



January 1999

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Recommended Citation

Stumbo, Gregory D. (1999) "Container Deposit: What is it, and is it Right for Kentucky?," *Journal of Natural Resources & Environmental Law*. Vol. 14 : Iss. 2 , Article 2.

Available at: <https://uknowledge.uky.edu/jnrel/vol14/iss2/2>

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CONTAINER DEPOSIT: WHAT IS IT, AND IS IT RIGHT FOR KENTUCKY?

Representative Gregory D. Stumbo*

I. INTRODUCTION

In the 2000 General Assembly, Kentucky has an opportunity to take several simple, practical, and effective steps toward significant environmental improvement. By placing a small deposit on beverage containers, we will see an immediate decrease in the litter that deters tourism on many of our scenic highways. Additionally, long-term benefits will accrue in the conservation of disappearing resources and the preservation of valuable landfill space. Kentuckians are learning that this idea works effectively in the United States and around the world.

II. BIRTH OF AN IDEA

Following World War II, aluminum and plastics became the materials of choice for many manufacturers.¹ In an increasingly mobile society, aluminum cans and plastic throwaways boosted sales for bottlers at the expense of the continued use of refillable glass bottles.² According to the Container Recycling Institute, by 1960 approximately forty-seven percent of beer sold in the United States was packaged in cans and no-return bottles.³

As the 1960's unfolded, a dramatic shift also occurred within the soft drink industry from refillable soft drink "deposit" bottles to "no-deposit," non-returnable bottles and cans.⁴ This is attributed to the centralization of the beverage industry and the perception that throwaways were more convenient.⁵ By 1970, single-use bottles and cans had increased to sixty percent of beer market share, and single-use containers had grown to over forty-seven percent of the soft drink market.⁶ This shift to single-use bottles and cans resulted in a dramatic

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¹CONTAINER RECYCLING INST., Beverage Container Deposit Systems in the United States II i (2nd prtg. 1997).

²*Id.*

³*Id.*

⁴*Id.* at i.

⁵*Id.*

⁶*Id.*

increase in both roadside litter and the amount of materials going into landfills.⁷

This development drew alarm from environmentalists and others who understood that the problem must have a solution other than continued environmental degradation.⁸ The question became: Whose responsibility is it to dispose of the beverage containers that make up a large portion of the litter problem? Throughout this controversy, the beverage industry has supported recycling of its products through use of curbside pick-up and drop-off centers because such programs are funded by taxpayers and the government, rather than the industry assuming responsibility for collecting litter from its products.⁹

Governmental and environmental organizations developed the idea of instituting a mandatory deposit on single-use beverage containers.¹⁰ The deposit would be returned to the purchaser when the container was returned to the place of purchase.¹¹ It was thought that a deposit would discourage littering and provide a collection infrastructure to recycle the used beverage containers.¹² Manufacturers of beverage containers, retailers and consumers would assume responsibility for curtailing roadside litter and conserving resources.¹³ However, in a united voice, the beverage industry claimed it was a major financial hardship to collect the containers.¹⁴

Oregon was the first jurisdiction to implement deposit laws in the early 1970's.¹⁵ Nine other states - Maine,¹⁶ Michigan,¹⁷ Iowa,¹⁸ New York,¹⁹ Vermont,²⁰ Massachusetts,²¹ Delaware,²² Connecticut,²³ and California²⁴ - also adopted deposit laws and the results have been

⁷*Id.*

⁸*Id.*

⁹*Id.*

¹⁰*Id.* at ii.

¹¹*Id.* at 42.

¹²*Id.* at ii.

¹³*Id.*

¹⁴*Id.* at iv.

¹⁵*Id.* at 26-28.

¹⁶*Id.* at 14-16.

¹⁷*Id.* at 20-22.

¹⁸*Id.* at 11-13.

¹⁹*Id.* at 23-25.

²⁰*Id.* at 29-31.

²¹*Id.* at 17-19.

²²*Id.* at 9-10.

²³*Id.* at 6-8.

