



## **Bottle Bill: Why Doesn't Colorado Have One?**

### **What is a Bottle Bill?**

The term "bottle bill" is actually another way of saying "container deposit law." A container deposit law requires a minimum refundable deposit on beer, soft drink, and other beverage containers in order to ensure a high rate of recycling or reuse. (Container Recycling Institute, 2009)

### **A Brief History**

About twenty years ago, there were two attempts to pass a bottle bill as a ballot measure in Colorado. Most recently, in 2004, Representative Angie Paccione introduced a bottle bill to the Colorado State Legislature. All efforts failed miserably.

### **Obstacles**

There are a number of reasons why Colorado doesn't have a bottle bill.

#### *TABOR*

First and foremost is TABOR, or the Taxpayers' Bill of Rights, which was passed in 1992. This constitutional amendment limits the amount of money the State of Colorado can take in and keep. You may remember a period of time when all of us taxpayers were receiving refund checks from the government. This came from the difference between what the state receives in revenue and the cap on how much government is allowed to grow and spend on programs each year. Until Referendum C passed in 2005, if the State of Colorado had a bottle bill, the monies coming in from the deposits would be considered income to the state and have to be refunded to the taxpayers, which would cost the state money to process and pay out.

#### *Collection and Storage*

Another difficulty involves the collection and storage of the beverage containers. If retailers were required to collect and store the returned bottles, they would need to designate an area for that purpose, hopefully away from food storage areas. They would have to train employees to handle the materials and perhaps hire additional employees (maybe not such a bad thing for everyone in this economy!), set up a system for tracking sales and returns of containers, and perhaps lose storage space that might otherwise be used for inventory of product.

An alternative would be to create redemption centers. A redemption center would remove the retailers from the collection process; however, there are capital costs involved in building these centers and costs for developing a program to determine how many and where they would be located (rural areas need to be served too).

### **National Status**

Bottle bills are very controversial. No state other than Hawaii has managed to pass a bottle bill in the past 20 years, and the states that are trying to expand their current bottle bills meet with a lot of resistance. CAFR held a forum after the 2004 bottle bill debacle to try to understand what the state and national issues are and if there might be a way to compromise or get past these challenges. The arguments both for and against bottle bills are very strong.

### **Other Solutions**

In Colorado, we decided that since CAFR is a relatively small organization that isn't terribly well funded, we would concentrate our resources on other recycling legislation that would affect more of the waste stream than

just beverage containers. To that end, CAFR has been involved in successfully passing legislation to do the following:

- 1) Ban residentially generated waste oil, lead acid batteries, and used tires from landfill disposal.
- 2) Allow the state government to give purchase preference to 'green' products, even if they cost up to 5% more than non-green products.
- 3) Extend the tire recycling program to create markets for used tires.
- 4) Create a fund to pay for grants for waste diversion and recycling research.
- 5) Create another fund for a grant and rebate program to help the recycling and waste diversion industry develop jobs, expand existing programs, educate, reduce negative environmental impacts and be sustainable. This fund also pays for two new state employees to be responsible for recycling (the first such employees in CO).
- 6) Convene a task force to develop recommendations for an electronics recycling bill.

In addition to these major efforts, CAFR has worked with other organizations on legislation and education throughout the state. We help communities develop programs and make decisions about the best way for them to offer recycling within their community. We work with other state organizations to transfer best practices to Colorado and speak nationally to the issues we face. All this with two part-time employees!

If you want to see more happen in Colorado to further recycling, please feel free to become a sponsor or member of CAFR or volunteer your time. We welcome any additional resources you might be able to offer.

**For more information, please contact:**

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