would you pay $15 for a pair of shoes and $30 for the box to bring them home in?'"

12 PIGGY BANK -- SAVINGS FOR FAMILY

Well, that's exactly what you're being asked to do by the beverage industry. If we outlawed the non-returnables, and used deposit containers, the average family could save $44 per year in beverage purchases by eliminating the waste of non-refillable containers.

13 CARTOON TAXPAYER WITH BILL FOR OTHER COSTS OF ONE-WAY'S

Now, if that $44 for the so-called convenience of one-way cans and bottles isn't bad enough, you're also being asked to bear some other costs--
Get out your checkbook -- turn down your thermostat -- the non-returnable isn't through with you yet!

14 NEWSPAPER HEADLINES ABOUT ENERGY CRISIS

Americans respond to crises -- they pull together, discipline themselves and make the necessary sacrifices. They did in

World Wars I and II -- and they're doing it again now as the crunch of energy shortages presses in on every family. Why it's just not patriotic to have a toasty warm house or to drive over 55 mph!

15 BEER CAN AND LIGHT BULB

Here's another way to save energy: Put the beer and soft drinks back in refillable, deposit containers. Each time an aluminum can is used, we lose one-half kilowatt hour of energy -- or, that's the same as burning a 100 watt light bulb for 5 hours. For many families they could light their house for the energy they waste in beverage cans.

16 7-BILLION KW HOURS OR 3-MILLION PEOPLE

Magnify this to the national picture and it looks like this: In 1970 7 billion kilowatt hours of energy were used to manufacture 440,000 tons of aluminum cans. This energy would meet the needs of 3 million people for a year. Shouldn't we be re-examing our priorities?

17 211 TRILLION BTU OR HEAT 2-MILLION HOMES

And what about throw-away bottles? According to Crusade For A Cleaner Environment, the manufacture of one-way bottles wasted 211 trillion BTU's of energy in 1972. That's the energy spent <u>over</u> the amount needed to manufacture only returnables. It's also enough to supply 10 million Americans with electrical power for a year. Enough to heat 2-million three-bedroom brick homes in the Middle Atlantic states for a whole heating season. If your home is uncomfortably chilly aren't you a bit incensed by this allocation of precious energy? Refillable bottles would save at least 25% of the energy required to manufacture new ones.

18 NEWSPAPER HEADLINES ABOUT RESOURCE SHORTAGE

For a quarter of a century, conservationists and environmentalists have warned us of fuel shortages -- but they were alarmists -- Now we know differently. But are we listening to another dire warning? Non-renewable resources are being depleated at an alarming rate -- and as we have learned from the oil crisis, we cannot go on assuming that foreign resources shall flow to American shores at the call of the U.S. dollar.

19 "WHAT ABOUT RECYCLING"

During this past year, warnings have come from several quarters.. .the U.S. Geological Survey analysis of mineral resources concluded its report warning of crises in the supply of raw materials with a statement deploring the extent to which steel, aluminum and other non-returnable resources are being used once, and lost forever.

And from the private sector, William Roesch, President of Jones and Laughlin Steel Corp. projects shortages of steel.

20 AUTO "GRAVEYARD"

With steel shortages in the offing, and prices rising, the feasibility of recycling auto corpes is at hand.

21 STACK NEWSPAPERS

And with demand for newsprint outstripping supply, and prices soaring on this paper product, technologically and economically paper recycling is practical in today's economy.

22 EMPTY CANS "FOR SALE --- CHEAP"

So, why not just recycle aluminum and steel beverage containers? We once thought this was the answer. But -- it hasn't worked -- it won't work-- Recycling is not the answer.

23 RECYCLING OPERATION

Massive industry efforts to encourage recycling centers for glass and cans are failing. It was great public relations for the beverage industry. But how

audacious! The poor consumer was being asked to go to a lot of work and trouble to give back expensive containers. Then, the whole foolish cycle was repeated again.

24 CANS & BOTTLES
3.7% RECYCLED

Recycling beverage containers is neither practical -- nor profitable for consumer or for industry. Often, new materials are cheaper and recycling may require as much or more energy. At its peak in 1971, less than 4 per cent of the total non-refillables produced were recycled.

