

PUBLIC HEARING

New Jersey Legislature before
ASSEMBLY COMMITTEE ON AIR AND WATER POLLUTION AND PUBLIC HEALTH,
on

Assembly Bill No. 2212
(Prohibits sale of beverage in nonreturnable beverage container)

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185 W. State Street
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Held:
September 30, 1971
Assembly Chamber
State House
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Kenneth T. Wilson (Chairman)

Assemblyman Kenneth A. Black, Jr. 974.90

Assemblyman John F. Fay, Jr. P777.

Assemblyman Herbert H. Kiehn 1971a copy 3

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ASSEMBLYMAN KENNETH T. WILSON (Chairman): We are now going to resume our hearing on Assembly Bill 2212, which was held September 22nd, by the Assembly Committee on Air, Water Pollution and Public Health.

I am Kenneth T. Wilson, Chairman of the Committee, from Essex County. On my left is Assemblyman Kiehn, Union County; and on my right is Assemblyman Fay of Middlesex County.

We are going to hold witnesses to five minutes. If your statement is longer than five minutes, your complete statement will be entered in the record and you can summarize it so you won't take longer than five minutes.

The first witness will be Assemblyman Cafiero, from Cape May-Cumberland Counties.

J A M E S C A F I E R O: Mr. Chairman and members of the Committee: I wish to go on record and wholeheartedly join my colleague, Assemblyman James R. Hurley, in the remarks he made on September 22nd of 1971, in opposition to Assembly Bill 2212.

If this bill were to become law, it would do immediate, immeasurable and irreparable harm to a leading industry in our district which employs approximately 25 per cent of the total labor force in Cumberland County. The impact of this legislation upon the economy and employment situation in our district could well be disastrous.

Furthermore, I seriously question the constitutionality of such a proposal. The authority for laws of this nature is found in the police power of the State and, therefore, must be based upon a reasonable and logical application of that power.

This bill is clearly and obviously an anti-pollution measure and while its purposes are commendable, the content of the containers in my opinion bears no reasonable relationship whatsoever to the litter power of the container in which it is packaged. Therefore, limiting this bill to beverages is highly discriminatory and an unreasonable arbitrary

and unconstitutional exercise of that police power. I think you gentlemen are aware that the Legislature recently enacted two amendments to the Disorderly Persons Act which made it a disorderly persons offense for anyone to discard abandoned refrigerators with the doors remaining on; and another bill that we passed within the last year or two, making it a disorderly persons offense to discard TV tubes intact. Both of these bills were passed because of the potential dangers to children. Now if those particular bills provided that only GE refrigerators would be affected or only RCA picture tubes would be affected because perhaps maybe those two manufacturers happen to produce the greatest number of refrigerators and the greatest number of TV tubes, it would obviously be discriminatory. I think if that logic were applied to those bills, that is the same logic that is being applied to this one when we use as a measure of the litter power whatever the content of these containers may be.

To overcome that constitutional barrier, this bill would have to apply equally to each and every product packaged and sold in non-returnable containers, including but not limited to foodstuffs, such as canned soups, baby food, pickles, catsup, fruits, candies, etc., as well as cosmetics, medicines, detergents and cleaning supplies, as well as thousands and thousands of other products packaged in non-returnable containers. To broaden the scope of this bill to encompass all these items would be absurd and throw the entire State and our industrial complex into a state of turmoil and chaos.

Considering the fact that non-returnable beverage bottles represent less than 3 per cent of the roadside litter, passage of this bill in its present form would legislate them out of existence and leave 97 per cent of the problem unsolved.

In my opinion, the answer lies in educating the public and adopting and enforcing realistic and practical laws against littering, - the problem is in my opinion a

people problem and not a litter problem - also in improving techniques of solid waste collection and disposal, and, thirdly, recognizing the potential in availing ourselves of the techniques of the recycling process.

Each of us began our conscious lives by being exposed to the basic 3 R's. I think that mankind has reached that stage in history of the world that the 3 R's should perhaps be increased to 6, by the addition of reclamation, recycling and reuse. Perhaps therein lies our hope for survival. Thank you very much.

ASSEMBLYMAN WILSON: Assemblyman, you seem to more or less stress the fact of litter. Do you think the intent of the bill is in the main more or less to reduce litter or is it more involved with solid waste disposal?

ASSEMBLYMAN CAFIERO: Well, I think it is a two-pronged attack, but I think it is aimed at some 3 per cent of the problem and I think it is an unfair approach to penalize this particular industry which contributes such a small amount to the total problem, and I think the answer to the problem should be directed at 100 per cent of the problem which I feel is in the field of education of the public and recycling, reuse and better methods of solid waste disposal.

ASSEMBLYMAN WILSON: Any questions? (No response.) Thank you very much.

Mrs. Masterson. (Not present.)

Mrs. Kline. (Not present.)

Mrs. Duzinski. (Not present.)

Mrs. Allan Wallace. (Not present.)

Mrs. Waterman.

S U S A N N A W A T E R M A N: I am Susanna Waterman of Princeton and before I introduce the group that I represent today, I would also like to speak for the New Jersey Federation of Sportsmen's Clubs. Mr. Thomas Gopsill gave me authority to speak for that club, with a membership of 33,000, in support of this bill.

I am a resident and property owner in Princeton. It is a pleasure to appear before the committee in support of Assembly Bill 2212. In the light of dramatic increases projected for per capita consumption of beverages, and the present trend away from returnable bottles toward non-returnable cans and bottles, The Conservation Coalition believes that the environmental degradation and increased costs imposed upon the society by the non-returnables are no longer acceptable. This legislation would reduce the volume of solid waste and would encourage the consumer to return his beverage container to the store. In the nation's most heavily populated state, this would have a significant effect on landfill, waste disposal, and taxes spent on waste. A mandatory deposit now will be the first small step in a realistic approach to solid waste control.

The Conservation Coalition is a non-profit organization which promotes activities concerning the protection of the environment. Although it has never advertised publicly for support, citizens have come from almost all the municipalities in Mercer County to develop the programs we now sponsor. The present aim of the Coalition is to gain support and initiate legislation to:

- 1) prohibit the sale of non-returnable beverage containers
- 2) establish a deposit of not less than 5¢ or more than 10¢ on any returnable beverage container
- 3) inaugurate municipal collection of trash which has been separated in the household
- 4) encourage regional solid waste management for Mercer County with emphasis on the recyclable goods and their disposition

The Conservation Coalition has representative members from the following organizations: Princeton University Environmental Advisory Board, the South New Jersey Group of the Sierra Club, Princeton Wildlife Refuge, Stonybrook Garden Club, Trenton Naturalist Club, Princeton Unitarian Church, University League Garden Club, Stonybrook Watershed's Association, West Windsor Environmental Protection League, Whole Earth Center of Princeton, Zero Population Growth, Princeton Branch of the American Association of University Women, Ecology Action of Princeton University, Garden Club of Princeton, Friday Club of Hightstown, East Windsor Hightstown Coalition, Marquand Park Foundation, Student Council of Princeton High School, Princeton Board of the YWCA, and the Friends of the Princeton Environment. Many individuals who do not represent any group also belong.

The Coalition is a county-wide working organization. It has:

- 1) instigated recycling programs in many of Mercer County's municipalities --a total of 10,000 families are cooperating.
- 2) gathered 2,500 signatures in the Princeton area where the population is less than 25,000 -- all in support of legislation against non-returnables
- 3) encouraged citizens to write the dozens of letters on file in the municipal offices supporting such legislation.
- 4) encouraged resolutions petitioning the state for action against non-returnables. I have copies of the resolutions from Princeton Borough and Township with me today for the record.

5) spearheaded the effort to introduce legislation into the governments against throw-aways and for municipal collection of separated trash. Councilman John Strange of the Borough has drafted ordinances to this effect in Princeton.

The Coalition has also written a position paper on the non-returnable bottle versus the returnable. As it is of considerable (over twenty pages) length, we shall not include it in our public statement, but shall enter it into the record, and hope it will be of use to you.

The issue at stake this morning is essentially a confrontation between the freedom of business to earn as high a profit as possible and the responsibility business has to society even though it may interfere with that profit. In other words, can business be conducted as usual when it becomes increasingly clear that it is at the expense of the public good? Increased awareness of the hidden costs to society, both economic and environmental, has brought this into focus. There are businesses all over the country that are being made to comply with new safety standards and air and water pollution control which may impede the profit structure, but ^{they} have been legislated for the public good. The automobile industry has been forced by legislation to take costly steps which it is doubtful would have been made by the industry's own choice. It is our conviction that the unlimited production of "throw-away" beverage containers, while producing maximum profits for the industry, is unnecessary, and that there is an alternative which is economically feasible and environmentally sound..... the returnable bottle .

Industry promotion combined with public acceptance has, in 25 years, created the "throw-away" container and, until recently, left the returnable behind. Even ten years ago, the returnable was a familiar market product, but today 80% of the soft drink bottles manufactured are non-returnables, and 50% of all cans manufactured go for soft drinks and beer and they are all throw-aways. The more expensive (8.5¢ to 9¢) returnable was left behind for the thinner throw-away (3.5¢ to 4¢) bottle when the can people developed the technology to keep carbonated beverages, and convenience was king. Business has been so good, in fact, that the large container companies have invested heavily in high-volume packaging lines for non-returnables. According to a reliable bottler from Pennsylvania, the gentleman who was here last week and spoke at this hearing, it is not unusual for a small bottler to be told simply that the returnable bottles are no longer available, and in his need to meet a production schedule, that bottler is often forced into buying non-returnables whether he wants them or not. It is not unheard of for delivery on returnables to be deferred long enough to have the same effect. Inasmuch as the beverage container market is the last growth potential which the industry now sees ahead of them, it is understandable that they seek the highest potential profit -- but at the cost of the small bottler who prefers returnables.

Going on down the line with the non-returnable container, the supermarket puts the pressure on the returnable container, too. He doesn't want the inconvenience of extra storage and the added labor of approximately $\frac{1}{2}$ a man (in a large supermarket). Under the threat of replacing the small bottlers brands with special private label brands, he forces the returnable out.

The returnable bottle is an old idea, but it has a new look. With the daily trash quotient, which is something over five pounds per day already, rising 4% per year, the beverage non-returnable container production increase is almost 8%. Because it promises to increase its 5% hold on the solid waste mass, the non-returnable is destined to be the bad guy, and the returnable, whether one likes it or not, becomes an increasingly sensible alternative. Inasmuch as a well-treated returnable container can make as many as forty trips back to the bottling plant, while a non-returnable only makes one one-way trip, a difference of billions of solid waste beverage containers is at stake. The Council on Environmental Quality states that the 100 billion non-returnables predicted by industry could be cut to 6 billion if restrictions were adopted. The returnable bottle looks better and better...

Even if there weren't so many of them, the "throw-away" containers are an expensive nuisance.

ASSEMBLYMAN WILSON: Mrs. Waterman, you have about 2 minutes if you want to sum it up. I am giving you 10 minutes.

MRS. WATERMAN: I would like to say that I spent the entire day here last week and there were many speakers who spoke a great deal longer than five minutes and I would appreciate it if you gave me an extension to complete my testimony.

ASSEMBLYMAN WILSON: I am going to limit everyone. We want to get through this testimony. As I said, we are going to have this printed verbatim. It will be entered into the record and we will have opportunity to read it when it is printed. In some cases, I let the legislators speak longer. Mr. Seales spoke over that period of time, but in the main, I think we held them down, as far as reading prepared statements. If there are questions from members of the Committee, of course, they may ask them. But as far as reading your statement, we are going to have it printed verbatim.

MRS. WATERMAN: I certainly will comply with your wishes, but I would like to say that I consider that unfair inasmuch as other citizens, aside from Assemblymen, have had longer than 5 or 10 minutes, as was indicated last week, for a number of speakers from the opposing side.

ASSEMBLYMAN WILSON: We will limit you to 10 minutes. So you have 2 more minutes to summarize.

MRS. WATERMAN: Even if there weren't so many of them, the "throw-away" containers are an expensive nuisance. They cost more to buy (from 2¢ to 4¢ a bottle), they cost more in waste disposal, which is incidentally the third highest item on most municipal budgets, and they end up in incinerators as over 50 per cent of the remaining weight in residue.

New Jersey would do well not to count on a boundless and bountiful supply of landfill as a repository for unbridled consumer and industry indulgence. The Environmental Protection Agency says that the entire East Coast will have run out of landfill and dumping sites in the next fifteen years. Advanced technology will surely help in future solid waste management, and it is perfectly true that the collection and disposal of refuse has hardly changed in a thousand years. But it is unlikely that in a world of diminishing natural resources and increasing population (the world population will double in 30 years) the great American "Dream Machine," consuming everything and spewing out neat packages of sorted trash could ever give us license to waste.