²⁴*Id.* at 1-3.

startlingly gratifying. Oregon's reduction of beverage container litter has surpassed eighty percent; New York's reduction in litter is between seventy and eighty percent; Michigan's reduction is an estimated eighty percent.²⁵ Before Oregon's bottle bill, beverage containers constituted forty percent of the litter on Oregon's roadsides.²⁶ By 1979, however, the percentage of beverage container litter had almost evaporated.²⁷ The state also saved \$656,832 in trash pickup, hauling and landfilling in the first year after enactment of the law.²⁸

In spite of claims from bottlers of lost business, beer sales rose from 31.13 gallons per capita in 1970-71 to 35.82 gallons in 1980.²⁹ Soft drink dollar sales rose ten percent in 1976 and twenty-two percent in 1977.³⁰ Employment in Oregon also increased as a direct result of the container deposit law.³¹ The Container Recycling Institute claims, "An estimated net of 365 jobs were created during the first two years after the law went into effect, with a total payroll addition of \$1.6 million."³² The new jobs, generated by the collection of used containers, occurred in the transportation, warehouse, and handling sectors of the beverage industry.³³ These measures have made refillables a minute portion of Oregon's beverage market.³⁴

The first states to pass "bottle" legislation approved the traditional forms of a container law.³⁵ Most of these laws were simple in that targeted products included only glass, plastic and aluminum beverage containers.³⁶ The laws included provisions for consumers to pay a deposit for the container at the cash register and return the empty throwaway containers to the place of purchase.³⁷ It is not a complex system and is easy for the consumer to embrace. But retailers claim it is a major hardship, forcing them to hire additional employees and creating potential health hazards where bottles and cans are stored.³⁸

²⁵*Id.* at v.

²⁶*Id.* at 27.

²⁷*Id.* at 27. Oregon reports that beverage litter has been reduced to 6 percent.

²⁸*Id.*

²⁹*Id.* at 28.

³⁰*Id.* All statistics compiled by the Oregon Department of Environmental Quality.

³¹*Id.*

³²*Id.*

³³*Id.*

³⁴*Id.* Today, Aluminum can use is only three percent lower than the national average.

³⁵*Id.* at 1-31.

³⁶*Id.*

³⁷*Id.*

³⁸*Id.* at iv.

The evidence from a wide array of jurisdictions does not support these claims.³⁹

III. DEPOSIT LAWS AROUND THE WORLD

Most European nations have mandatory beverage container deposit systems, but they differ from the laws in the United States because returnable or refillable bottles are still very popular there.⁴⁰ Belgium imposes taxes on single-use beverage containers unless the container has a deposit and can be recycled or is reusable seven times.⁴¹ Denmark requires deposits on all imported glass and plastic containers.⁴² The government requires that beer and soft drinks be sold in refillable bottles and bans metal containers.⁴³ Finland taxes single-use beverage containers unless the container has a deposit *and* has a high return rate.⁴⁴ In Germany, deposits are only imposed if less than seventy-two percent of all beverage containers are reused (last year the rate dropped below seventy-two percent for the first time).⁴⁵ The Netherlands has a mandatory deposit on all soft drinks and water sold in plastic or glass containers,⁴⁶ and most beer containers are refillable with a deposit.⁴⁷ Switzerland requires deposits on all one way (non-refillable) beer, soft drinks and mineral water containers that exceed the strictures placed on the waste stream.⁴⁸ A "product charge" is levied in Norway on beverage containers (beer, wine, liquor, carbonated and non-carbonated beverages) based on the return (reuse/recycling) rate, with an additional levy on all single-use containers.⁴⁹

Non-European nations have also passed laws to curb bottle litter and to help recycling. British Columbia, Alberta, Saskatchewan, New Brunswick, Nova Scotia, Newfoundland, and Prince Edward Island in Canada ban single-use non-refillable beer and soft drink

³⁹ *Id.* at 1-31.

⁴⁰ Memorandum from the Consumer Recycling Inst. to Representative Stumbo (May 14, 1999) (on file with author). The European nations with laws are Belgium, Denmark, Finland, Germany, the Netherlands, Switzerland, and Norway. Each provides for the reuse of bottles that are in circulation. *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

containers.⁵⁰ Southern Australia also has a mandatory beverage container deposit system.⁵¹ The Israeli legislative body recently approved a comprehensive mandatory deposit law which applies to all beer and soft drink containers.⁵²

Obviously, other countries do not have the mentality of "use it once and throw it away." Canada actually bans throwaways, and Europe places stiff taxes or deposits on them, all apparently without harm to their beverage industries.