25 CANS

Even if aluminum cans do get back for recycling, they are undesirable because the material is very thin and painted or coated with lithographic advertising which causes rapid burning. This results in tremendous losses of metal due to oxidation. Also, the can is a high

magnesium alloy --almost worthless for anything but the production of more cans.

26 CAN AND BOTTLE AT SHREDDER PLANT

Even the most modern solid waste shredding and recovery operations usually do not recover cans or bottles. At one of the country's newest operation in Syracuse, New York, the bottle is reduced to sand, the can to a ball. Both go to landfills--lost forever. It's almost impossible to separate out any but ferrous metals--and there's usually no feasible market for aluminum cans anyway!

27 BAUXITE TO ALUMINUM TO CANS

Recycling beverage containers is <u>not</u> the answer--and neither is the continuation of the one-way can. The industry uses 4 tons of bauxite--90% imported--to make a ton of aluminum which in turn makes only 48,000 beverage cans.

28 $200 R.I.P. 48,000 CANS

Every time we repeat this foolish one-way process, we rob the American economy of $200 of valuable metal, most of it contributing to U.S. trade deficits.

29 17,000 KwH R.I.P. 48,000 CANS

And, we lose 17,000 kilowatt hours of energy.

The logical challenge is, "but isn't this a drop in the bucket--compared to other aluminum uses?"

30 CHART OF TOP 6 ALUM. USES

Absolutely not! According to 1970 data for the U.S. Aluminum industry, the production of cans is the number one use in a list of 72 categories.

31 BALANCE: REASONS OUTWEIGH NON-REFILLABLES

Thus far, we have looked at 3 solid reasons to end the age of the non-returnable beverage container:

(1) Deposit containers could save the average family $44 a year in direct purchase costs.

(2) We can no longer waste the tremendous amount of energy we are spending today to produce no deposit--no return containers.

(3) And we have seen the cost and waste of aluminum--a precious, mostly imported--non-renewable natural resource.

32 LITTER SCENE

But, we haven't touched on the major issue that has prompted deposit legislation in most of Canada, Oregon, and Vermont. That is <u>litter</u>!

33 CHART OF TOP 6 ALUM. USES

Let's back up to this illustration that I used a minute ago. Note items 5 and 6. The very reason aluminum is used so extensively for siding and for primary doors and windows is the stability of the metal and its longevity under most weather conditions. These characteristics are <u>exactly</u> what makes aluminum the wrong material from which to manufacture consumer containers.

Aluminum doesn't rust and oxidizes so slowly as to be measured in human lifetimes.

34 UNDERWATER SCENE

Underwater--and that's where a lot of cans end up--there is no measurable deterioration. Glass containers--they are as bad or worse. They last forever.

35 MAP OF U.S. CANADA DEPOSIT LAWS

It was this one issue--litter--that prompted our Canadian neighbors to end the folly of throwaway beverage containers. Oregon pioneered in the U.S. Vermont has followed. Several cities and counties have enacted similar deposit legislation and legislation has been initiated in dozens of other municipalities and in several states.

36	MAP OF N.Y.S. COUNTY DEPOSIT LAWS	Let me share with you the results of a litter survey conducted by the people of Cayuga County, New York--currently, the only New York county that has enacted deposit legislation. I'm sure we could replicate their study in other towns, counties or states.
37	CAYUGA CO. MAP	In May, 1973, 292 miles of road sides were surveyed in the county. 93,000 cans and bottles were picked up. Laid end to end, they would reach the length of Owasco Lake--10 1/4 miles.
38	93,000 CANS & BOTTLES--VALUE	If recycled, these containers would have been worth ϕ92--hardly worth the effort of pick up. But if there had been a 5-cent deposit on them, they would have been worth ϕ4,650. Certainly an attractive source of pocket money for enterprising youngsters!

39 NYS THRUWAY

If we talk about litter in terms of clean-up costs, we can site example after costly example. Despite the fact that beer is not sold at all along the NYS Thruway, and most other beverages are consumed at rest stops, the Thruway Authority reports an annual litter clean up cost of ¢400,000 and half the litter is beverage containers.

40 STATE PARK

We can quote the superintendent of a Central New York State park who says, "Disposable Beverage containers are a never-ending problem for park people. They don't degrade and hence lay there--spoiling the beauty and all too often causing nasty injury to visitors. Litter pick up costs about ¢16,000 a year in this park and despite the fact that we ban bottles and cans on the beach, and our concession sells soft drinks only in paper cups, a very high percentage of our litter is the disposable can and bottle."