Is it up to the society to absorb an unending and indiscriminate outpouring of goods? Is more better? Is bigger better? What, if anything, will stop the American consumer from spiralling his private garbage pile to 8 pounds per day (predicted) and then to 10 pounds, etc.? Inasmuch as the cost of absorption rises commensurately with the need to absorb, it would seem economic and sensible to choose areas within the society where consumption could reasonably be slowed down. Again, the returnable bottle, a tried and

true system of multi-reuse, no-loss, no-gain deposit for the consumer, would be a good place to start.

I will skip my comment on litter, which essentially says that it depends on whose figures you use as to what the proportion of litter is.

ASSEMBLYMAN WILSON: Mrs. Waterman, I will ask you some questions.

MRS. WATERMAN: May I read my recommendations about the bill and my closing statement, please?

(Following is the portion of Mrs. Waterman's statement which she did not read:)

It would be impossible to complete this statement without a comment on the litter situation. It is a basic fact that litter costs the nation about \$500 million per year. Even if only 2% of the projected beverage throw-aways become litter, that makes 2 billion of them to pick up at a cost of from 15¢ to 30¢ a piece. It is also a basic fact that people litter and we do not think that is likely to change without a great deal more education. Depending on whose study you use, the percentages of containers from non-returnables rises and falls like the barometer. The famous 1969 Keep America Beautiful Study says one thing...bottles and cans are only 22%^{16% together} of the litter. It would be worth mentioning, however, that Keep America Beautiful is an off-shoot of the Glass Container Manufacturers Institute, whose members produce 90% of the glass in the United States. It is possible that the figures are biased. It is pertinent for us to use the 1970 study by volume analysis made in Vermont last Spring. Volunteers collected 40,008 cubic yards of litter, of which 90% consisted of non-returnable cans and bottles. In 1969 New Jersey spent \$610,000 to pick up bottles and cans along 2,000 miles of highway.

The simple fact remains that as beverage container production goes up, it is likely that litter from them will also increase.

It is the firm conviction of the Coalition that recycling, as it pertains to the beverage container industries, is an environmental smoke-screen. For the glass industries, who are already fighting the incursion of the can into their market, and for the metal container industries, who are planning growth leaps with on-site plants in the future, it is perhaps cheaper^{to encourage recycling} than to buck legislation designed to control production. Vast outputs of propaganda and some effort have gone into luring the consumer into the re-cycling net. But every citizen who has worked a long hard day on a volunteer recycling program knows that the core of the problem is the handling and shipping of the collected material. It is not the citizens duty to be volunteer trash collectors. There is little or no incentive at the sale end of the recycled goods, and industry, with all the protests of doing the environment a service, has not been willing to grapple with that crucial issue -- the handling and moving of recycled goods and the ensuing efforts and costs involved.

It is incomprehensible to imagine that the consumer will accept the inherent contradiction in the container industry recycling program. On the one hand, millions of dollars are being spent to encourage the consumer to buy the "convenient no-deposit no-return throw-away container". It is more expensive to buy, but the convenience of being able to throw it away is worth it, they say. On the other hand, they are asking for those same containers back for recycling. Having paid more for them, the consumer is asked to

forego the very thing he paid for, and to carry them back to the industry where they will get less than 1¢ for the effort.

The "throw-away" catch-word is beginning to catch up with itself. The citizen is beginning to realize that there is no "away", that as often as not the purchase of disposables brings less quality for more money, and that the garbage he is left with, in the delightful and rueful words of the CAN newspaper, is "gone today, here tomorrow". There is no escape.....

A company in Massachussetts says they are making a cellulose fiber bottle that you can eat. Another is making one that will melt when exposed to air. Neither of these containers poses a threat to the container industries today. The gentleman with the plastic bottle, however, could spell the end of the beverage container market for both metals and glass. We oppose the plastic bottle on the grounds that it is composed of crude oil --with less than 30 years supply left at present rate of consumption, this would seem an unwise shift. But who is going to prohibit the plastic bottle from moving into the beverage market? Perhaps the container industries will be forced into new and creative markets for their products. Perhaps the glass manufacturers will realize that they are actually the only one in the industry with the capacity for re-use and capitalize on it as an environmentally sound kind of package.

The returnable container does begin to have a new look. Because an initial deposit, preferably 5¢ for bottles up to 16 ounces, and 10¢ for anything larger than that, has been made, the bottle is already valuable enough to be treated with some considera-

tion. Inasmuch as industry sold the American public on the throw-away, it is perfectly possible that an advertising campaign could be launched to sell the returnable.

If Bill 2212 is passed, it is certain that there would be an industry-wide readjustment to make. The container people would be making fewer beverage containers, but imaginative pioneering should create new products. The distributor will have greater moving costs because returnables require a 2 to 1 space ratio to non-returnables. He will need more storage. The bottler will require more help, thus taking up some of the slack from the container industries, if indeed, it proved that there was some. The retailer would need more storage, and be slightly inconvenienced. Any increased costs in the line of production and delivery to the consumer would follow the time-worn pattern of every product on the American market --the consumer would pay for it, and there is little chance of him not. The development in the near future of reclamation markets would also provide new work for any displaced labor.

The small bottler stands to do well with returnables IF he is able to keep the number of trips which his bottles make high. With a heavy investment in container inventories, he will count on their return for his profit. As the trips each container makes increases, so does his profit. Without a high enough incentive to insure return, and a public who cooperates in the return of these more expensive containers, the small bottler would be out of business in a few months. It is easy to understand why small bottlers, in the throes of the disposable society and

with container manufacturers on one end pressing them to buy non-returnables and retailers on the other end making it difficult for them to present their products fairly on the market shelf, are reluctant to speak up on this issue. It is valuable to note that one small bottler who prefers to stay with returnables, asked the National Soft Drink Association to run a survey of the bottlers in this country requesting their preference between returnable and non-returnable containers. The Association refused to do this survey, and the gentleman in question proceeded to conduct it himself. He sent out almost 4,000 survey sheets all over the United States. His return mail is running five to one in favor of returnable containers.

It is often suggested that the deposit structure would impose a hardship on the consumer. Aside from the fact that the purchaser can at any time regain his money, it is estimated that the normal investment in containers per family would not exceed \$2.50 at any time.

The consumer, as a matter of fact, is the one who profits most from returnable containers. He will pay as much as 25% less for his beverages. He will save \$1.5 billion of grocery money each year. He will save 25 million dollars for beverage container pick-up along the nations highways, and his municipal costs for waste disposal will be lessened because of volume reduction.

(Reading)

The Coalition believes that the beverage industry is eminently qualified to use the returnable container system. It has done so successfully in the past, and it is one of the few built-in **PRODUCTION** systems where re-use is possible. For industry to call this legislation discriminatory is incorrect. The legislative premise stands that application of a sound solution to a limited part of the problem is a way to attack the problem. It is the beginning of re-use and re-cycling as a way of life.

As environmental deterioration spreads around us, it becomes increasingly clear that we must act. It is not enough that we offer our good will. In order that we all carry responsibilities for our actions, we must observe the problem, and all take our proper place in their solutions. It would be prudent for the soft drink and brewery industries to recognize that the very fact that we are here today, and that Assembly Bill 2212 is before you, is a signal of public distress which is not likely to go away.. Improved waste disposal systems and recycling of some things are surely going to play a large part in solving the solid waste crisis. However, these are not alternatives to the intelligent RE - USE of commodities, like beverage containers, which can be re-used. We must learn to re-use what we can, re-cycle what we cannot re-use, and to manage the remaining waste intelligently.

The Coalition has several recommendations to make:

Assembly Bill 2212 should be amended as follows:

- 1) only soft drinks and malt beverages should be included in the bill
- 2) the focus of the bill be redirected towards re-use rather than returnability
- 3) definition of terms be more clearly stated
- 4) careful study of the Bowie, Maryland and Oregon State bill for enlargement and more detailed construction
- 5) prohibition of any container with two-piece construction (pull-tabs)

Other recommendations:

That the legislature make a job study of the effects of such a bill on the glass and metal container industries in NJ. This would ensure the factual analysis of possible job loss or gain in a highly volatile area of the issue

That the state legislature make a through study of packaging and its real costs to the taxpayer and that it recommend an approach to the regulation of this problem on a state-wide level

That the legislature give top priority to the development of markets which would encourage the reclaiming and recycling of solid waste. Particular attention should be paid to all metals, which should by law be totally recycled.

That the state ban throw-aways in state-owned parks and lands (Maryland has already done this)

That the legislature consider the long-time needs as well as the current ones of this state.

That this committee gather the resolutions from other municipalities which have been sent to the state in recommending state action on non-returnables

That this law, with the considerations listed above be passed, and that it be administered by the Department of Environmental Protection.

(Resolutions passed by the Borough of Princeton and the Township of Princeton submitted by Mrs. Waterman can be found on pages 180 and 181, respectively.)

ASSEMBLYMAN WILSON: Mrs. Waterman, in your statement you say that your Coalition believes that recycling is an environmental smoke screen. Would you elaborate on that, please?

MRS. WATERMAN: Yes. May I read it from my statement? The essential problem in recycling is that the major problems are incurred between the time the containers, which we are asked to bring back and have paid a larger price for in the first place, but are asked to take some place even more inconvenient than the grocery store -- They are taken to a reclamation center which in our area is a totally volunteer operation. I have worked on it for a year myself and it is hot, grubby, tiring work. I don't feel that it is the citizen's responsibility to be the nation's garbage keeper. The municipality in Princeton is in the process of taking over separated goods, some separated goods, and as a matter of fact, some of our people today are at a meeting we arranged with a man from Hempstead, Long Island, who is running an economically successful program of curb-side collection. We feel all the container industries have spent a great deal of money propagandizing the recycling operations. They have been of some help. They have made some gestures. However, they have never offered us any trucks to come and pick up 40,000 pounds of glass, and therein lies the catch.

The transportation of solid waste is 80 per cent of the solid waste disposal cost and that cost must be maintained by someone. It is either the taxpayer who pays for the disposal to get rid of all this stuff or, as far as recycling is concerned, it is the volunteer work that fills that economic gap. We don't feel that industry is making any more than a signal gesture in this field because the problem lies in that area. Once you get the container, you have taken something out of it, and what do you do with it then? The industry is only willing to accept it, but it has not made any effort to cover the cost of collecting it and carting it.

I know there are some reclamation centers - I think there may be a hundred all over the country - and that is pretty far away to carry your disposals.

ASSEMBLYMAN BLACK: I have one question. You say that it is too far away to carry disposals when reclamation centers are located far away. Is it any more costly than it would be to ship returnables to a brewery that is located six states away?

MRS. WATERMAN: It depends on who is paying the cost. One of the reasons that the brewery is six states away is that with the increase in non-returnables, the industries have become much more centralized and organized. As a matter of fact, that has been the demise of many of the small bottlers. They no longer can compete with the large breweries and the large soft drink people who are now moving into this on a regional basis.

ASSEMBLYMAN BLACK: You mentioned, Mrs. Waterman, that you attended last Wednesday's meeting.

MRS. WATERMAN: Yes.

ASSEMBLYMAN BLACK: I would be interested in your opinion of the Pepsi-Cola situation in Manhattan.

MRS. WATERMAN: That is a very famous survey and again it depends on who is telling the story. When you are dealing with a mental image of throw-aways which has been offered by the industries for 20 years, it is rather ridiculous to assume that you are going to achieve 100 per cent returns when you are dealing with a new concept, poorly advertised, in a big city.

It is also true that those bottles are not necessarily lost just because they didn't come in in the 6-month period. It doesn't mean that those are a total loss to the company. And it is also true that even during that study, many of the super markets refused to take the bottles because that was a test area and a single-shot deal and all the supermarkets wouldn't take them. It was a very difficult survey to get anything but the kind of statistics that are usually given

for that survey. We consider that a poorly run and rather a fraudulent survey frankly.

ASSEMBLYMAN BLACK: I have one other question. Then you feel that the utilization of returnable bottles would be more effective if they were forced upon the people?

MRS. WATERMAN: That is not really a very fair question because we say that non-returnables are being forced upon the people. There is always a difference of opinion on this issue and it would be very difficult to prove. I think public apathy and public willingness to be seduced into conveniences has been very much part of the problem. I think that industry would not in any way say they also were not part of the convenience syndrome. It has been pressed on the nation for 20 years. We have a great many statistics of the amounts of money. In 1969, I think it was 7-Up spent \$7 1/2 million trying to sell non-returnables to the young. As a matter of fact, you have the newspaper articles and you have information on that in your fact sheets that we compiled last year. I won't go into details. But when you talk about forcing things onto the public, I would say that industry has done a very thorough job of spending fabulous amounts of money and time and effort on just that.