IV. A CITY ADOPTS A CONTAINER ORDINANCE

In 1976, a unique phenomenon occurred in Columbia, Missouri. A coalition of public interest, civic, and environmental groups united to form an organization called Columbians Against Throwaways ("CAT").⁵³ Its purpose was to pass a container deposit law in Columbia to eliminate the problems resulting from litter created by empty beverage containers and to conserve resources.⁵⁴ The coalition believed that placing a value upon an empty container would result in a high level of reuse and recycling.⁵⁵

The city council refused to pass an ordinance, so CAT collected signatures for an initiative petition and resubmitted the petition to the council members, which the council members again refused to pass.⁵⁶ CAT went to the voters in a citywide referendum in April of 1977, who approved the motion by a margin of 53-47 percent.⁵⁷ Subject to certain exemptions, the ordinance makes it unlawful for a retailer or a distributor to sell a beverage container in Columbia unless the container has a refund value of not less than five cents.⁵⁸ Additionally, the container must also be marked with the word "Columbia" in one-quarter inch type.⁵⁹ The ordinance defines "beverage" as any "beer or other

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ CONTAINER RECYCLING INST., *supra* note 1, at 4. The coalition had such various groups as the League of Women Voters, the Sierra Club, the Audubon Society, and Missourians for Safe Energy. *Id.*

⁵⁴ *Mid-State Distrib. Co. v. City of Colombia*, 617 S.W.2d 419, 422 (Mo. Ct. App. 1981).

⁵⁵ CONTAINER RECYCLING INST., *supra* note 1, at 4.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Mid-State Distrib. Co. v. City of Colombia*, 617 S.W.2d at 422.

⁵⁹ *Id.* at 425.

malt beverages and mineral waters, soda water and carbonated soft drinks."⁶⁰ The use of "container" in the ordinance refers to an individually sealed bottle, can, jar or carton composed of glass, metal, paper, plastic or any combination of those materials.⁶¹

Immediately, beverage bottlers filed suit against the city seeking a temporary injunction, claiming the law was unconstitutional.⁶² A lower court rejected the arguments made by the beverage industry, and the law went into effect.⁶³ An appeals court upheld the lower court ruling, and the Missouri Supreme Court declined to hear the appeal.⁶⁴ In *Mid-State Distributing Co. v. City of Columbia*,⁶⁵ the appellant bottlers and distributors argued the ordinance was an "unreasonable, arbitrary and capricious exercise of the city's police power."⁶⁶ For this proposition, the appellants cited *Lutz v. Armour*,⁶⁷ which stated:

A law which purports to be an exercise of the police power must not be unreasonable, unduly oppressive or patently beyond the necessities of the case, and the means which it employs must have a real and substantial relation to the objects sought to be attained. Under the guise of protecting the public interest the legislature may not arbitrarily interfere with private business or impose unusual and unnecessary restrictions upon lawful occupations.⁶⁸

Appellants further asserted the ordinance served no useful purpose, as existing litter control measures reduced litter as effectively without the excessive burdens imposed by the new law.⁶⁹ They also said the evidence demonstrated that the ordinance would have an insignificant effect on the small percentage of litter accumulation which is attributed to beverage containers.⁷⁰ However, the court responded that the appellants offered little clear evidence that other unregulated

⁶⁰ *Id.* at 426.

⁶¹ *Id.*

⁶² CONTAINER RECYCLING INST., *supra* note 1, at 4.

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ 617 S.W.2d 419.

⁶⁶ *Id.* at 423.

⁶⁷ 151 A.2d 108 (Pa. 1959).

⁶⁸ *Id.* at 110.

⁶⁹ 617 S.W.2d at 424.

⁷⁰ *Id.*

types of litter were comparable to the beverage containers.⁷¹ According to the court, beverage containers are unique in respect to quantity, longevity and public safety.⁷²

The appellants also argued that the ordinance would impose severe economic hardships on the bottlers, distributors, and retailers conducting business in Columbia, and that the beverage industry was being unduly singled out, causing the ordinance to be unconstitutional.⁷³ However, the court pointed out several other ordinances constituting Columbia's overall litter control program. The city already had ordinances making it a misdemeanor for any person to dump dirt or rubbish on city or private property, and another ordinance prohibiting the indiscriminate distribution of handbills and advertising circulars.⁷⁴

When the courts upheld the ordinance, the beverage industry circulated its own petition to get a referendum on the repeal of the ordinance.⁷⁵ The beverage industry outspent proponents of Columbia's litter control program by a margin of 18:1, but Columbians voted to keep their container deposit law.⁷⁶ In 1982, the law was finally implemented.⁷⁷ Yet another vote was forced by the beverage industry in 1988, but support had grown for the concept and the proposed repeal was defeated by an overwhelming sixty-eight percent to thirty-two percent margin.⁷⁸

V. THE VERMONT EXPERIENCE

Most states with a bottle bill law have experienced similar political challenges to their law by opponents, but to date none of the laws have been rescinded. In fact, only one other state, Vermont, has experienced a court challenge.⁷⁹ It seems that once the public sees the positive results of a bottle bill, the support becomes tremendous.