41 KEEP AMR. BEAUTIFUL COST FIGURES

Even the beverage industry's own public relations campaign--Keep America Beautiful--reports eye-popping costs: Americans are shelling out indirect costs of about 1/2 billion tax dollars for litter pick-up nationwide, and an equal amount in hidden costs to the butcher, the baker and the candlestick maker who must pass along their costs of litter pick-up to the consumer.

42 INTERVIEWING MR. DUFF GREEN, EDITOR OF "ORANGE REVIEW

Locally, how do people feel about the non-returnable containers? I asked Duff Green, Editor of the Orange Review and Director of the Chamber of Commerce to comment. He noted that "Non-returnable glass containers have accounted for the ruination of about $200 worth of auto tires on Orange Review vehicles during the past year. "He further stated that "Glass poses a very definite health hazard, especially for children".

43	INTERVIEWING RICHARD SHARP, HEALTH DISTRICT ADMINISTRATIVE SUPERVISOR	Health District Administrative Supervisor Richard Sharp was asked, "How serious a problem is litter in Orange County?"
44	HEALTH ADMINISTRATOR SHARP	Let me read his response: "What can I say, other than it's bad. I think the green boxes have helped the situation some, but some roads are still in terrible shape. I definitely feel a deposit on these containers would be very effective in cutting down on our litter." Vice-Mayor of the town of Orange Clements said, "I definitely favor returnable containers."
45	OREGON GOV. McCALL	Oregon is the only state where deposit legislation has been in effect long enough for evaluation. We asked Governor Tom McCall to comment. Let me quote his response, "Based upon early evidence, I would say the bill is a rip-roaring success.

The significant thing is that littering has been substantially decreased since the bill took effect.

The law continues to work with remarkable smoothness, has wide public support, and has brought a dramatic decrease in litter. The energy crisis also should make us take a look at the Oregon concept, where if applied nationally energy savings equal to the electricity needs of nine million affluent Americans annually would be realized."

46 REPEAT # 6
"NO DEPOSIT--NO RETURN"..
WHAT's IT COSTING ME?

The Environmental Protection Agency and the Midwest Research Institute developed a means to determine the environmental cost of manufactured products. As we have done this

_____ they
(afternoon, evening)
calculate.....

47	Repeat # 17 211 TRILLION BTU OR HEAT 2 MILLION HOMES	...energy...
48	Repeat # 27 BAUXITE TO ALUMINUM TO CANS	...raw materials...
49	Repeat # 32 LITTER SCENE	...pollution and solid waste.
50	RETURNABLE "BEST" THROWAWAY "WORST"	Returnable glass beverage containers earned the <u>best</u> environmental rating. Throwaway glass bottles and aluminum cans earned the worst rating.
51	Repeat # 9 HAND THROWING CAN OUT CAR WINDOW	Throwing away a throwaway is part of a life style that must change. We have been living with cheap energy, plentiful raw materials and boundless landscapes. Now we must adapt to life styles that reflect limited and costly energy, raw material and land resources. Let's intelligently cut out our most frivolous uses first. The throwaway beverage container should head the list!

52 SIGNING VOTE SHEET

If you agree, then I hope you will express yourselves in support of both county and state legislation which would require a five-cent deposit on beer and soft drink containers. Please express your opinion on the sheet I will circulate. You may be interested: If you vote "for" you will reflect the opinion of 76 per cent of New Yorkers according to a poll by the League of Woman Voters.

53 MODEL RESOLUTION

Also, I appeal to _____ (organization) to pass a resolution which can be forwarded to your elected representatives.

54 HAND ADDRESSING ENVELOPE

Personal letters are very important according to all legislators. Please, take the time to express your thoughts to your legislative representatives. Also, write your favorite brewers and bottlers--tell them you want their product in refillable deposit containers. Send a letter to the editor.

55	HANDS WITH CAN AND BOTTLE	If these past few slides looked pretty much the same, it's intentional. The issue--whether we continue the problem-- or solve it, is in your hands.
56	CHILDREN WITH CANS	What sort of future will we place in our children's hands? We have squandered our environmental heritage and restitution can only start when we begin to change our life styles.
57	GARBAGE	When it comes to the debate over throwaway containers versus refillable containers there is one point that even the beverage industry cannot challenge: The easiest problem to solve is one you never create in the first place.