ASSEMBLYMAN BLACK: I wonder then why the Coca-Cola Company, whose regional representative when he was here indicated that they had the largest returnable bottle program of any producer, continues to find their returnable bottle sales diminishing day by day, to their detriment.

MRS. WATERMAN: I think this is the kind of thing you can separate from a total problem and say, here is someone who is trying and isn't succeeding. You will remember in my statement, I suggested that goodwill is not sufficient. One company is not going to be able to turn the tide. Again the mentality of the nation at this point is a disposable one and we feel that it is no longer a viable one.

ASSEMBLYMAN BLACK: No further questions.

ASSEMBLYMAN KIEHN: Mrs. Waterman, I appreciate your comments and recommendations and they will be given

consideration when we deliberate. But in line with what Assemblyman Black has said, I have this letter that came in from Canada-Dry in Neptune, New Jersey, which is probably a smaller area, and they stated that the reason they have gone to non-returnable bottles is the fact that during the year when returnable bottles were in vogue, let us say, they had sold 600,000 cases of Canada-Dry and the reason they had to go to the non-returnable bottles was due to the fact that only 275,000 cases were actually returned of the 600,000.

MRS. WATERMAN: Do you know what date that is? When did that happen?

ASSEMBLYMAN KIEHN: While returnable bottles were in vogue, I said. Their letter is dated September 13th.

MRS. WATERMAN: I would be interested in knowing when that happened because up until about 10 years ago, this was generally true, that returnable bottles were still available. As a matter of fact, in many parts of the country they are still a higher percentage than non-returnables. The East happens to be a particularly disposable section of the nation.

ASSEMBLYMAN KIEHN: I intend to contact this particular gentleman. If you want to contact him, his name is Herald Garbarine.

MRS. WATERMAN: I will. I don't mean at any time in my testimony to say that the consumer is not at fault. I think that this is not a question of one person being totally to blame for a situation which has become intolerable, but I contend also that the industry has not done its part to give either the bottler or the consumer who wants returnables a chance to purchase them. It is impossible to purchase a Pepsi-Cola in this state in returnable bottles unless it has been brought in from another state. This is becoming increasingly true of other sodas. A survey of Princeton shows that it is almost impossible for the consumer to have a choice. When the industry talks about a choice,

they are purposely preventing the citizen from having a choice. There is no choice.

ASSEMBLYMAN FAY: Mrs. Waterman, your organization recommends a study of the factor of unemployment and under-employment and also the impact on the cost of living to the consumer. Is it your recommendation that these studies should be made before legislation is passed?

MRS. WATERMAN: Well, I would say, as far as the jobs are concerned, after the testimony last week, it becomes evident that there is a great deal of excitement about job loss.

ASSEMBLYMAN FAY: If you are going to be unemployed, that is natural.

MRS. WATERMAN: I understand that. That is why I am saying it would be prudent and sensible for the Committee to make a specific study on this issue to ascertain whether there, indeed, would be a job loss, so that it is simply not just one person's statement. When you think of returnable containers and you realize it will cut glass production - there is no denying that - in that area of the glass industry, either glass production comes up with another answer to a growth factor or there will be job loss.

Now the gentleman who was here last week with the plastic bottle would seem to me to be a greater threat to the container industry than the returnable bottle. And I would suggest to the glass manufacturers, inasmuch as they are the only people who at this point have the capacity to have a reusable container, that they would be wise to use this as an environmentally sound idea for further growth. I think the temper of the people is changing. With the 18-year-old vote, I think it is worthy of note that the continual disposability of life and goods is up for question now. I would suggest to the glass manufacturers that they do some creative thinking in new fields of growth. Because the beverage container was their last growth factor and the HEW report says that.

ASSEMBLYMAN BLACK: Thank you very much, Mrs. Waterman. Your whole statement will be entered in the record.

Mr. Zillwager of the Pepsi-Cola Company.

C H A R L E S A. Z I L L W A G E R: I would like to read a statement prepared by Alfred Rossow, who is the Director of Environmental Affairs for the Pepsi-Cola Company.

ASSEMBLYMAN WILSON: Remember we are going to keep within certain time limits.

MR. ZILLWAGER: All right.

Mr. Chairman and gentlemen, thank you for the opportunity you have allowed me to submit a statement in behalf of Pepsi-Cola Metropolitan Bottling Company, Inc.

In New Jersey, the Pepsi-Cola Metropolitan Bottling Company - owned by the Pepsi-Cola Company - has three plants. They are located in Jersey City, New Brunswick and Teterboro, New Jersey. Our payroll is \$5.5 million. We employ 343 people and buy \$6 million worth of supplies locally. We paid \$90,000 in New Jersey State and Local taxes and have about \$8.5 million invested in our plants.

It should also be noted that there are three other independent franchise Pepsi-Cola Bottlers in New Jersey. They are located in Asbury Park, Atlantic City and Pennsauken.

Less than 2 per cent of the Metropolitan Bottling Company sales in New Jersey are in returnables.

Why?

The reason is that consumers no longer return returnable bottles in the New York Metropolitan area. Several years ago in New York City, we tested the effect of increasing our deposit rate from 2¢ to 5¢ on returnable bottles in order to try to increase the amount of bottles returned by our consumer.

ASSEMBLYMAN WILSON: Excuse me. When you say several years ago, how many years ago?

MR. ZILLWAGER: 1968. This test was in New York

City. It was completely unsuccessful; in fact, our sales went down. The Pepsi-Cola Company is against restrictive legislation aimed at packaging rather than at the basic problems of litter and solid waste.

There are two reasons for this. First, such legislation would force us to market counter to the desires of consumers and our immediate customers, the grocery trade. Second, such legislation does not solve any of the basic problems involved in litter or solid waste.

During the course of this hearing you have heard and will hear that the problem of litter is a people problem not a packaging problem. We concur. Therefore, I will address my comments primarily to the subject of solid waste disposal. In this conjunction I would like to dwell for a moment on some of the encouraging developments in this field.

Solid waste is a problem that will only be solved through recycling technology -- through a total systems approach which will recover the valuable materials and latent energy in the growing solid waste stream, using the funds so generated to finance the acceptable disposition of the less valuable components.

Pepsi-Cola Company, I am proud to say, is a founding sponsor of the National Center for Resource Recovery. The Center was formerly known as the National Center for Solid Waste Disposal, by which name it has been referred to in testimony already given.

The change of name is consistent with the solution to the problem. The solution to the problem is, in fact, the recovery of the resources now funneling into the waste stream.

The Center was formed in 1970 by sixteen leading manufacturers, retailers and users of packaging containers.

Among the founding sponsors and on the existing Board of Directors are the following organizations: Continental Can, The United Steel Workers of America, U.S. Plywood, Monsanto, Connecticut College, General Foods, Owens-Illinois, the Washington Post, Alcoa, University of Denver, Reynolds Metal and the Glass Bottle Blowers Union. This covers only about half of the important companies, unions and educational groups involved.

There is a deep commitment on the part of those involved to finding a way to solve the solid waste problem.

The Center is responsible for coordinating efforts by industry and for working with government, labor and civic groups in developing solutions to solid waste management. Specifically, it: (1) Serves as a resource agency for information on solid waste management systems. (2) Functions as an agency to receive funds from private and public sources for the support of research. (3) Contracts out research grants for the development of solid waste management systems. (4) Obtains and evaluates the results of research for use in the design, test, and implementation of systems of solid waste collection, recycling and disposal.

Gentlemen, we are on the verge of a technological revolution in the handling of solid waste. Our society has only recently begun to apply to the problems of solid waste the kind of systems approach which industrial and governmental management has successfully employed in coping with major problems in the past.

In testimony already offered, you have been advised of several areas in the country which are already taking advantage of the basic technology necessary for the recycling of waste materials. In order of their difficulty, from the most simple system to the more complex system, they are: Atlanta, Georgia; San Francisco, California; Palo Alto, California and Franklin, Ohio.

I am sure that Mr. O'Niell of your Environmental Protection Agency is familiar with the work underway in each of these municipalities. I offer the services of the Pepsi-Cola Company to acquaint Mr. O'Niell with the work underway at the National Center for Resource Recovery.

In conclusion, I would like to reiterate the following: (1) I do not believe Bill 2212 will be effective in solving the problems of our environment because it legislates at symptoms rather than at basic problems. (2) The technology to solve the solid waste problems is rapidly emerging. I urge this committee not to report favorably on legislation that is inconsistent with the solution to the problem. As an example of ways in which such

legislation could be inconsistent, I will cite only two:

1) Returnable bottles are heavier than non-returnable bottles and cans. Therefore, if present consumer habits of treating everything as a one-way package are unchanged, the problem could be worsened.

2) Secondary materials markets must be allowed to develop as part of the total systems approach to the solid waste problem. It is our feeling that they can best be developed in a market free of restrictive legislation of the type proposed.

Thank you.

ASSEMBLYMAN WILSON: In your statement you offer to acquaint Mr. O'Neill with the work underway at the National Center for Resource Recovery. The Committee is the one who is holding the hearing. He is in the Executive Branch. I thought maybe you would offer it to the Committee.

MR. ZILLWAGER: It is offered to the Committee also, sure.

ASSEMBLYMAN WILSON: Any questions?

ASSEMBLYMAN KIEHN: I would just like to know one thing. Presently do you have any returnable bottles or are they all non-returnable?

MR. ZILLWAGER: I am familiar with the three Jersey plants that I direct here and we have returnables in the vending area only now because it has been economically unfeasible. About 200,000 cases we sell annually in the returnable through vending.

ASSEMBLYMAN KIEHN: O.K. Thank you.

ASSEMBLYMAN BLACK: I have just a few questions. First, I assume you are using standard bottles to bottle your merchandise. You are using standard bottles in Pennsylvania, Delaware, Connecticut and Maryland, as well as in New Jersey?

MR. ZILLWAGER: Right.

ASSEMBLYMAN BLACK: This question you may not be able to answer at this point, but I feel I should ask it. Do you feel in your opinion that your company could or would readily undertake replacement of the bottles utilized in the State of New Jersey alone, so that they could be identifiable?

MR. ZILLWAGER: At this point it would be really very economically unsound for us.

ASSEMBLYMAN BLACK: From a corporate standpoint.

MR. ZILLWAGER: Right.

ASSEMBLYMAN BLACK: My third question is: Do you feel your company could afford to pay 5 cents for all the out-of-state bottles that would be trucked in and turned in for deposit in the state?

MR. ZILLWAGER: I don't think I could answer that. There is no way we could possibly consider that.

ASSEMBLYMAN BLACK: Thank you very much.

ASSEMBLYMAN WILSON: Any further questions? If not, thank you.

Mrs. Reid.

D E N Y S E R E I D. I am Denyse Reid. I am a homeowner in Princeton and an active voter for 21 years. I am the representative for the Princeton Young Women's Christian Association Board of Directors. We represent a minimum of 5,000 members.

I welcome the opportunity this morning to make a short statement in support of Assemblyman Dennis' bill. It is a statewide attempt to legislate control of the non-returnable beverage container. The Princeton YWCA board supported the proposal for control and for the instigation of a deposit system in Princeton on March 22, 1971. The Board, by unanimous vote, supported the petition on non-returnables presented by the Conservation Coalition, of which we are a member, to the Princeton Borough and Township officials. One of the National YWCA goals this year is to focus attention on ecology. Our special concern is misuse of national resources and the

whole problem of litter. As a member of the YWCA, I should like to make a few observations on this issue:

In the light of the growing solid waste problem and the depletion of natural resources, there has been a national move toward the recycling of goods. The bottle and can container industries have opened hundreds of recycling centers around the country and spent millions of dollars to tell the public that they are 100 per cent behind recycling.

If this is so, then the "convenience" of the throw-aways for which the consumer has paid a premium price - as high as 24 per cent more than for returnables - simply no longer exists.

On the one hand, the consumer is urged to buy non-returnables for the convenience of throwing the container in the garbage can. On the other hand, the consumer is urged to save the container and to carry it back to a recycling center where the container industry will put it back into the production line. Either way, the consumer loses.

If he throws the container away, a luxury for which he has paid dearly, it will have to be collected, transported and disposed of by the municipal waste disposal system. If the Council for Environmental Quality is correct in its figures, by 1980 there will be 100 billion throw-away beverage containers to cart away and the consumer will have to pay for the 800,000 trucks it will take to carry them. That cost, solid waste disposal, is the third highest budget item on the town books.

Perhaps the consumer has not touched the container since it went into his garbage can, but he certainly has paid for it.

If the consumer saves the throw-away for recycling, he is responding to a massive nationwide advertising campaign by the bottlers and container industries. Although glass factories create enough waste glass within the operation for their own production, and the can companies are more likely

to sell the collected cans as scrap, they are making an effort to receive materials from volunteer recycling efforts.