While the first actual bottle law was passed in Oregon in 1971, Vermont preceded the "bottle" era with legislation analogous to a true bottle law in 1953.⁸⁰ The law dealt strictly with beer and ale containers

⁷¹*Id.* at 428.

⁷²*Id.* at 427.

⁷³*Id.* at 425-426.

⁷⁴*Id.* at 427.

⁷⁵CONTAINER RECYCLING INST., *supra* note 1, at 4.

⁷⁶*Id.*

⁷⁷*Id.* at 5.

⁷⁸*Id.*

⁷⁹Anchor Hocking Glass Corp. v. Vermont, 105 A.2d 271 (Vt. 1954).

⁸⁰CONTAINER RECYCLING INST., *supra* note 1, at 26, 29-30.

and introduced the concept of a deposit on a beverage container to control litter.⁸¹ The bill was backed primarily by farmers concerned about the impact of glass container litter on their livestock and farm machinery.⁸² The glass industry and wholesalers brought a lawsuit against the state of Vermont, maintaining that the legislation placed an undue financial burden on specific manufacturers and packagers of beer and ale, which was not placed on similar businesses; therefore, the bill was alleged to be unconstitutional.⁸³ The plaintiffs also argued they could not control the amount of litter consumers discarded on Vermont roadsides and were unduly singled out, since paper, metal containers, food refuse, and other articles also made up the litter stream.⁸⁴ They argued the act of singling out one item of litter and restricting its sale was arbitrary, harsh, and oppressive.⁸⁵

Vermont argued that current law allowed the state to prohibit and control the sale of beer and liquor, making it reasonable for the state to deny glass manufacturers the right to bottle beer and ale in nonreturnable bottles for distribution in its state.⁸⁶ The state relied on a Connecticut Supreme Court decision, *Francis v. Fitzpatrick*,⁸⁷ which held that the right to sell liquor is not an inalienable right guarded by the Constitution, nor one of the privileges and immunities held by citizens of the United States.⁸⁸ Vermont also argued that an increased possibility existed that a nonreturnable glass container for beer, being lighter in weight, will be thrown from a vehicle and shatter upon impact.⁸⁹ Thus, the law helps protect the public interest by decreasing the possibility of harm to individuals, animals and vehicles.⁹⁰ The Vermont Supreme Court upheld the law as constitutional.⁹¹

The only other lawsuits opposing bottle bills have occurred in Virginia. Fairfax and Loudon county governments in Virginia approved local, mandatory deposit laws in 1977. However, the Virginia

⁸¹105 A.2d at 273.

⁸²CONTAINER RECYCLING INST., *supra* note 1, at 30.

⁸³105 A.2d at 277.

⁸⁴*Id.*

⁸⁵*Id.* at 275.

⁸⁶*Id.* at 278.

⁸⁷30 A.2d 552 (Conn. 1943).

⁸⁸*Id.* at 554.

⁸⁹105 A.2d at 276.

⁹⁰*Id.* at 277.

⁹¹*Id.* at 280.

Supreme Court struck down both laws citing state limitations on local governments.⁹²

VI. HISTORY OF CONTAINER DEPOSIT IN KENTUCKY

In 1975, a research report entitled "The Impact of Litter" was issued by the Legislative Research Commission, launching a debate that continues today on a container deposit law for Kentucky. Although such a law has never been passed by the legislature, a recent survey conducted by the University of Kentucky showed that seventy-five percent of those polled support such a law.

