

R E P O R T

of the

GOVERNOR'S COMMISSION ON NON-RETURNABLE CONTAINERS

Montpelier, Vermont 05602
December 1, 1970

Early in its investigation this Commission became convinced that roadside litter is but a small part of an urgent problem facing this nation--namely, the problem of solid waste disposal. It became equally evident that the ultimate solution to solid waste disposal lies in an extensive program of recycling, without which we are threatened with inundation from the residual waste produced by our affluent economy. This Commission, therefore, was deeply moved in its deliberations by a desire to find solutions to the roadside litter problem that are efficient and equitable, but at the same time move in the direction--if only by example--of solving the bigger problem of solid waste disposal.

One of the major problems involved in roadside litter is a lack of incentives for at least some consumers to feel responsible for the ultimate disposal of the containers in which carbonated and malt beverages are packaged. A casual toss of an empty beer can essentially is a costless way to dispose of a container for an individual, but when repeated by many others it becomes a problem requiring considerable resources before the blight is removed from the landscape.

Education has played--and must continue to play--a vital role in solving the problem of beverage container litter, and the Commission warmly endorses these efforts. But more are needed! Specifically, an incentive is needed to encourage the return of beverage containers to the production cycle, either as reusable containers or as reusable materials. Accordingly, the Commission makes the following recommendation:

Recommendation I

That a tax be placed at the wholesale level on non-returnable containers of carbonated and malt beverages to be sold in Vermont.

This tax is to be 2¢ per container in 1971, 4¢ in 1973, and 6¢ in 1975. Any carbonated or malt beverage container on which a deposit is charged by retail outlets and on which the same deposit is returned when the container is returned to the retail outlet shall be exempt from this tax, provided that the deposit is at least as high as the tax.

The Commission visualizes a number of potential effects resulting from this proposal. First, there would exist an incentive for consumers to buy returnable containers, for the tax will create a price differential in favor of beverages in returnable containers provided such containers are indeed returned to the retail outlet. The Commission feels that the price differential, plus a concern for the environment by our educated consuming public, will lead to a demand for returnable containers, which are not now generally available in Vermont. At the same time, the tax plan is gradual. It provides time for business and consumers alike to adapt to the need for changing their habits.

Second, the plan will provide revenue from the tax on non-returnable containers to clean up and dispose of litter. In this sense, the tax is not a new cost to the public. Funds for litter disposal now must come from the State's tax resources and from the volunteer efforts of our citizens.

Third, the Commission sees as a possibility that deposits may be charged on what are now non-returnable cans and bottles, thus making these containers returnables and not subject to the tax. We would welcome such a move, for it would aid in the collection of these containers at selected points. Once the containers are collected in large lots, there exists the likely possibility that they would be sold for recycling.

Finally, the Commission sees the tax proposal as being consistent with the efforts of private enterprise in its search for solutions to this problem. The proposal provides incentive for reuse and recycling of containers--an effort that now is being researched by private enterprise--to eliminate litter, and concomitantly provides time for industry to adjust to the inevitable changes that must come in the area of packaging.

The Commission is hopeful that this proposal will contribute to an efficient and equitable solution to the litter problem. We also urge concerned citizen groups to continue their programs of education since such efforts will be essential to the success of any anti-litter programs undertaken by the State. Moreover, we are hopeful that the ingenuity of private enterprise will continue to be directed to this problem. We urge the beverage industry in particular to expand its present program of education, and hope that the anti-litter messages now sponsored by the industry will be used even more conspicuously.

Further, we urge strict law enforcement. The maximum fine for littering the highways was increased from \$100 to \$500 by the Legislature effective September 1, 1970. A few days after the maximum penalty was raised, the Addison District Court fined a man the trifling sum of \$20 for throwing a beer bottle out of his car on Route 7. It would appear that the court either did not know that the maximum fine had been increased or deliberately ignored the change.

The Commission believes that the courts and law enforcement agencies can be of greater assistance in dealing with the litter problem by making more arrests for highway littering and by treating these offenses with the gravity that was intended by the Legislature in raising the maximum penalty to \$500.

The litter problem is grave. It threatens to become even worse as population grows. Therefore, the Commission feels that Vermont must stand ready to take whatever steps are necessary to solve the problem of litter caused by beverage containers.

Recommendation II

That, in the event the tax proposal does not lead to a substantial use of returnable containers for carbonated and malt beverages by the end of 1975, then the proposal should be re-evaluated for effectiveness and consideration given to the possibility of banning the use of non-returnable containers in the State of Vermont.

Additionally, it is recognized that both the private and public sector of society are engaged in technological research of bio-degradable and other types of containers not damaging to the environment.

Therefore, at its sole discretion, the Environmental Board may waive or reduce this tax as to specific types of containers determined by the Board to be in keeping with the improvement of the environment.