The costly and "convenient" container is not to go in the garbage pail. It is not to go back to the store where if it were returnable the consumer could get a 5 cents minimum for it, and at the same time keep it out of the solid waste mass. But it is to go back to a recycling center where it will be reproduced, and if the consumer is lucky, he might get 1/2 cent. for the bottle and many times less than that for the can. The paradox is, of course, that the convenient and expensive non-returnable, under the environmental smoke screen of recycling, has become an expensive and inconvenient returnable.

It is a foolish consumer who does not take advantage of the savings available to him in returnables. The Crusade for a Cleaner Environment has made surveys in Washington and Richmond to determine the differences in cost and their findings explain why, on a nationwide basis, "the American public could save an estimated \$600 million if the 15 billion soft drinks now purchased in throw-away cans and bottles are purchased in returnable bottles. If similar savings were made on the 21 billion throw-away cans and bottles of beer, \$840 million could be saved."

A 6-pack of 12 oz. cans (throw-away) cost 83¢; a 6-pack of 12 oz. bottles (returnable), cost 59¢. At a savings of 24¢ per six-pack and 4¢ per bottle, the savings would be 28.9 per cent.

The Board of the YWCA of Princeton urges the Committee to support the bill before it in hopes that the 5¢ deposit will encourage reuse of beverage containers in the State of New Jersey.

I wonder if I could say a personal word, especially on what I heard last week. Many people have mentioned this as a motherhood bill. And I think even glass-blowers' mothers and mothers employed in glass manufacturing do wish to be

saved from burial in trash, like everybody else. Today trash is the major product of the United States. I do not use the word trash or garbage anymore. I prefer to use "our greatest resource."

Another thing, this famous sorting machine some advocate to separate all reusable materials is already in existence. This dream machine is already here; it is called the housewife.

ASSEMBLYMAN WILSON: Mrs. Reid, you are really saying that the consumer gets stuck both ways as far as the non-returnable bottles are concerned. They pay more for them and then in turn have to pay more for garbage collection in their municipality.

ASSEMBLYMAN KIEHN: Mrs. Reid, I would like to know the address of this Crusade for a Cleaner Environment.

MRS. REID: I will give you that, sir. I don't have it right here, but I will give it to you in a minute.

ASSEMBLYMAN KIEHN: O.K. Thank you.

ASSEMBLYMAN FAY: Mrs. Reid, do you agree with the Coalition group and with many of those who have testified that a great deal more study is needed before this bill should be passed - a study on recycling, a study on the impact on employment and cost to the consumer?

MRS. REID: Yes. But I would like to say that we are very happy that this bill has even been presented because it has generated a very good start.

ASSEMBLYMAN FAY: Thank you.

ASSEMBLYMAN WILSON: Thank you.

Mr. Edward Mitchell.

MR. VAN KEUREN: Mr. Chairman, I am substituting for Mr. Mitchell if it is all right.

ASSEMBLYMAN WILSON: Do you have a prepared statement?

P A T R I C K V A N K E U R E N: I believe Mr. Mitchell left statements with your staff last week. I will check that and, if not, I will see to it that you do get a copy of a

statement.

Mr. Chairman and Committee members: My name is Pat Van Keuren. I am an employee of the American Can Company and I appear here as a witness on behalf of the can manufacturing industry, and I do welcome the opportunity to appear before you to present testimony in opposition to Assembly Bill 2212.

The American Can Company, chartered in 1901, as a New Jersey Corporation, is and has been a responsible citizen in the State of New Jersey for the past 70 years, and it has contributed substantially in the way of payroll and tax dollars in the state for many years.

The can manufacturing industry employs over 7,000 people in this state in plants located in Edison, Hillside, Hoboken, Jersey City, Passaic, Paterson, Pennsauken and Vineland, and these plants provide a payroll in excess of \$80 million. Obviously, we as an industry, along with our employees and the consumers and the citizens of this state, have a vital stake in the outcome of this legislation.

Now certainly improving the environment, whether it be in the field of solid waste or in any other area, is a goal which we all strive to achieve. Government, private citizens and industry, all are striving to achieve this goal. However, the key question is not the goal of Assembly Bill 2212 but the real consideration is whether or not this bill will have a meaningful effect, and the economic cost of legislation such as this should be considered. I submit that this bill would not have a meaningful effect in reducing solid waste or in curbing litter and this statement is based on some simple, well-documented facts.

For example, a study made by the Bureau of Solid Waste Management states that non-returnable beer and beverage containers represent roughly 1.3 per cent of total solid waste. Consider this in another perspective. If the Federal government were to impose a national ban on non-returnables

for beer and soft drinks, the nation's municipal solid waste level would be reduced by 1.3 per cent, less than one-seventieth of the total, which amounts to a one-time, four-month delay in a 4 per cent annual growth of total solid waste. In fact, in this situation, as one of the previous witnesses mentioned, if non-returnables were legislated out of existence, solid waste would actually increase because a returnable bottle, which would eventually end up in solid waste, weighs up to ten times as much as a non-returnable can.

On the positive side, there are many potential solutions that offer real promise in alleviating the total solid waste crisis. There are well over 40 systems that are in various stages of development that will take solid waste and automatically separate it into its recyclable components. As far as cans and ferrous metals are concerned, this is not new technology at all. The City of Atlanta, for example, last year recovered 7,000 tons of ferrous metals from its incinerator pits by the use of magnets. This brought a revenue to the city of well over \$98,000. The City of Chicago has just completed the largest incinerator in the Northern Hemisphere. They plan to recover 25,000 tons of ferrous metals after incineration, which will generate a revenue of in excess of \$350,000.

In addition, many municipalities, primarily on the West Coast, are utilizing magnetic separation of wet garbage to pull out the valuable ferrous metals. This makes sense. It gets out more than just beer and soft drink cans; it gets out all cans, all ferrous metals.

The point is that applications of sound systems approach a technological breakthrough that have been achieved that will bring us to meaningful solutions of the solid waste problem.

Many of the proponents of Bill 2212 would have us believe that a ban on non-returnables and a mandatory tax on returnables would solve the litter problem. We in industry share the concern for the disgraceful litter situation prevailing in our environment, not only in New Jersey, but elsewhere.

But logic suggests to us that Assembly Bill 2212 is a simple solution where no simple problem exists. It has been pointed out to you many times that litter is a human behavioural problem. We don't know why people litter. We do know, however, that people will litter whether the container is returnable or non-returnable.

A study conducted by the National Academy of Sciences concludes that less than 20 per cent of the composition of roadside litter is made up of beer and beverage cans and bottles. The amazing statistic here though is that 42 per cent of all the beer and soft drink containers that were found on the roadside in this survey were deposit bottles, returnable bottles. In light of this fact, how can anyone logically reach the conclusion that a mandatory deposit will solve the litter problem?

Industry is responding in the area of litter also. American Can Company, for example, has acquired the rights to a new machine which offers real promise to municipalities, counties and states as a means of automatically picking up litter, at substantially reduced costs. This is being studied by various states right now.

If Assembly Bill 2212 were made law, it would disrupt fantastically the orderly, sanitary, efficient and economically-sound method of beverage distribution. By definition, every container is physically returnable. This would include not only beer and soft drink cans and bottles, but also milk containers, juice containers, etc. At last count there were over 61,321 retail establishments in the State of New Jersey. These are where products are dispensed that would be covered by this particular bill. If the consumer were to return for redemption all of the used cans, bottles of milk, containers, dirty and unwashed, half empty and contaminated with bacteria, the merchants of this state would have a spectacle of 61,321 privately-owned garbage dumps, infested with vermin, rodents, bacteria and contamination, in which they would be expected to continue selling sanitary food in the normal course of

business.

It is virtually undisputable that a regression to the deposit container would have the immediate impact of increasing the cost to the consumer. It also represents a destruction of major portions of the container-making industry, with a consequent loss of thousands of New Jersey jobs and millions of dollars of wages.

Gentlemen, we are as a nation coming to grips with the litter and solid waste problem in meaningful terms. I would ask you not to approve legislation such as Assembly Bill 2212 at a time when government, industry and the public are working together to produce sound solutions, solutions which will create jobs in industry rather than destroying them.

I thank you for your time. If you have any questions, I'll be glad to try to answer them.

ASSEMBLYMAN WILSON: You say it is going to cost more to the consumer. What do you mean by that? On the other hand, a witness previously said the consumer pays more for non-returnable bottles and also mentioned the fact that when returnable bottles are returned, they get the deposit back and in turn it is cheaper. Why do you say it is going to cost more?

MR. VAN KEUREN: There is no question in certain retail outlets returnable bottles or products in returnable bottles are sold at a lower price than non-returnable containers. However, bear in mind that the non-returnable container dominates the market that we are referring to and, in that sense, underwrites the cost where the returnable bottles are used.

There are statistics and studies that reveal that an average retail outlet incurs costs of up to 42¢ a case for handling returnable bottles.

Now if we were to revert from a non-returnable, one-way system to a deposit, two-way system, all of the costs involved of the bottlers in new equipment for handling returnables, all of the distribution costs involved - the new trucks required

by the distributors, the new space and the cost incurred by the retailers - would have to be passed on to the consumer if these businesses were to in fact stay in business.

I think we are somewhat misguided by current situations where there is a segment of returnable bottles at a lower price in relation to non-returnables at a higher price in a given retail outlet.

ASSEMBLYMAN WILSON: It all depends on the margin of profit of these various companies compared to what they would have to absorb.

MR. VAN KEUREN: I would think that the capital investments required, not only by some of the soft drink bottlers and the brewers but the distributors and the retailers, would drastically change the pattern of distribution and availability of these products on the market to an extent where certain businesses would no longer prevail.

ASSEMBLYMAN KIEHN: I just had a few questions. I presume that you manufacture cans and bottles for all the major bottling companies.

MR. VAN KEUREN: We manufacture cans, sir, just cans.

ASSEMBLYMAN KIEHN: Just cans. I see. Do you furnish those to Pepsi-Cola, Canada Dry and so forth?

MR. VAN KEUREN: The can industry supplies most of the soft drink bottlers and brewers, yes.

ASSEMBLYMAN KIEHN: Well, the cans at this time are not returnable.

MR. VAN KEUREN: There is no way that a can can effectively compete in a legislated deposit-returnable system, no. A can can be returned to a given outlet. Well, let's say this, to cite an example: There are considerations of perhaps putting a mandatory deposit of 5 cents on a can. This exceeds the scrap value of the can. In fact, it exceeds the selling price of the original can. It doesn't make sense. The can cannot be reused or refilled. It does have tremendous scrap value, however, to both the steel and the copper industry,

but not to the extent of 5 cents. Also consider that if a can were returned to a supermarket, the supermarket would then in turn have to return it to the distributor and it would eventually end up perhaps at a wholesaler or back at the soft drink bottler or the brewery. Then what? Great costs would be incurred in this particular system to get it back into the recycling, and by recycling I mean back to the steel industry or the copper industry, to a point where the can virtually could not compete.

ASSEMBLYMAN WILSON: Since you do represent the can industry, I would like to ask you one question. It has been mentioned by various witnesses here and also, I believe, by the sponsor of the legislation, that cans be outlawed that have two-piece construction, referring to the pull tabs. Industry has testified before the Committee that litter is a person problem. Now if there are no pull tabs on the can, therefore, we take away one of the problems, do we not?

MR. VAN KEUREN: We make our cans to respond to the consumer demands. The consumer, several years ago ---

ASSEMBLYMAN WILSON: Excuse me. My question was specifically directed at the two-piece construction. If we were to remove the pull tabs, it would be out of the consumer's reach, so to speak. We say litter is a people problem. So if they don't have this type of can and they can't get this type of can, what is going to be the effect? It is not what you put on the market. Because, let's face it, before we had pull tabs, it was more difficult and we had to get a can opener. But if there are no pull tabs, then we have to get a can opener. What is going to be the effect as far as your company is concerned?

MR. VAN KEUREN: I was trying to respond to that and indicate the developments and the expenses the industry went through to develop a pull tab that was demanded by the consumers at the time. I will skip all of that and say that the can industry is working on convenient ends that have attached tabs. That would eliminate that problem. But the point is, if you ban

this particular style container, then it can't end up in litter. You know, following that logic on through, if you banned all cans and bottles, you have only eliminated 20 per cent of the litter. So I don't think that is a sound approach, to legislate it out of existence. An attached tab before too many months will be offered to the consumer, just like a non-returnable can is offered to them now. Let them make their choice.

ASSEMBLYMAN WILSON: It will be what? an attached tab?