"BOTTLE BILL" AS ENACTED

OREGON LEGISLATIVE ASSEMBLY--1971 REGULAR SESSION

HOUSE BILL 1036

AN ACT

Relating to beverage containers; and providing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

SECTION 1. As used in this Act, unless the context requires otherwise:

(1) "Beverage" means beer or other malt beverages and mineral waters, soda water and similar carbonated soft drinks in liquid form and intended for human consumption.

(2) "Beverage container" means the individual, separate, sealed glass, metal or plastic bottle, can, jar or carton containing a beverage.

(3) "Commission" means the Oregon Liquor Control Commission.

(4) "Consumer" means every person who purchases a beverage in a beverage container for use or consumption.

(5) "Dealer" means every person in this state who engages in the sale of beverages in beverage containers to a consumer, or means a redemption center certified under section 8 of this Act.

(6) "Distributor" means every person who engages in the sale of beverages in beverage containers to a dealer in this state including any manufacturer who engages in such sales.

(7) "In this state" means within the exterior limits of the State of Oregon and includes all territory within these limits owned by or ceded to the United States of America.

(8) "Manufacturer" means every person bottling, canning or otherwise filling beverage containers for sale to distributors or dealers.

(9) "Place of business of a dealer" means the location at which a dealer sells or offers for sale beverages in beverage containers to consumers.

(10) "Use or consumption" includes the exercise of any right or power over a beverage incident to the ownership thereof, other than the sale or the keeping or retention of a beverage for the purposes of sale.

SECTION 2. (1) Except as provided in subsection (2) of this section, every beverage container sold or offered for sale in this state shall have a refund value of not less than five cents.

(2) Every beverage container certified as provided in section 6 of this Act, sold or offered for sale in this state, shall have a refund value of not less than two cents.

SECTION 3. Except as provided in section 4 of this Act;

(1) A dealer shall not refuse to accept from a consumer any empty beverage containers of the kind, size and brand sold by the dealer, or refuse to pay to the consumer the refund value of a beverage container as established by section 2 of this Act.

(2) A distributor shall not refuse to accept from a dealer any empty beverage containers of the kind, size and brand sold by the distributor, or refuse to pay the dealer the refund value of a beverage container as establish-

ed by section 2 of this Act.

SECTION 4. (1) A dealer may refuse to accept from a consumer, and a distributor may refuse to accept from a dealer any empty beverage container which does not state thereon a refund value as established by section 2 of this Act.

(2) A dealer may refuse to accept and to pay the refund value of empty beverage containers if the place of business of the dealer and the kind and brand of empty beverage containers are included in an order of the commission approving a redemption center under section 8 of this Act.

SECTION 5. (1) Every beverage container sold or offered for sale in this state by a dealer 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.

(2) Subsection (1) of this section shall not apply to glass beverage containers designed for beverages having a brand name permanently marked thereon which, on the operative date of this Act had a refund value of not less than five cents.

(3) No person shall sell or offer for sale at retail in this state any metal beverage container so designed and constructed that a part of the container is detachable in opening the container without the aid of a can opener.

SECTION 6. (1) To promote the use in 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: and

(b) More than one 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) A beverage container shall not be certified under this section 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 beverage container in the ordinary course of business only by a manufacturer of a beverage sold under a specific brand name.

SECTION 7. (1) Unless an application for certification under section 6 of this Act is denied by the commission within 60 days after the filing of the application, the beverage container shall be deemed certified.

(2) The commission may review at any time certification of a beverage container. If after such review, with written notice and hearing afforded to the person who filed the application for certification under section 6 of this Act, the commission determines the container is no longer qualified for certification, it shall withdraw certification.

(3) Withdrawal of certification shall be effective not less than 30 days after written notice to the person who filed the application for certification under section 6 of this Act and to the manufacturers referred to in subsection (2) of section 6 of this Act.

SECTION 8. (1) To facilitate the return of empty beverage containers and to serve dealers of beverages, any person may establish a redemption cen-

ter, subject to the approval of the Oregon Liquor Control Commission, at which consumers may return empty beverage containers and receive payment of the refund value of such beverage containers.