The Kentucky General Assembly considered container deposit measures in 1974, 1976, 1978, 1980, 1982, and 1998.⁹³ All efforts have been unsuccessful, primarily due to the high-priced campaigns waged against them by bottlers and retailers.⁹⁴ In 1998, the National Soft Drink Association spent \$67,394 - the third largest amount spent by a lobbying group during the 1998 session - to defeat the container deposit bill in Kentucky.⁹⁵

In earlier years, the bills introduced in the legislature were traditional bottle bills sponsored by Senator John Berry from New Castle, who was the Senate Majority Floor Leader in the Senate in 1980.⁹⁶ The provisions in the traditional bottle bills simply applied to glass, plastic and aluminum beverage containers.⁹⁷ When legislators considered these bills, water was not bottled, nor were juice or sports drinks among the popular options for consumers. The early container bills required consumers to pay a deposit at the cash register and return the empty throwaway containers to the places of purchase.⁹⁸ In 1980, there was also a local effort in the Bluegrass region when two county

⁹²Tabler v. Bd. of Supervisors of Fairfax Co., 269 S.E.2d 358 (Va. 1980); Bd. of Supervisors of Loudon Co. v. Pumphrey, 269 S.E.2d 361 (Va. 1980).

⁹³Jack Brammer, *Stumbo Will Call for Mandatory Garbage Collection Across State*, LEXINGTON HERALD-LEADER, September 2, 1999, at A1.

⁹⁴Tom Loftus, *Students' 'Bottle Bill' Ran into Big Money*, COURIER J., May 26, 1998, at 1A.

⁹⁵*Id.*

⁹⁶Al Cross, *Shift in Power Shifts Investigator's Aim*, COURIER J., April 5, 1992, at 1A.

⁹⁷Tom Loftus, *"Bottle Bill" Referred to Hostile Committee*, COURIER J., February 22, 1992, at 9A.

⁹⁸Andrew Melnykovych, *Jones tells Environmental Conference He'll Try Again to get Bottle Bill Passed*, COURIER J., November 13, 1992, at 2B; Robert T. Garret, *A dust-up in House over bottle cleanup*, COURIER J., February 8, 1998, at 1D.

governments considered container deposit ordinances.⁹⁹ The Lexington/Fayette Urban County Government and Woodford County actually conducted hearings to explore a program similar to the one Senator Berry endorsed.¹⁰⁰

As the Majority Floor Leader in the House of Representatives, I filed the 1998 container legislation. The bill was a bit of a hybrid, fashioned somewhat after the California law that establishes redemption or convenience recycling centers. A county, or a private business under contract with a county, would be authorized to operate these centers. My proposal requires distributors to pay one-fourth of a cent as an advance disposal fee for fast food cups and styrofoam beverage containers. The money received from unclaimed deposits and from the advanced disposal fee would be used to operate the program and to fund county litter cleanup or recycling programs.

A unique aspect of the effort to pass a container deposit law has been the involvement of students from all over the state in building support for this concept.¹⁰¹ Most young minds are open to issues affecting their immediate environment, and the students have readily picked up on the container deposit system as an obvious way to control roadside litter and conserve resources. As was widely reported by the media during the 1998 session of the legislature, a group of high school students from Estill County lobbied passionately for container deposit legislation.¹⁰²

A compromise measure was passed during the 1998 session to create a Container Deposit Task Force, which I have been privileged to chair. The task force members include environmentalists, legislators and industry representatives. This task force has spent nearly two years inspecting the current bottle programs of other states. We found that container laws are flourishing and effectively performing the functions for which they were intended.

Task force members also listened to many industry representatives, bottlers and retailers alike, who approached the issue with the same time-worn arguments used against the proposed legislation back in Senator Berry's day, which have been disproved by the effectiveness of other states' laws. Their scare tactics include the

⁹⁹David Jones, *Government, Business See Need for Recycling Program Here*, THE LEXINGTON LEADER, August 21, 1980, at A3; *Let's Uncork a Local Bottle Bill*, LEXINGTON HERALD, September 4, 1980, at B2.

¹⁰⁰*Id.*

¹⁰¹See Loftus, *supra* note 91, at 1A.

¹⁰²*Id.*

avowals that states with deposit laws have found they do not live up to the intent of the legislation -- that the laws do not control the litter stream and that the laws have supposedly become a burden on the consumer and a financial hardship on small grocery stores. Bottlers and retailers claim that container legislation drives retailers out of business, or at the very least causes major cutbacks in employment.