MR. VAN KEUREN: I am sure all the can companies are working on it. I know American Can is. This is a tab that will not be totally removed from the container. It will remain attached. There are many concepts. It requires a great deal of testing. As you know, these containers are rather sophisticated. They are designed to hold a product, a specific product, and maintain that product all the way through. Therefore, it requires a great deal of development and testing before we can go to market.

ASSEMBLYMAN WILSON: You will have to admit though that it is much easier for an individual to throw away a tab than to throw away a can.

MR. VAN KEUREN: I don't think it is any more convenient to throw away a tab on a metal can than it is a bottle cap or a cigarette wrapper or a gum wrapper.

ASSEMBLYMAN WILSON: You don't think one is more dangerous than the other, as far as laying around?

MR. VAN KEUREN: I don't think honestly that a bottle cap is any less or more dangerous than a tab removed from a can.

ASSEMBLYMAN WILSON: I never cut myself on a bottle cap.

MR. VAN KEUREN: You would remember it if you did, I am sure.

ASSEMBLYMAN FAY: Would you like to enlarge on the point you made about the new machinery? Did you say that is being developed or is developed?

MR. VAN KEUREN: For separating municipal solid waste?

ASSEMBLYMAN FAY: Yes.

MR. VAN KEUREN: There are many, many systems. I referred to some of the less sophisticated systems in use in various municipalities of magnetically separating ferrous metals out of an incinerator residue. I think some of the other witnesses must have mentioned, and probably will mention, some of the other systems, such as Black- Clawson in Franklin, Ohio, which uses a hydropulping technology to separate out not only cans, but glass, and eventually glass by color, fibrous materials, all of which are returned back to the various industries for reuse.

There is a private enterprise in Houston, Texas, that takes the waste from the city and employs various means of separating out these products. The organics are used for compost. Unfortunately, they are having a difficult time finding a compost market. I don't think that particular group went about it in a sound manner. They are starting to develop compost markets now, so they have a total system.

The point is that various technologies that have been developed by these various industries, including the aircraft industry, are all coming to bear on the solid waste situation. That is why there are so many systems and so many systems that are quite effective and offer real promise, not only of reducing solid waste that might end up in landfill or incineration, but as a source of revenue to the local governments.

ASSEMBLYMAN FAY: Thank you.

ASSEMBLYMAN WILSON: Thank you very much.

MR. VAN KEUREN: Thank you.

ASSEMBLYMAN WILSON: Mr. Peck.

T H E O D O R E A . P E C K , J R . : Mr. Chairman and members of the Committee: My name is Theodore Peck. I am a member of the governing body of West Windsor Township in Mercer

County, and it is a pleasure to appear before you today in support of Assembly Bill 2212.

On April 26th of this year, the West Windsor Township Committee unanimously passed a resolution urging that:

The Legislature of the State of New Jersey enact a law prohibiting the use of "No Deposit, No Return" beverage bottles and cans, exclusive of hard liquor, and that whenever "Return" beverage bottles are used, there be required a minimum security deposit of 10¢ per bottle or such sum as may encourage return of such a bottle.

Many other New Jersey municipalities have passed similar resolutions. These votes provide evidence of a growing concern over the increasing trend toward throwaway consumer items. My own municipality, like most communities today, is faced with a serious problem in solid-waste disposal. I cannot pretend to speak for all who have voted for these resolutions, but I would like to express the reasons for my own concern, as a municipal official and as a citizen.

First, solid waste is proliferating so rapidly as to be beyond control, while most industries-- emphasizing "convenience" at the expense of responsibility-- have encouraged the public to believe that practically everything should be thrown away after first use. This attitude is not going to be changed overnight, but the best place to begin is with an industry which has always-- until recent years-- operated with reusable containers. Yet this industry is not cooperating. Bottlers and distributors find it more profitable to produce an endless stream of "disposable" bottles and cans. But their profit is my loss-- as a municipal official and as a taxpayer.

My tax dollars go to buy more garbage trucks, landfill sites or incinerators, and to clean up the litter along the roadways. (It has been calculated that it costs New York City 31 cents for each bottle or can picked up.) As an official, I see money needed for other municipal services being spent to subsidize the profits of bottlers and distributors. Industry representatives point out that only

about 22% of solid waste consists of glass and metal. However, they overlook the fact that aluminum and glass do not burn or decompose. From 60% to 80% of incinerator refuse consists of glass and metal.

My second concern is with jobs. We have heard the threats of some bottlers that, rather than return to the manufacture of returnable bottles, they will shut down their plants, thus throwing hundreds of people out of work. Well, I wish to point out that plants are already being closed down, by the hundreds, because of the switch to nonreturnables. The trend to throwaways in the beer industry caused the number of breweries to decline from 262 in 1958 to 188 in 1967. If the current trend continues, the effect will be much greater in the soft-drink industry-- because it is a larger industry, with more employees and more small franchises. To handle returnable bottles, the operation must be decentralized; each plant can then handle bottles in its own area without excessive transportation costs. Nonreturnables, however, are distributed over a much wider area, and the local plants shut down. Officials of one of the nation's largest soft-drink manufacturers-- one which has more than 1000 bottling plants today-- predict that ten years from now they will have less than 100, serving the entire country.

Distributors have threatened to discontinue service to cities and towns considering legislation such as that which is now before you. However, I don't think they can afford to pull out of an entire state. In enacting this law the Legislature would insure more, not fewer, jobs for the people of New Jersey.

My third concern is the cost to consumers. I have already spoken of the higher taxes involved in dealing with disposable containers. In addition, beverages in nonreturnable bottles and cans cost more at the point of sale. Presumably the consumer is paying for the "convenience" of throwing

away his bottle or can. However, within the last two years the recycling concept has become universally accepted, so that all good citizens must return their bottles and cans to a reclamation center. The "convenience" has disappeared.

The industries would have us believe that the solution to the problem lies in using old bottles in the manufacture of new ones, and melting down aluminum cans to make more aluminum cans. But why manufacture the same product several times over from the same material-- with all the expense of fuel and resultant air and water pollution that the manufacturing process entails-- when the container can instead simply be washed and used again? The recycling concept is valid for those articles which cannot be used again; for beverage containers, re-use is the answer.

The only justification the proponents of nonreturnable containers can offer is "convenience"-- for the bottler, the distributor and the consumer. A few years ago this argument might have been unanswerable. However, times have changed. It has become clear to many of us that today's "convenience" can be tomorrow's disaster. It is time that we all learned to face that fact of life. Thank you.

ASSEMBLYMAN WILSON: Any questions?

ASSEMBLYMAN BLACK: I have several questions, Mr. Peck. I assume then that you advance the theory of returning to a deposit and returnable bottle.

MR. PECK: Yes. Some people have suggested returning bottles and cans that are not actually usable, but that is not in my concept as the purpose of this bill.

ASSEMBLYMAN BLACK: You would rather see the complete elimination of this type of container.

MR. PECK: Frankly, I think that is the ecologically sound approach.

ASSEMBLYMAN BLACK: If we did away with these types of containers, how would I get my beer home from the bar? Would I carry it in the old pot?

MR. PECK: I don't understand. If we have returnable bottles --

ASSEMBLYMAN BLACK: Then you do favor returnable bottles. I am sorry. Perhaps I misunderstood.

MR. PECK: Yes, returnable bottles.

ASSEMBLYMAN BLACK: You mentioned in your statement that the industry representatives point out that only 22 per cent of solid waste consists of glass and metal, and you further point out that 60 to 80 per cent of incinerator refuse consists of glass and metal. Of course, at the present time we are interested not only in the pollution of the soil but we are also interested in the pollution of the air. If we reach a point in time when we discontinue incineration, we are right back again to the 22 per cent, aren't we?

MR. PECK: Yes, but the point is that this material does not incinerate. If you have it in a landfill, you still have the same problem of volume.

ASSEMBLYMAN BLACK: But if we are not going to burn anything, it would then be just 22 per cent you are talking about.

MR. PECK: For instance, in a landfill you have paper and organic materials which can dissolve, which reduces the volume.

ASSEMBLYMAN BLACK: A portion of it.

MR. PECK: Yes.

ASSEMBLYMAN BLACK: It might be somewhat higher than 22 per cent.

MR. PECK: Yes.

ASSEMBLYMAN BLACK: My next question has to do with something I have seen mentioned several times. You indicate the trend to throw-aways in the beer industry caused the number of breweries to decline from 262 in 1951 to 188 in 1967, which is roughly a 30 per cent reduction. I cannot believe personally that the switch to throw-aways is the primary reason for this decline in the number of breweries. I certainly doubt that we are having 30 per cent less beer consumed at this point.

MR. PECK: Well, the point is that you have fewer but larger breweries and they ship it longer distances. It tends

to close down the smaller operations in local areas.

ASSEMBLYMAN BLACK: In other words, it could be connected with an increased expertise by management to increase their facilities as well as possibly throw-away bottles.

MR. PECK: It is possible, but a lot of the management expertise these days I think has been exerted towards developing non-returnable bottles and this is the way to increase profits.

ASSEMBLYMAN BLACK: I have no further questions.

ASSEMBLYMAN KIEHN: In your opening statement, sir, you mentioned that the West Windsor Township Committee unanimously passed the resolution with regard to the no-deposit, no-return bottles. You mention that you have recommended 10 cents per bottle deposit, but didn't mention anything about cans. Are you concerned about the cans?

MR. PECK: As I stated, my own position is that a returnable container should actually be reusable. It has just been stated that this is not possible with cans. So what we are really envisioning is a returnable bottle system.

ASSEMBLYMAN KIEHN: In other words, you would be in favor of a non-returnable can?

MR. PECK: No. My own position may be somewhat extreme, but I feel that aluminum is such a scarce metal, it shouldn't be used in beverage cans at all.

ASSEMBLYMAN KIEHN: You did mention that it costs New York City 31 cents to pick up a discarded bottle or can. Do you have any figures as to what it might cost Jersey City, Newark or Trenton?

MR. PECK: No, I am sorry I don't have those figures.

ASSEMBLYMAN KIEHN: Because we are primarily interested in our own State.

MR. PECK: I have not seen those figures, but I presume it would be comparable.

ASSEMBLYMAN KIEHN: You do not have figures on that.

MR. PECK: No.

ASSEMBLYMAN KIEHN: You mentioned the nation's largest soft drink manufacturer. Would you care to give the name of that manufacturer?

MR. PECK: I am sorry. I can't give you the name.

ASSEMBLYMAN KIEHN: You don't care to give the name?

MR. PECK: The statistics I read listed this as the largest manufacturer. Frankly, I don't know which the largest is. I have a suspicion, but ---

ASSEMBLYMAN KIEHN: O.K.

ASSEMBLYMAN WILSON: Thank you very much, Mr. Peck.

I would like to enter into the record a statement by Alfred A. Hadinger, Councilman, Village of Ridgewood, in support of A 2212; a resolution by the Township of Cedar Grove, in Essex County, in support of A 2212; a letter from Mr. George Alexander of Princeton, in favor of A 2212; a statement on A 2212 by Ellis Yochelson of Maryland, in favor of A 2212; a statement by the American Association of University Women, Princeton Branch, in favor of A 2212; and a letter from the Crusade for a Cleaner Environment, based in Washington, D.C., in favor of A 2212; and a Statement by Theodore Nalikowski, State Director of Drive, for the Teamsters' Union, in opposition to A 2212.

(Copies of the above can be found beginning on page 182.)

ASSEMBLYMAN BLACK: Mr. Chairman, I would like to have Mr. Peck return if I could for an additional question.

ASSEMBLYMAN WILSON: Before we do that, I also have a statement from the Licensed Beverage Association to be included in the record, opposing A 2212.

(Statement by Arthur Mitchko, Licensed Beverage Association, can be found on page 214.)

Mr. Peck, Assemblyman Black would like to ask you an additional question. Will you please come forward.

ASSEMBLYMAN BLACK: Mr. Peck, I was trying to check in your testimony where you made reference to this nation's largest soft drink manufacturer and in reply to Mr. Kiehn's question, you indicated you did not wish to name it.

MR. PECK: No. I'm sorry. It is not that I don't wish to but I am not sure which one it is.

ASSEMBLYMAN BLACK: Well, would you care to tell us what your source material is for this?

MR. PECK: I would have to check my files. I have a big file of clippings on this.

ASSEMBLYMAN BLACK: I become very upset when we are talking about a bill which certain union representatives indicate could result in a layoff, if passed, of a number of people. The industry agrees with the union, as does the Chamber of Commerce. Although in a public statement you have every right to present your opinion, I certainly think that you should footnote references of this nature if you are going to submit them in public testimony, for the benefit of the Committee, so we may follow up and fully investigate the matter.

MR. PECK: I will give you that before I leave today.

ASSEMBLYMAN BLACK: Thank you very much, sir.

ASSEMBLYMAN WILSON: Thank you.