(2) Application for approval of a redemption center shall be filed with the commission. The application shall state the name and address of the person responsible for the establishment and operation of the redemption center, the kind and brand names of the beverage containers which will be accepted at the redemption center and the names and addresses of the dealers to be served by the redemption center. The application shall include such additional information as the commission may require.

(3) The commission shall approve a redemption center if it finds the redemption center will provide a convenient service to consumers for the return of empty beverage containers. The order of the commission approving a redemption center shall state the dealers to be served by the redemption center and the kind and brand names of empty beverage containers which the redemption center must accept. The order may contain such other provisions to insure the redemption center will provide a convenient service to the public as the commission may determine.

(4) The commission may review at any time approval of a redemption center. After written notice to the person responsible for the establishment and operation of the redemption center, and to the dealers served by the redemption center, the commission may, after hearing, withdraw approval of a redemption center if the commission finds there has not been compliance with its order approving the redemption center, or if the redemption center no longer provides a convenient service to the public.

SECTION 9. The procedures for certification or withdrawal provided for in sections 6 to 8 of this Act shall be in accordance with ORS chapter 183.

SECTION 10. (1) Any person who violates section 2, 3 or 5 of this Act shall be punished, upon conviction, as for a misdemeanor.

(2) In addition to the penalty prescribed by subsection (1) of this section, the commission or the State Department of Agriculture may revoke or suspend the license of any person who wilfully violates section 2, 3 or 5 of this Act, who is required by ORS chapter 471 or 635, respectively, to have a license.

SECTION 11. (1) During the period commencing October 1, 1972, and ending when it submits the report provided for in subsection (2) of this section, the Legislative Fiscal Committee shall cause to be conducted a study of the operation of sections 1 to 10 of this Act that shall include, but not be limited to, an analysis of:

(a) Its economic impact on persons licensed under ORS chapter 635 who engage in the nonalcoholic beverage manufacturing business, on persons engaged in the business of manufacturing beer and other malt beverages and on persons engaged in the business of manufacturing beverage containers in complying with the provisions of sections 1 to 10 of this Act.

(b) The problems, if any, incurred in the distribution, sale and return of beverage containers subject to the provisions of sections 1 to 10 of this Act.

(c) The effectiveness of the provisions of sections 1 to 10 of this Act in the reduction of the incidence of the littering by beverage containers in this state.

(d) The costs incurred in the enforcement of the provisions of sections 1 to 10 of this Act.

(2) Prior to January 1, 1975, the Legislative Fiscal Committee shall pre-

pare and submit to the Fifty-eighth Legislative Assembly of the State of Oregon a report of its findings made pursuant to subsection (1) of this section and its recommendations with respect to any legislative proposals considered by it to be necessary as the result of the study conducted as required by subsection (1) of this section.

SECTION 12. This Act shall not become operative until October 1, 1972, and shall apply to all beverage containers sold or offered for sale after October 1, 1972, except that applications under sections 6 and 8 of this Act may be made prior to October 1, 1972, the certification referred to in section 6 of this Act and the approval referred to under section 8 of this Act may be delivered prior to October 1, 1972, and the commission shall adopt rules and regulations under sections 6 and 8 of this Act prior to October 1, 1972.

OREGON'S BOTTLE BILL - A PROGRESS REPORT

The "Bottle Bill" went into effect on October 1, 1972. The Act placed a minimum refund of 5¢ on all cans and non-certified bottles for beer or other malt beverages and carbonated soft drinks. For certified containers (those containers which are being reused by more than one manufacturer for more than one brand) the minimum refund was set at two cents. In addition, the Bill outlawed the flip-top or pull-tab container for beer and carbonated soft drinks.

A suit was filed in early 1972 seeking to have the Statute declared unconstitutional. This effort was unsuccessful and in September of 1972 no constitutional defects were found by the Court. The ruling has been appealed and will probably be ultimately decided in the highest court which will accept the case.

The Act has now been in effect for slightly over four months. Strong patterns are beginning to emerge. Since many other states are considering passage of legislation similar to Oregon's, the following has been compiled as a status report.

The results to date show that no adverse effects on the sales for beer have occurred. There has been no shift from beer to wine by the consumer. Costs have increased slightly for distributors and grocers since they must now handle a larger volume of returned containers. Litter has been reduced significantly. Results of surveys taken during the year prior to the Act's taking effect compared to those made after the Act became effective show beverage can and bottle litter down approximately 50% to 70%.