However, the state of Iowa, with geographic and economic similarities to Kentucky, has found that its beverage container law - passed in 1979 strictly as a litter control measure - has also become an effective waste reduction and recycling initiative.¹⁰³ Iowa reported that the law reduced roadside litter by thirty-eight percent and bottle and can litter by seventy-nine percent in its first year.¹⁰⁴ In a recent Iowa survey conducted by the University of Northern Iowa, eighty-three percent of those polled agree that they have developed a more positive attitude about recycling, due at least in part to the bottle law.¹⁰⁵ The survey also showed that eighty-five percent of Iowa residents overwhelmingly favor keeping the law.¹⁰⁶

The container bill I am drafting for the 2000 session of the Kentucky General Assembly will have the same deposit elements as the 1998 bill. Different, however, will be the added requirement that all counties have roadside trash pickup for their residents. During the 1991 special session of the legislature that dealt with landfills and other environmental issues, a bill was enacted requiring counties to make garbage disposal available to county residents. However, as an option, the bill allowed the unsightly dumpsters we see located in many rural counties. Currently ninety-seven of Kentucky's 120 counties still don't make garbage pickup mandatory.¹⁰⁷ In relevant part, that 1991 statute reads as follows:

KRS 224.43-315 Requirement for county universal municipal solid waste collection program -- Options -- Annual report -- Performance contract -- Effect of failure to comply -- Exclusion.

¹⁰³ Amy Myers, *Iowa's Bottle Bill*, IOWA CONSERVATIONIST, Jan-Feb 1999, at 17.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.* at 20.

¹⁰⁶ *Id.*

¹⁰⁷ Jack Brammer, *Stumbo will Call for Mandatory Garbage Collection Across State*, LEXINGTON HERALD-LEADER, September 2, 1999, at A1.

(1) Each county shall provide a universal collection program by July 1, 1994, for all municipal solid waste generated within the county. Collection programs may include:

(a) Door to door household collection: Collection service may be provided by the county, by contract, or franchise. When door to door collection is provided by contract, or franchise, or under local permit, the county shall require reports from the entity providing collection to document the rate of collection.

(b) Direct haul to staffed convenience centers or staffed transfer facilities within the county: The county may allow residents to haul their waste directly to cabinet-approved staffed convenience centers or staffed transfer facilities within the county. The number of convenience centers and transfer facilities shall be adequate to assure reasonable convenience. When the collection program is provided by another entity through contract or franchise, the county shall require reports from the entity providing collection to document the rate of collection; or

(c) Other alternatives proposed by counties: Counties may propose other alternatives and the cabinet shall approve same as long as the county can demonstrate that all of its citizens are being given access to the solid waste collection system which is proposed.¹⁰⁸

VII. CONCLUSION

Nearly thirty years have passed since Oregon's legislature passed the first comprehensive container deposit law in the United States. Since then eight more states have joined Oregon, and not one of the laws has been repealed or struck down. In fact, all states with container deposit laws report significant roadside litter control and a

¹⁰⁸KY. REV. STAT. ANN. § 224.43-315 (Banks-Baldwin 1998).

high rate of recycling. Additionally, the laws enjoy a heightened level of popularity among residents of participating states. Actually, there have been few changes in the laws, although several of the states have attempted to expand the items covered by their laws. Effective and expensive lobbying efforts keep the expansions at bay. In 1977, the Vermont legislature amended its law to ban non-refillable bottles, detachable pull-tabs and non-biodegradable six-pack rings.¹⁰⁹ In 1989, Maine expanded its list of items eligible for deposits.¹¹⁰ California just expanded its deposit law in the current session of its legislature.¹¹¹ Deposit items will now include water, sports drinks, coffee and tea containers, and all fruit juice bottles and cans under forty-six ounces.¹¹²

All of the container programs have proven successful. A representative of nearly every state with such a law has testified before the Container Deposit Task Force. The former Governor of Iowa, Terry Brandstad, who implemented that state's bottle law spoke of the program in glowing terms during his Kentucky testimony. He said Iowa had even attracted several manufacturers that utilized the raw materials of their recycled items and located facilities near the recycling plants. "We passed the container law to control litter," he told the task force, "but during the 20 years we have had the program, several other very positive side effects have surfaced." Governor Brandstad said Iowa farmers alone had saved \$35 million dollars yearly in repair of their farm machines and medical care for their animals which had eaten roadside trash.

There is no convincing evidence that the allegations of the retailers and bottlers have any basis. States with bottle laws are prospering. Grocers and bottlers have not gone out of business. Life has gone on in a normal way, and most definitely in cleaner environments. There is no reason Kentucky should miss out on the advantages this program can bring to the state.

¹⁰⁹CONTAINER RECYCLING INST., *supra* note 1, at 30.

¹¹⁰*Id.* at 14.

¹¹¹*Id.* at 3.

¹¹²*Id.*