Mr. Neilland of the New Jersey Food Council. I have a statement from him so I guess he is not going to testify.

(Statement from James M. Neilland can be found beginning on page 215.)

Mr. Becci, New Jersey Package Storet Association. Is he present? (No response.)

Mr. Price, Thatcher Glass Company. Mr. Price, we would like you to limit your testimony to a summary of this. We can't have it read verbatim.

G E R A L D L. P R I C E: Mr. Chairman and Distinguished Members of the Committee:

Thank you for this opportunity to make what I hope will be a helpful contribution to your studies on Assembly Bill 2212.

My name is Gerald L. Price. I am Vice President of Thatcher Glass Manufacturing Co., with plant facilities in Wharton,

New Jersey. My company is a leading producer of food and beverage glass containers and a member of the Glass Container Manufacturers Institute.

I am speaking this morning on behalf of Thatcher and the Institute, a national trade association whose domestic members produce nearly 90 per cent of the glass containers manufactured in the United States.

The legislation you are considering is of very direct concern to the glass container industry, since our company and the industry have invested millions of dollars and man hours over many years in the pursuit of new and improved systems and programs to solve the very real solid waste disposal and litter problems that we all face.

Indeed, we believe we were the first to institute solid waste management programs on an industrywide basis when we established an environmental pollution control program some 4 1/2 years ago under the supervision of a former director with the United States Bureau of Mines.

Our joint objectives, therefore, are similar but they will not be realized through the proposed legislation. Legislation of this sort simply won't work.

To conserve time this morning, I have left with the Committee some material which will outline in more detail the program in which our industry has been deeply involved and devote my remarks to highlighting the findings of our research and those projects.

I would like to urge this distinguished Committee and others seriously attempting to develop meaningful, constructive solutions, to consider that when the concerned environmental groups, whose concern we share although we differ in approach, quote the vast figures of the solid waste problem, only less than 1.3 per cent, as pointed out earlier by Mr. Van Keuren, constitute the burden of beverage glass containers.

Furthermore, a survey of some 5,000 public works officials by the Resource Management Corporation reveals that these officials find glass containers to be a negligible

problem in standard solid waste disposal systems.

Crushed glass - or cullet, as it is known - has always been used in the making of new glass containers - indeed, for many years there was a large cullet industry in New Jersey which provided a necessary source of used glass for our industry which we are trying to revive today.

In the summer of 1970, reclamation centers were established by more than 90 manufacturing plants in 25 states. Here in New Jersey, all GCMi member companies participated, drawing on its labor and management and our bottler customers, to assist in reclamation of used containers, as a result of programs voluntarily launched by a broad range of community groups and individuals.

To date, member companies alone in New Jersey have collected more than 50 million pounds of used glass containers - representing an expenditure of over half a million dollars - waste glass that would have otherwise become part of this state's litter and solid waste accumulation.

While we see voluntary public reclamation programs only as a vital first educational step to dramatize the concept of recycling and reuse, we anticipate substantial increase in programs in the months ahead.

However, as important as such voluntary programs are in educating the public in solid waste and litter, our industry believes it is in the development of technology and solid waste disposal systems, as well as in the development of secondary uses for glass, in which will lie the ultimate solution for solid waste, and in continuing educational programs to combat the litter problem.

Thus, our industry is working on four fronts:

In litter, GCMi was a founding member of Keep America Beautiful, and is still its largest contributor. Our industry has long conducted its own anti-litter programs in plant communities, sales offices and through national anti-litter radio and television promotion; in solid waste, we have undertaken extensive research into the impact of our product on

the environment; the development of secondary products and the development and testing of systems which would separate our glass portion from municipal solid waste.

In the development of secondary materials, I would like to draw your attention to the small kit which has been submitted to you, which displays just a few of the products that are today being commercially made from waste glass. These include glasphalt, a paving material that presently is being used experimentally in eight states; blocks, including a new process of compressing rather than baking; decorative mosaic tiling and spun glass insulation.

I would also like to note the small vial of sand-like granuals, which represents the same vial when ground up, indicating the reduction in size when glass is properly crushed for landfill.

To date, our research has indicated that there are more uses for waste glass than our entire industry could produce now or in the future.

What are needed, of course, are the systems that can lessen the impact of solid waste disposal on our environment under present waste disposal practices and through separating and recycling of all solid waste - not just less than 6 per cent - conserve natural resources by returning those valuable materials back to their respective industries.

Included in the material I have provided is a summary of the systems which are currently under development of all facets of government, private industry and educational institutions, numbering over 50, of which several need only to be tested in pilot systems.

Earlier this month, GCMI completed arrangements for the funding of the installation of a subsystem for the mechanized retrieval of glass suitable for recycling from the country's first full-scale pilot recycling plant, constructed by the Black Clawson System in Franklin, Ohio. Details of the system, which holds great promise, are also included in the material I have left with you. The glass system incorporates screening, washing, air-classification, para-magnetic and optical sorting technologies that our

industry has jointly researched over the past several years.

Such systems, established on a regional basis in New Jersey with corollary secondary materials industries offer the best hope, we feel, for the viable solution of solid waste disposal problems.

Such an approach would not only see the development of many new jobs and industries in our State, of a more constructive nature, but would be the best utilization of industry's economic and technological resources rather than their dissipation through quick, simplistic approaches that would prove an economic burden to the consumer as well as industry.

In summary, I would like to mention that every Federal congressional and agency committee that has given deep and thoughtful consideration to the solid waste and litter problems, including the Federal Environmental Protection Agency, as well as study committees in each of the 44 states that have considered similar legislation to 2212, have concluded that eliminating, discriminating or restricting no-deposit beverage containers won't solve the problem.

All have concluded that salvage, reuse and recycling of all solid waste is the answer.

Mr. William D. Ruckelshaus, Director of the Environmental Protection Agency, as reported in March 29 issue of U.S. News and World Report, stated that recycling is a much more rational approach to improve the environment than reverting to returnable containers.

To that end, in summary, I would like to recommend a joint industry government study of regional solid waste systems in New Jersey, and the application of systems for solid waste and recycling with a view to implementing such a program for our state within the next few years. To that end, I can pledge the full support of our industry, its manpower and its technological resources.

Thank you for your consideration of our views.

(Mr. Price's complete written statement can be found, beginning on page 223.)

ASSEMBLYMAN WILSON: Assemblyman Black.

ASSEMBLYMAN BLACK: No questions, sir. Thank you very much.

ASSEMBLYMAN WILSON: Assemblyman Kiehn?

ASSEMBLYMAN KIEHN: I think the statement speaks for itself.

ASSEMBLYMAN WILSON: Assemblyman Fay.

ASSEMBLYMAN FAY: No questions.

ASSEMBLYMAN WILSON: Mr. Price, it has been charged by proponents of the bill that the glass industry is so locked in with equipment manufacturing non-returnables, it is just not feasible for them to adapt into a returnable container so this is the reason they are justifying their position. Would you comment on that?

MR. PRICE: Yes. We are quite capable of making both returnables and non-returnables. In fact, we do it every day. It is simply a matter that the public seems to prefer non-returnables and consequently we do make a few more of those than we do of returnables.

ASSEMBLYMAN WILSON: A few more?

MR. PRICE: Yes. Of the production of the glass industry, about 60 per cent in beverages is in one-ways and about 40 per cent is still in returnables, which is still a pretty good percent of our total business.

ASSEMBLYMAN WILSON: Those figures aren't true though in New Jersey, are they?

MR. PRICE: No. I am talking about the entire country.

ASSEMBLYMAN WILSON: What would be the figures in New Jersey of non-returnables versus returnables?

MR. PRICE: Well, it would be considerably different than that. I wouldn't really be able to answer that as far as New Jersey alone is concerned.

ASSEMBLYMAN WILSON: About 90 to 95 per cent? Do you think it would be that high?

MR. PRICE: I guess probably 90 per cent would be one-ways in New Jersey, but that is just a guess because

naturally I don't know what the other companies produce. But from what I know of the bottlers in this State, yes, probably 90 per cent would be one-ways.

ASSEMBLYMAN WILSON: Why do you think New Jersey runs adverse to the national adverage?

MR. PRICE: Distribution costs in the metropolitan areas are high. It is not quite as easy to take bottles back, particularly in metropolitan areas. If you go into the South or Midwest, returnables are still a big factor in those markets. But it is easier for the bottlers to get their bottles back and probably easier for the people to take them to the stores. It is very difficult in New Jersey if you buy a six-pack of returnable bottles to get it back to the store where you got it or any store for that matter.

ASSEMBLYMAN WILSON: I can't understand that. It would seem to me since we are the most densely populated state the stores would be closer to the consumer; whereas if you take the states in the Midwest, the population is more spread out.

MR. PRICE: I don't know. One of the things that has remained a complete mystery to us is why people in this area will not take a bottle back for a five-cent deposit. Yet they will voluntarily pick up glass that we only give them half a cent apiece for. Just what makes a consumer do this, I am not sure.

Again I think this goes back to the bottler's expenses to some degree though. He would then have to go back to the stores, sort out the bottles - let's say he is a Pepsi-Cola bottler - get his bottles separated from Seven-Up and CocaCola and Canada Dry and everybody else's, load them in a truck and take them all back to his plant again.

ASSEMBLYMAN WILSON: That is done at the stores though. It used to be the stores would have them separated according to the different brands, and the truck driver would come in and make his delivery and in turn take the returned bottles. The driver used to get paid so much for delivering full goods and so much for taking the empty bottles back.

So the only problem is storage, isn't it?

MR. PRICE: Yes, storage is particularly important - storage and the expense of having somebody go to work and do this within the store. You have to have somebody there to give the deposit back to the consumer. It has to be done really in the front of the store to make it effective or somewhere within the working area of the store. And the glass has to be transported to the rear of the store, segregated from the food products because invariably there is some residue left in the bottles which makes them a health hazard, then separated into the various cases by particular type of bottle, all of which costs money to the store to have personnel do this. This doesn't explain why the consumer won't bring it back, but this, I think, has contributed to the demise of the returnable bottle in the metropolitan area. The storekeeper to some degree just won't stock returnable bottles and he won't stock them really to a large degree because his customers won't buy them.

ASSEMBLYMAN WILSON: O.K. Thank you very much.
Mrs. Cynthia Fox.

C Y N T H I A A. F O X: My name is Cynthia Fox. I am from Princeton and a very concerned citizen. Thank you for asking us here today regarding Assembly Bill 2212.

I am from Princeton and have been completely involved with our monthly recycling program, the first of which was last February. We are happy that it has been a success.

But I am convinced that recycling is only a partial solution to the formidable solid waste problem.

I believe that it is absolutely necessary that we slow down the production of bottles, already in the billions, by returning to the thrifty practice of reuse again and again.

I have heard it said that the supermarkets are against returnables. Why? Because the lower cost of returnables competes with the sale of their own brands, and because they have never cooperated in arranging a really satisfactory method of

receiving the returned bottles. After all these years, the housewife, carrying her bottles back to the store, has to wait, sometimes in line, while in some stores an express-line boy reluctantly takes her bottles and dumps them into a store cart, all of which is usually in everybody's way. It is all utterly inefficient.

Open up your minds to a new concept of what happens to those returned bottles. Perhaps in the corner of the supermarket there could be a machine dispensing the deposit change for the bottles. Perhaps in an extension, also roofed, of the Pick-Up area there could be some efficient arrangement. America is famous for its technological know-how and I say it is time we used some creative thinking towards making it easy, pleasant, and efficient to return our bottles in a well-organized system.

When we accomplish this, then I think we will have a public which, recognizing the environmental and economical importance of reusing the same container, will expect, perhaps even demand, that once again, as we did until recently, we have only returnable bottles. After all, they are cheaper.

Regarding aluminim, it is a precious vanishing resource. Let us not waste it on beverage containers.

Let us revert to returnable glass bottles and let recycling be the last resort, not the first.

Assembly Bill 2212 is a step in the right direction. Thank you for your attention.

ASSEMBLYMAN WILSON: Any questions? (No response.) Thank you very much for your testimony. Mrs. Aletta?

C A R O L A L E T T A: My name is Carol Aletta. I am not from any organized group. I am a citizen. I am a voter. I am a consumer. I am also the mother of two of these young people who have been distracting you for the past half hour and I am going to take them out so the distraction will cease. But I would like you to know, first of all, why I brought them here or why I am here. I brought them because I have no one

else to care for them. I am here because of these little people and because I want them to grow up in a better world. I feel that this bill currently before you will be one tiny step in that direction and I think you, as legislators, should think about this. Many of you have children, grandchildren, nieces, nephews. It is their world that we are thinking about and we are trying to help.