There has been a major change from one-use to reusable containers with no major problems encountered during the change-over. There has been

good public acceptance with only minor complaints from consumers. The changeover was accomplished within a relatively short time. Even though the legislation was passed by the Oregon Legislature in June of 1971, no steps for implementation were made by bottlers or breweries until approximately a year later in June of 1972. Nevertheless, the changeover occurred less than four months later on October 1, 1972 with only minor problems.

Very few soft drink or beer cans are now being sold in Oregon. As a result, one soft drink canning company has gone out of business. The remaining soft drink canning company has experienced a marked reduction in sales but continues to market in Oregon and Washington.

In short, the Bottle Bill to date is a success. It is accomplishing those objectives which its proponents has expected. Litter is being reduced. Energy and non-renewable resources are being conserved since most containers now being sold in Oregon are returnable.

The following detailed background is offered in support of the above conclusions and is also intended to serve as resource information.

PURPOSE OF BILL

1. The Bill was initially conceived as a litter reduction measure. Oregonians had long been concerned with roadside litter and much support came from those who viewed the measure as an added incentive to reduce litter.

2. Many others viewed the Act as a matter of conservation of energy. A returnable container which is reused has a significantly lower usage of energy compared to a can or bottle which is used once.

3. The final purpose was to promote resource conservation. At the time the Bottle Bill was being considered by Oregon's legislature, there was a great deal of citizen interest in recycling efforts. Large quantities of glass were returned to the local Owens-Illinois bottle manufacturing plant.

However, when compared to the total quality of glass produced, the returns were very small and approximated less than 5% of the total production at the Portland plant.

COURT CHALLENGES

In January of 1972, several plaintiffs representing can manufacturers, national brewers, the Oregon Soft Drink Association, and other beverage-related companies filed suit for declaratory judgment against the "Bottle Bill." They claimed undue and unreasonable burden upon interstate commerce, the loss of equal protection of the laws and the Act was arbitrary, capricious and unduly oppressive to the plaintiffs. They also claimed that the Act would not be effective in achieving its purposes.

Considerable testimony was heard at the trial which was held during July and August of 1972. In addition, friend of the court briefs were prepared by Mr. John Bryson of the National Resource Defense Council, and Mr. Hans Linde for the Oregon Environmental Council.

In early September, Judge Val D. Sloper of the Circuit Court of the State of Oregon, issued his opinion. He found the plaintiffs' charges to be without foundation. The Judge found that the Act "does not regulate any instrumentalities of interstate commerce, does not discriminate in favor of local commerce, is consistent with the announced national policy of environmental control and protection and is a valid exercise of the 'state police power'. In addition, the Act does not discriminate against any out of state beer or soft drink manufacturers to the advantage of instate manufacturers nor does it impose any special requirements on beverage containers which are manufactured outside of the state or grant any special exemptions to any produced in the state." Judge Sloper concluded that the

The percentage which returnable containers contributed to the total litter was always very small, and has not increased.

2. Beer and soft drink beverage can and bottle litter has been reduced stikingly. This category was previously a very significant portion of the total litter and has now been reduced by approximately 50% to 70%
3. Total litter has been reduced by approximately 20% to 25%. One expected benefit of the Bill was that the litter of the six-pack containers and boxes for beer and soft drinks would be reduced since they are a convenient way of returning the bottles or cans for the refund. No summary of this beverage-related packaging was tallied for the first year of the study, so no conclusions may be drawn for these items at this time.

TOTAL SALES

No unseasonal reduction in total sales for soft drink has been reported. Beer sales continue to increase as they have in the past. There was a silent dip in September followed by a rise in October as stocks without the mandatory refund statement were phased out. Wine sales, while increasing have not increased faster than during previous years since the effective date of the legislation.

CANS

Very few cans are being used for soft drink sales. Initially, some national brands were being marketed but at the present time, only Shasta soft drinks are being sold in cans in Oregon. All the major northwest breweries are marketing beer in cans. However, can sales were very modest during December of 1972. They dropped from approximately 40% of the non-bulk market to 1/2% in December of 1972.