Aside from the miscellaneous litter that accumulates from careless disposal of containers along the roadsides, the Commission has become aware of a related problem arising at rest stops and at other points along the highways. Trash barrels often appear to be overflowing during the summer months from deposits of trash by motorists and nearby householders who find it more convenient to dispose of refuse in this manner than to use town dumps. Bags of trash are also left at other points along the highway for the highway crews to pick up. In any case, these overflowing trash containers and deposits of waste at the roadsides contribute to unsightly litter at rest stops and elsewhere which should be eliminated. We, therefore, recommend the following:

Recommendation III

That the Highway Department expand its efforts to eliminate the unsightly overflow of trash barrels at rest stops. Increased frequency of trash collections and more containers are required both to improve the appearance of the highways and to convince the motorist willing to stop at trash barrels that the State is doing its part to keep Vermont beautiful.

Testimony before this Commission suggests that some part of the litter problem of beverage containers relates to young people who are fearful of the legal implications of their use of malt beverages. Apparently, teenagers often dispose of containers in a careless way in order to avoid being caught with the containers in automobiles. We infer, then, that one of the benefits from lowering the legal drinking age in Vermont would be some diminution in highway litter.

In conclusion, the Commission reiterates its concern over the broader problem of solid waste disposal, and urges the State to continue to study the problem, to remain abreast of developments in technology, and to stand ready to take the necessary steps to implement pilot programs to recycle waste residuals. Our free enterprise system has produced a standard of living for its citizens that is unequalled anywhere in the world. This has been made possible only by efficient use of most of our economic resources. But, one of those resources--the environment--has been squandered, and the results of that waste are becoming increasingly clear to all of us. Some of the solutions to the problem lie outside the borders of our State. But it is clear that some steps can be taken within our borders and they must be taken now!

APPROVING:

THEODORE M. RIEHLE, JR.
CHAIRMAN

/S/ Richard W. Mallary, Vice-Chairman

/S/ Frederick P. Smith

/S/ Gene Laber

/S/ Robert Mitchell

DISSENTING:

** Edward J. Conlin

Alan Chalmers

** Mr. Conlin dissented from the final report but indicated he would approve of it providing the tax does not become effective until 1973.

ADDENDUM

On April 21, 1970, three days after 70,000 Vermonters vacuumed the highways of litter and refuse on Green Up Day, Governor Deane C. Davis announced the formation of a special Commission on Non-Returnable Containers to analyze the possibility of whether non-returnable beverage cans and bottles should be banned in the State of Vermont. In announcing the formation of the Commission, Governor Davis said, "I know this is an extremely controversial issue. It has been debated for years in the Vermont Legislature, but I have reached the conclusion that nothing is too controversial not to deserve our careful consideration when our lives and our environment are involved."

Named to the Commission were:

Theodore M. Riehle, Jr., Chairman, of South Burlington

Senator Richard W. Mallary, Vice-Chairman, of Fairlee

Representative Edward J. Conlin, of Windsor

Frederick P. Smith, President, Burlington Savings Bank

Dr. Gene Laber, of the University of Vermont

Robert Mitchell, publisher, Rutland Herald

Alan Chalmers, of Weston

This Commission met on seven occasions from June 2, 1970 to September 30, 1970, and in the preparation of this final report the Commission sought the expert advice of numerous industrial associations, environmental groups, State agencies, and the general public. Printed source material was made available to the Commission, which included letters and petitions from individuals and groups; printed educational material from the industrial, manufacturing, and retail communities; a report from Mr. Mark E. Anthony Reisch, analyst in environmental policies of the Legislative Reference Service, Library of Congress; the report to Governor Joseph B. Johnson by the Vermont State Letter Commission, December, 1956; recent bills and other types of legislation introduced in the Vermont Legislature and in the legislatures of other states; and a Vermont Supreme Court decision in the case of Anchor Hocking Glass Corporation versus F. Elliott Barber, Jr. in 1954.

Appearing before the Commission to present evidence and recommendations were the following individuals:

Mr. Blair Dower of Resources for the Future, a non-profit environmental organization in Washington, D. C.;

Commissioner of Highways, John Gray;

Acting Commissioner of the Forests and Parks Department, Mr. Arthur Heitmann;

Mr. Elmer Paris, representing the Water Resources Department;

Mr. Richard Cheney, Executive Director of the Glass Container Manufacturers Institute, Inc. of New York City;

Mr. Henry King, President of the U. S. Brewers Association of Washington, D. C.;

Mr. Carl Smith, Executive Secretary of the Vermont Retail Grocers Association;

Mr. James Fayette, President of the Vermont Bottlers of Carbonated Beverages; and

Mr. Donald Lumbra, President of the Vermont Wholesale Malt Beverage Association.

Additionally, the Commission heard from Mr. R. T. Evans, Jr., representing the Can Manufacturers Association, Inc. of New York City; and representatives from the Vermont Extension Service; and the Vermont Town and City Managers Association.