This isn't going to do everything, but it is a start; it is a small step. So this is why I am here, to speak for them and to speak for all the other mothers who don't have the courage or don't live near enough or just can't make it in here, to let you know that we are in favor of this bill and we are concerned about our children. That's all.

ASSEMBLYMAN WILSON: Assemblyman Black asked that Committeeman Peck clarify the source of his statement, and he advises he got it from Outlook, which is a publication of Owens-Illinois Glass Company, September, 1970. The statement he quoted was: "One of the nation's biggest soft drink manufacturers has more than 1,000 local bottling plants today - but officials of that company predict that 10 years from now they'll have less than 100 serving the entire country."

Mr. Harry Seales? Mr. Seales who testified last week is from Long Branch Recycling Area and he asked me if he could come back to give some additional information.

H A R R Y S E A L E S: Mr. Chairman and members of the Committee: Last week I was asked to bring back today specific details on proposals for area reclamation centers. So I have brought you these proposals, which were prepared by engineer R. E. Straub of Cartaret. Mr. Straub is here in the Chamber; he is not scheduled to appear. But if you should want to ask him details on this, I am sure he would be happy to give them to you.

If I may, the United States Chamber of Commerce has authorized me to give you for the record copies of their Pollution Facts, a study based on the National Academy of Science Reports on returnables versus non-returnables. I

won't go into details, but I will send you copies of this report. I would like to urge everyone who is interested in this problem to secure this report from the U. S. Chamber of Commerce in Washington - copies of this report, number one in a series, issued about two months ago. You can receive these by writing directly to the U. S. Chamber of Commerce in Washington, D. C.

There has been, I am afraid, in a good bit of the testimony a lot of wishful thinking with disregard for cold, hard facts. One fact is this: Your 12-ounce return bottle weighs approximately a half pound. The statement has been made that going to mandatory use of return bottles would supposedly reduce litter. The fact is that it would tend to increase the litter volume and the garbage volume 2 to 10 times over, because it takes 5 tin cans or 10 aluminum cans -- I should say it would take 5 half-pound deposit bottles to replace 5 tin cans. Your ratio of weight -- 1 bottle equals 5 tin cans or 10 aluminum cans. And the hard, cold facts are that the litter studies that have been made, including this one by the U. S. Chamber and by the National Academy of Science, have all shown the amazing, incredible fact that litter surveys show a higher percentage of returned bottles, thrown away, than the total percentage of returned bottles in use in the various areas that have been studied. No one knows why this is, but every study that I have been able to find has shown this to be a fact and it has been borne out in our reclamation center in Long Branch and in the teams that we have had in operation for 45 weeks, cleaning all the litter off the city streets, city-owned properties and vacant lots.

As to the value of reclamation, Coke of New York released figures to me about 30 days ago that showed a reversal of their downward trend on return trips of deposit bottles in areas where there has been extensive reclamation education and activities, such as in Eastern Monmouth County. Their turnover had gone down to as low as 3 trips per bottle. It is now back up to nearly 6 trips per bottle in that

particular area where we have engaged for a year in such extensive activity.

I have tried to find exact information on the effect of transportation in going to return bottles completely. A five-yard truck will carry about 6,000 pounds of crushed glass from the reclamation centers to the recycling plants. Every estimate that I have been able to get shows that from 12 to 20 trucks would be needed to carry that same amount of glass, same weight of glass, in return bottles in cases back to the bottling plants.

I am not opposed to return bottles. I am opposed to this legislation though on the basis of the cold, hard facts.

Also this proposed legislation would prohibit the sellers at wholesale and retail levels from using anything but return containers. It does not prohibit the buyers. And if you think for one minute that all the restaurants and all the tremendous volume of beverage users in this State would not buy out of state simply to save that nickel per can or bottle on a ten- or fifteen-cent soft drink of juice or what have you, you are mistaken.

Gentlemen, as the testimony has brought out, people simply don't return returnable bottles. We don't know why. The only upswing that we have been able to detect is in areas where reclamation has been pursued so vigorously. Sure, reclamation is called a stop-gap measure. One of the main values is in the education that is carried on through reclamation and the involvement of the young people and the income that they can't otherwise get at ages below 14.

A large part of the increase in litter, it should be borne in mind, is also due to the increase in population in the State. It is not just a matter only of people more and more throwing out more and more litter; it is more and more people. One recommendation that the United States Chamber of Commerce makes in this regard is to pass legislation, making tossing of litter from a moving vehicle a violation

which would be entered on the driver's record, if convicted, which would put teeth for the first time in some of these anti-litter regulations.

ASSEMBLYMAN WILSON: Any questions? (No response.)

Thank you very much, Mr. Seales.

Mrs. Heidi Hopkins.

H E I D I H O P K I N S: Mr. Chairman and members of the Committee: My name is Heidi Hopkins and I would like to present a statement. First of all, I would like to present a letter on behalf of Thomas Southerland from the Princeton University Environmental Advisory Committee, and secondly, on behalf of the Conservation Coalition with permission from the Crusade for a Cleaner Environment.

First, the letter from Mr. Southerland:

(Reading)

"On behalf of the Princeton University Environmental Advisory Committee, I am writing to urge the passage of Assembly Bill No. 2212. This concerns the banning of certain non-returnable or disposable beverage containers within the State of New Jersey and requires a 5 cents deposit on returnable containers.

"Thank you.

"Sincerely yours,

Thomas C. Southerland, Jr.
Chairman"

Now to the statement in support of A 2212, on behalf of the Conservation Coalition:

It has become evident from the arguments of many of the opponents of A 2212 that the loss of jobs, which the passage of A 2212 would allegedly entail, is their major concern. We would like to point out, however, that - while there might be a loss of jobs for some - the total job situation is much more optimistic for New Jersey. Let us look at the research done by the "Crusade for a Cleaner Environment" in Washington, D. C. Since the beer and soft drink industries would have to return to their previous methods of bottling and marketing, the net result of passing A 2212 will be an increase in employment.

Here are the facts which the "Crusade for a Cleaner Environment" came up with on "THE EFFECT ON JOBS OF THE TREND TOWARD NON-RETURNABLE CONTAINERS IN THE BEER AND SOFT DRINK INDUSTRIES":

The switch-over from returnable, money-back bottles to throw-away containers in the beer industry has been paralleled by a sharp decline in the number of breweries with a consequent loss of jobs and corresponding decline in payrolls.

Figures from the U.S. Department of Commerce show that the number of breweries in this country dropped from 262 in 1958 to 188 in 1967, a decline of 28.3 %. Recently, a representative of the U.S. Brewers Association estimated there were now less than 80 brewing companies.

The number of persons employed by breweries dropped from 71,700 in 1958 to 60,500 in 1967, a decline of 15.6 %. Based on the average wage rate of \$8,714 in 1967, the 11,200 job decline amounted to a payroll loss of \$97,596,800.

It is estimated that even larger repercussions will occur in the soft drink industry — if the switch to throw-aways continues. If the current trend continues, experts predict that by 1975, all soft drinks will be sold in non-returnable containers. In 1967 there were 3,403 soft drink bottling plants in this country employing 123,400 persons with a total payroll of \$727,100,000.

If the trend to throw-aways in the soft drink industry parallels the beer industry, which it has to date, a decline of 28.3 % in the number of plants

would amount to a drop in plants of 936, or a new total of 2,440 plants.

The number of employees, with a 15.6 % decline, would fall to 104,150.

Using the 1967 payroll figure of \$5,892, the total loss in payroll would be \$113,421,000 yearly.

A complete switch to throw-aways would also affect employment in food stores and other establishments selling soft drinks. Food chains estimate that it takes between 1/4 and 1/2 of a man to physically handle the sorting and related work connected with returnables. There were, in 1967, 218,130 food stores in this country. Estimating that around 90 % were handling returnables at that time and using the minimum manpower need of 1/4 man, the number of jobs comes to 50,000. Using \$6,000 as an average wage base, the payroll loss would be \$300,000,000 yearly.

Combining the three different sets of figures, the effect on jobs and salaries from the trend toward non-returnable containers in the beer and soft drink industries comes to a possible job loss of 80,450 persons and a payroll loss of \$511,017,800 yearly minimum. In addition, there are thousands of warehousing jobs which would be adversely affected by a complete switch-over to non-returnables.

For a plant comparison between the beer industry, now almost wholly committed to throw-aways and the soft drink industry still selling a large volume of returnables, Miller Brewing Company and the Seven-up Bottling Company distribute approximately the same volume of products on a national basis. Miller does it from three breweries. Seven-Up does it from 487 franchise bottlers. The September issue of Outlook, a publication of Owens-Illinois (largest producer of glass bottles in the country), said, "One of the nation's biggest soft drink manufacturers has more than 1,000 local bottling plants today -- but officials of that company predict

that 10 years from now they'll have less than 100 serving the entire country."

(Thus for the "Crusade for a Cleaner Environment.")

With these facts in mind, we, the Princeton Conservation Coalition, strongly urge you to approve A 2212.

Mr. Black, here you ought to have the information you are looking for again.

ASSEMBLYMAN WILSON: Mrs. Hopkins, you are saying even if this bill is not passed, there is still going to be a decrease in the number of jobs in the bottling industry if the trend continues.

MRS. HOPKINS: Yes, if the trend towards non-returnables continues, there probably will be if we can believe what the Crusade for a Cleaner Environment has written. I think they wouldn't have disseminated the information if they didn't believe it was accurate.

ASSEMBLYMAN BLACK: I keep having the same question come to my mind and, that is, how would we identify the bottles that had deposits on them coming out of the funds of the depositors in New Jersey? How would we prohibit bottles from Pennsylvania coming back for collection of deposits?

MRS. HOPKINS: I think you probably are dealing with a relatively small amount of bottles that are coming over from Pennsylvania.

ASSEMBLYMAN BLACK: Right now we are because we are not paying this five cents on every container. Under the proposed legislation, we would then be paying five cents for just about every bottle. The manufacturers have indicated that they do not have the funds to go to a massive returnable bottle situation. So I am wondering how we would identify bottles coming in from adjacent states since they would probably continue using the same containers.

MRS. HOPKINS: I am quite optimistic that if New Jersey takes the step of outlawing the non-returnable containers, Pennsylvania and all the neighboring states will follow suit pretty soon. It will be a matter of a year or two or perhaps

at the most five, if that - I'm not even sure of that - and we won't have that problem anymore. I am sure the people in this country will cooperate.

ASSEMBLYMAN BLACK: My next question: Are you aware of any sweeping movement among the population to do away with the throw-away bottles or containers?

MRS. HOPKINS: I think so. I think people are very much interested. The fact that all these recycling movements have come into existence shows that there is a great interest on the part of the people. However, they have been misled in the past by all the advertising. They have been trained to throw away things. And I don't think you can untrain them within a year. It takes some time.

ASSEMBLYMAN BLACK: I have my thoughts also and I was wondering if you could cite any drop in sales of materials as a result of the containers?

MRS. HOPKINS: Beg your pardon?

ASSEMBLYMAN BLACK: Have gross sales increased or decreased over the past ten-year period?

MRS. HOPKINS: Of what?

ASSEMBLYMAN BLACK: Of materials that are bottled in throw-away containers.

MRS. HOPKINS: I don't think I understand your question.

ASSEMBLYMAN BLACK: What I am getting at is, the market appears to be increasing, not decreasing.

MRS. HOPKINS: For non-returnable containers?

ASSEMBLYMAN BLACK: Yes. Yet the returnables have been decreasing based on the figures produced in testimony today and at the prior hearing.

MRS. HOPKINS: I think if sales have increased, it means that the people have become a little more affluent and they just drink a little more Coke or whatever and I don't think it is related to either the non-returnable or the returnable containers. I don't think that makes any difference.

ASSEMBLYMAN BLACK: I have seen no retail association

come forward and indicate that they have been contacted at their counter with requests from the consumers to discontinue carrying throw-away containers. This leads me to believe that perhaps at this point we will have a speaker at a later point bring this out. But thus far we have not. I would assume then that the general public appreciates the convenience of the throw-away containers and are willing to pay perhaps a little bit more for them.

MRS. HOPKINS: Again I have to come back to my statement that the public has been trained and the public has been made dumb by the past advertisements, and I think you must agree. They have been subjected to this kind of myth that it is very easy to throw away a can or whatever. They believe it after a while.

ASSEMBLYMAN BLACK: I would say that the myth is probably an actuality, that it is easy to throw it away.

MRS. HOPKINS: No, not if you have to pay for it - first, the container, and then you have to pay for carting the material away to the dumps.

ASSEMBLYMAN BLACK: From the individual consumer's standpoint, I would think that it is relatively easy to drop it in the kitchen waste can.

MRS. HOPKINS: Oh, no, it isn't - no, no.

ASSEMBLYMAN BLACK: It is not easier?