Oregon has no beverage can manufacturers. However, it did have two soft drink canning companies. One firm, Emerald Canning Company of Eugene, Oregon, canned Coca Cola and many other national and private brands as a contract canner. The second company, Shasta, marketed a product under the "Shasta" brand. Emerald Canning Company recently announced that it would not attempt to continue to can soft drinks. The major owner is also the franchised bottler for Coca Cola in the area, and consequently it is expected that he will sell in bottles much of the volume which he once sold in cans. Shasta Beverages, on the other hand, does not now sell in bottles and the sharp reduction in sales which they have experienced since the effective day of the Act is therefore a net loss to the Company. This has been offset by an increase in sales by local franchised bottlers.

BOTTLES

Nearly all soft drinks are being sold in bottles and the breweries have converted over to reusable containers almost exclusively. Oregon has used a standard reuseable container ("stubby") for many years. All northwest breweries and some California breweries have used the standard "stubby" bottle. Since the Bottle Bill has become effective, even some eastern breweries are now using the "stubby" which as a certified container requires only a 2¢ refund and hence poses some marketing advantage. It also reduces sorting of returnable bottles in the grocer's backroom since several distributors will pick them up. "Stubby" sales amounted to 88% of the non bulk beer sales in December of 1972.

DISTRIBUTORS

Some distributors have found that, since bottles require more space than cans, this has necessitated additional trips to distribute the same amount of gallonage. In addition, the labor costs associated with returning

the bottles to the brewery or bottler has caused some increase in cost.

GROCERS

There are now more bottles being returned to the grocer and this has added some cost to the retail grocers. Nevertheless, most grocers accept this as their part of cleaning up the environment. Some additional markup (perhaps one cent per six pack) may be required to compensate the grocer and distributor for the increased cost which they are now experiencing. Even with this increase, however, it is expected that the cost per ounce for beverages marketed in a reusable container will continue to be much lower than previous costs for a single-use container.

CONCLUSION

The "Bottle Bill" has only been in effect for four months. Nevertheless, its success has been dramatic. It has gained acceptance from nearly every sector affected. Naturally, those who stand to lose from the reversal of our trend towards the "throw away society" will continue to mount their opposition. It is heartening to note that the most significant group, the consumers, appear to have accepted and even welcomed the change back to the returnable system.

Additional analyses will be made in the coming months. Perhaps some modifications will have to be made to the Act. The important thing is that it appears that any required changes will be very minor. For the many supporters who helped to ensure the passage of Oregon's landmark legislation, this is good news indeed. It should also be good news to the proponents of similar legislation in other states and cities. The returnable system is alive and well in Oregon. As other states pass similar legislation, returnable containers can now be expected to quickly regain their share of the market from the single use, throw-away container. "No deposit-no-return" may well be expected to be only a

memory within the near future. Another step will have been taken in solving the ecological crisis which confronts mankind.

FACT SHEET ON BEVERAGE CONTAINER DEPOSIT LEGISLATION

WHY? Raw Materials Wasted:

1. Four tons of bauxite ore must be imported to make one ton of aluminum, which in turn will make only 48,000 cans plus scrap.
2. Over 30 billion beverage containers use 2.5 million tons of steel and 400,000 tons of aluminum annually.
3. Of all containers made in the U.S.A. over 50% are for beverages.

Energy Wasted:

1. To convert bauxite ore to aluminum takes 17,000 kw hours per ton of aluminum.
2. The manufacture of one aluminum can wastes 1/2 kw hour, equivalent to five hours burning of a 100 watt light bulb.
3. The 15 billion kw hours of electricity wasted in 1970 by producing non-returnable beverage containers is comparable to the energy used by a city of 7 1/2 million residents for one year.

Economics:

1. Over 50% of the total cost of producing beverages for marketing is packaging.
2. Returnable bottles could save a family of four, $44.00 per year.

Litter:

1. Aluminum litter does not degrade for at least a thousand years.
2. Glass litter may last forever.
3. Of surveys conducted in Orange County, it was found that over 50% of roadside litter is in the form of beverage containers.
4. There are few places that one can go in Orange County and not find litter.

WHAT SHOULD THE LAW DO?

1. Encourage the sale of beverages in refillable bottles.
2. Save the taxpayers of Orange County hugh costs annually in solid waste and litter collection.

3. Result in a decrease in energy usage due to the manufacture of fewer beverage containers.

4. Conserve our raw materials for more critical needs.

5. Encourage a state-wide law, such as Oregon and Vermont.

HOW HAS IT WORKED IN OREGON?

1. Litter is down 70%

2. Beverage sales have risen.

3. Employment has risen.

4. Beverage prices are lower than in surrounding states.

WHERE HAVE SIMILAR BEVERAGE CONTAINER DEPOSIT LAWS BEEN PASSED?

1. In Oregon, Vermont, Cayuga County, New York and over half of the provinces of Canada.

BEVERAGE CONTAINER DEPOSIT LEGISLATION SURVEY

Organization: _____ Date: _____

Opinion Survey By: _____

WHAT DO YOU THINK?

PLEASE SIGN YOUR NAME AND "VOTE" ON THE PROPOSAL:

"Be it resolved that legislation be enacted to require a five-cent deposit on all beer and soft drink containers"

NAME	ADDRESS & PHONE NO.	FOR	AGAINST

RESOLUTION FOR ORGANIZATIONS SUPPORTING ORANGE COUNTY BEVERAGE CONTAINER LAW

Whereas, it is a constitutionally mandated state policy that the natural resources and scenic beauty of Virginia be conserved and protected, and

Whereas, the residents of Orange County, Virginia, have a protected right to a wise use of natural resources, to enjoy the county's natural beauty, to conserve valuable energy resources and to minimize their solid waste problem, and

Whereas, the uncontrolled use of non-returnable beverage containers depletes the county's natural resources, degrades its natural beauty, wastes its valuable energy and adds to the existing solid waste problem, and

Whereas, an appropriate county beverage container deposit law would insure the efficient separation and disposal of non-returnable containers,

Therefore, Be It Resolved That on this Date _____

That The _____

supports the passage of the law proposed by the Orange County Environmental Management Council to the County Legislature placing a minimum deposit on all beverage containers sold in Orange County.

Dear _____:

On behalf of the 150 member Eco-Science Club of Orange County High School, I would like to take this opportunity to solicit your support for Incentive Beverage Container Legislation for Orange County and Virginia. If so many organizations and groups such as the Eco-Science Club are actively working for this law, it cannot be ignored or written off as a radical transient thing. It must have merit and be taken seriously. We hope that you will decide to cooperate with us in this endeavor.

I am sure that you are well aware of the growing impact on elections of the consumer and environmental movements. Increasing numbers of citizens today realize that big business and its interests are not necessarily those of the public. There are similarities here to the automobile manufacturers and the energy shortage.

Enclosed you will find a packet of materials that should help to familiarize you with efforts that have been made to ban no-deposit, non-returnable containers in the state of Oregon and other states and municipalities throughout the United States. As polled by the Eco-Science Club, 990 out of 1,000 people in Orange County favor laws that would ban no-deposit, non-returnable containers. I am sure that if we examine other counties throughout the state of Virginia we would find the results very much the same. We are also joined in this endeavor by urban centers. For instance, the ECOS Group from the Norfolk - Tidewater area who run the biggest recycling operation in the state are in favor of legislation that would ban no-deposit containers. Still, the beverage industry is proposing recycling as a substitute for reuse.

Even though the lobbying efforts of the beverage industry is tremendous, many of their reasons and excuses are based on theory rather than fact. There are logical environmental answers to their reasons and excuses. Please lend your ears to our arguments and efforts and don't let the noise generated by the beverage industry drown out the voices of the silent majority.

Yours for a better Orange
County and Virginia,

H. B. Lantz, Jr.

H. B. Lantz, Jr.
Co-sponsor Eco-Science Club
Orange County High School

AN ANALYSIS OF ROADSIDE LITTER OF ORANGE COUNTY, VIRGINIA

Conducted by the Eco-Science Club Bottle Bill Committee of Orange County High School.

Date of sample_____ Route no. of road_____

Description of area covered_____

Total no. of miles of sample_____

Description of litter	Count	Totals
Beer Cans		
Soft Drink Cans		
Beer Bottles		
No Deposit Soft Drink Bottles		
Deposit Soft Drink Bottles		
Oil Cans		
Plastic Containers		
Wine Bottles		
Whiskey Bottles		
Fruit Juice Cans & Bottles		
Tires		
Hub Caps		
Cardboard Boxes		
Miscellaneous Cans		
[illegible]er (at least 3 in-[illegible]s long)	42	