MRS. HOPKINS: No, it isn't because if you are a housewife, for instance, which I think you aren't --

ASSEMBLYMAN BLACK: I haven't been for some time.

MRS. HOPKINS: (Continuing) -- you have to collect an awful lot of bottles and they get terribly much in your way and it is a great nuisance to have all those bottles sitting around until the garbage man comes by on a certain day, which is once a week in our case, to pick them up. That is from the practical standpoint.

ASSEMBLYMAN WILSON: On the other hand, Mrs. Hopkins, would it not also be to the disadvantage of the housewife to have bottles sitting around in a container, waiting around

to go back to the store?

MRS. HOPKINS: Well, we have to go shopping every second day anyway.

ASSEMBLYMAN WILSON: Every second day?

MRS. HOPKINS: Every second or third day. We like to have fresh food, fresh vegetables.

ASSEMBLYMAN BLACK: Thank you very much. You have answered one of my questions that I haven't asked and that is where my pay check goes. Now you have advised me where it goes. My wife is probably shopping every other day.

MRS. HOPKINS: That doesn't mean you have to pay more or shop for more; you just get fresher food that way.

ASSEMBLYMAN FAY: Mrs. Hopkins, last week we had the industry people involved and some of the more prominent ones today. We have had people from the AFL-CIO who, I believe, represent almost everyone in this industry. In your statement you say there might be a loss of jobs for some. Last week, the testimony would indicate "some" would come out to a minimum of 10,000 jobs. To me, this would have to be cleared up and this goes back to one of the original statements today that with such conflicting and contradictory testimony, obviously an objective study in depth would have to be made here. On your figures for the breweries, these are national figures. Is there a breakdown on jobs in New Jersey, jobs that were and jobs that are?

MRS. HOPKINS: Not in the information that I have. But if you would call Mr. Harman Elder at the Crusade for a Cleaner Environment, I am sure he will be glad to give it to you.

ASSEMBLYMAN FAY: We will follow through on that. We are going to hear today from two people who are listed here as representatives of the Brewers' Association. Possibly they might have those figures.

MRS. HOPKINS: It seems to me that the number of job losses that have been cited is extremely high and I am rather doubtful of that. I would appreciate it if you would

on that.

ASSEMBLYMAN FAY: Unfortunately I am leaning in the other direction. I am more frightened of the job loss and the economic loss being even greater than has been stated. Before I as a representative of my constituents could cast an intelligent vote on an important subject like this, I most certainly would have to have conclusive or near conclusive economic statistics and figures and statements telling me just what kind of an impact this is going to have on the individuals and most certainly the impact on the industry of the State. Because history has shown us where one state moves and moves strongly into an area, the states that are bordering them are not inclined to move as strongly; they are more inclined to pick up the economic advantages that they have gained. So the AFL-CIO figures and the statement from your organization are the kinds of fact and the kinds of answers that the legislators and the Governor have to have in front of them.

MRS. HOPKINS: That is exactly why I felt you should have the information.

ASSEMBLYMAN KIEHN: After your statement to Assemblyman Black, I don't know whether you are a Miss or Mrs., but ---

MRS. HOPKINS: Mrs.

ASSEMBLYMAN KIEHN: What I would like to know in the event it might not be brought up later - the figures that you mentioned here by the U.S. Department of Commerce showing the number of brewers having dropped from 262 in 1958 to 188 in 1967, were there any reasons given for this drop? Or was it possibly expansion of the breweries in one location?

MRS. HOPKINS: The information that I have given you here is Fact Sheet No. 4, as a matter of fact, from the Crusade. I am sure they will be glad to give you all the details about it. This is all the information that was contained therein.

ASSEMBLYMAN KIEHN: You mentioned the number of food stores back in 1967, about five years ago, as being 218,000. Has that been increased any?

MRS. HOPKINS: Again there, may I refer you to Mr. Elder.

ASSEMBLYMAN KIEHN: All right. Thank you.

ASSEMBLYMAN FAY: Mrs. Hopkins, these statistics from 1967, is that the last study they have made - they have made no other?

MRS. HOPKINS: It seems to me that the information must have been compiled in 1970, since they were using some sources from the 1970 Brewers' Almanac of the brewing industry in the United States. I guess that is the title of it.

ASSEMBLYMAN FAY: Do you know whether this has been a continuing study?

MRS. HOPKINS: I don't really know, but I would assume there must be more of it.

ASSEMBLYMAN FAY: Because I think this point has to be made too, that since 1967 to '71, the economic and inflationary problems, particularly in our state, have worsened drastically in that period.

MRS. HOPKINS: Right.

ASSEMBLYMAN WILSON: Thank you, Mrs. Hopkins.

MRS. HOPKINS: Thank you.

ASSEMBLYMAN WILSON: Mr. William Crane, American Paper Institute. (No response.)

Mr. Robert Schroeder, Celanese Corporation.

ROBERT ALVINE: Mr. Chairman and Committeemen, I am speaking for Mr. Schroeder. My name is Robert Alvine.

ASSEMBLYMAN WILSON: Do you have a prepared statement that you can give to us?

MR. ALVINE: I will submit a formal statement. I understand we have two weeks to do so.

I am Product Manager of polyolesins for Celanese Plastics Company in Newark, New Jersey. Among the products we produce is high density polyethylene used to manufacture plastic milk containers.

I would like to make some very brief remarks regarding

the proposed amendment to exempt plastic-coated paper milk containers and discriminate against plastic and glass milk containers.

We also believe the ultimate answer to our solid waste problem is recycling. Polyethylene, like most plastics, can and is being recycled. Several dairies are experimenting with polyethylene bottle collection centers and reground bottles will be used for such things as pipe and drainage tile. Paper milk cartons, with their polyethylene coating, cannot be recycled economically. To recycle requires the coating to be separated from the paper substrate. The cost of this extra operation would be substantially prohibitive. There is no valid scientific reason to discriminate in favor of paper containers.

Examining the current situation, we have three methods of disposal for those materials that are not recycled, and that include the paper milk cartons: They are incineration, open dumping and sanitary landfill. As to incineration, the plastic milk bottle can be incinerated. Polyethylene is a hydrocarbon; that is, it contains only hydrogen and carbon atoms. Given sufficient air, it will be burned cleanly and completely, yielding primarily water vapor and carbon-dioxide, both natural ingredients of our atmosphere. Because of its high energy content, polyethylene, thus can assist as an incinerator fuel. It burns at a higher temperature than does the waste mix in an incinerator. If the incinerator is also used to generate steam, such as the one in Chicago, this characteristic is an added plus for the plastic milk bottle.

As to open dumping, about 75 per cent of our solid waste is disposed of in open dumps of Roman vintage, smoldering and fouling the air, leaching contaminants into ground water and providing breeding areas for germs, insects and rodents. The use of non-decomposing packaging materials reduces the threat to our health and environment posed by the degradable wastes in open dumps. Polyethylene containers will not support bacteria, insects or rodents nor will they produce odor or

ground water contamination. In addition, polyethylene will not contribute to smoke and pollution generated by fires which occur frequently in open dumps.

Our last method of disposal is sanitary landfill. In sanitary landfill, refuse is compacted and covered daily with a layer of earth. About 8 per cent of our waste is disposed of by this process. The Los Angeles County Sanitation District disposes of all solid waste in the county by means of sanitary landfill. County Sanitation District Offices have thoroughly documented evidence on the use of this method of solid waste management. They have made this statement in a letter to the Society of Plastics Industry, and I quote from the letter: Plastic waste disposed of in such a landfill would seem to be as suitable as dirt, broken concrete, bricks and other such like materials, which also do not undergo decomposition. In open dumps and sanitary landfills, plastics have the distinct advantage. They release virtually no leachable materials to pollute the groundwater and nearby streams.

Another factor to be considered is weight and volume. Regardless of the disposal method used, the most desirable packages from the disposability standpoint are those which contribute the least weight and volume to our solid waste burden. Because of its strength-weight relationship, polyethylene has a great advantage over competitive materials in this respect. In the dairy industry, paper cartons make only one trip before being discarded. The same is true with most polyethylene bottles. A polyethylene gallon weighs 90 grams; that is, 5.7 cubic inches compacted. Incineration can reduce this mass to virtually nothing. A polyethylene-coated milk gallon weighs 120 grams. So it contributes 120 grams or 11.4 cubic inches to disposal. Incineration may reduce this volume by about 90 per cent. In half gallons, the difference is more dramatic. Polyethylene half gallons weigh 35 grams each; coated paperboard containers weight 62 grams, nearly 80 per cent more.

To summarize, I am convinced that milk containers made of high-density polyethylene are superior from economic,

ecological, convenience, health and safety standpoints. They offer the housewife a light-weight, easy-to-handle, safe package. They will not lead or break when dropped. When incinerated, they will burn cleanly and completely and leave virtually no residue. They are excellent for use in sanitary landfills where they occupy less space than containers made of competing materials. In open dumps, they do not contribute to odor or health problems. They can be recycled. Their manufacture does not contribute to land, air or water pollution. Thank you.

ASSEMBLYMAN WILSON: Well, I have seen plastic put in incinerators and I have seen a lot of soot and a lot of heavy black smoke. You say that a plastic container, a milk container or any container burns the same as a wax-coated paper, as far as the residue is concerned?

MR. ALVINE: We are saying that the paper-coated or the plastic-coated paper container will produce more residue than the plastic will, than the high-density polyethylene milk container will.

ASSEMBLYMAN BLACK: I have a question, sir. Undoubtedly with your packaged product, you have from time to time gone out to secure buyers for your product. When you go out with your product, I was wondering what the criteria is that you propose in competition with, say, another package item or another type of package. In other words, when you take your product out and attempt to sell it to a manufacturer of a product that will go into the container, what is the basis upon which you approach this man?

MR. ALVINE: For background, we are a raw material supplier.

ASSEMBLYMAN BLACK: Sorry. I thought you were a finished product man.

MR. ALVINE: No. We would supply people who would manufacture a container, which in many cases is the dairy, themselves.

ASSEMBLYMAN BLACK: I was attempting to clarify

in my own mind whether my thinking was correct regarding the criteria involved in the selling of a container. Perhaps I will be able to talk to someone else a little bit later to clarify it. Thank you, sir.

ASSEMBLYMAN WILSON: Thank you very much for your testimony.

At this time, I would like to enter into the record a letter from the Atlantic County Citizens Council on Environment, in support of A 2212.

(Letter from Atlantic County Citizens Council can be found on page 231.)

Louis Shindell, of (Maplewood. (Not present.)

Mr. Brad Hansen. (Not present.)

Mrs. James Graves. Mrs. Graves, could we just enter the statement by the Friends of Princeton Environment into the record rather than having it read.

MRS. GRAVES: I would like to point out that was written by Edwin C. Hutter, the Chairman.

ASSEMBLYMAN WILSON: We will have that entered into the record. We have had quite a little bit of testimony from Princeton.

MRS. GRAVES: All right.

(Statement by Edwin C. Hutter, Chairman, Friends of the Princeton Environment, Inc., can be found beginning on page 233.)

D I A N E G R A V E S: I am Diane Graves. I am Conservation Chairman for the Sierra Club's Southern New Jersey Group. The Sierra Club is a national conservation organization of approximately 122,000 members. The South New Jersey group has approximately 800 members. We are a volunteer organization of men and women.

Thank you for the opportunity to comment on A 2212. We fully support the intent of this important legislation, but would like to make some comments which will be followed by specific suggestions.

Everywhere you go in the State of New Jersey, you are confronted by bottles and cans with which thoughtless people

have littered the landscape. The difference between urban Newark and the wildest reaches of the Pine Barrens in this respect is one of degree rather than of substance.

Years of public relations campaigns urging the populace not to litter have to all intents and purposes had no effect. The strenuous efforts to recycle containers of the past year - even with hundreds of dedicated volunteers working for no pay - have hardly made a dent on the problem. Recycling in New Jersey on any scale simply has not worked, and now we must take the next step. Time is of the essence in preventing further deterioration of our environment by litter and garbage, and we submit that the time is now. We would like to go on record as supporting the strongest bill we can expect to pass.

We have all heard stated in various ways that "the U.S. contains only 5.7 % of the world's population and yet it consumes 40 % of the world's production of natural resources." (Time, 2/20/70). It is becoming clear that within the next 20 years or so, we will be encountering shortages of some vital materials. As time goes by, more and more materials will become scarce. Ultimately, of course, the world's recoverable resources will be exhausted and we will be forced to total recycling systems.

It is imperative to begin to decelerate our wasteful use of valuable resources now. By increasing the recycling and re-use of materials and products, the life of the world's reserves of natural resources can be extended. One small yet very significant step towards meeting this challenge is the legislation before us today. The trend toward throw-aways must be reversed.

An interesting fact:

The total weight of aluminum put on the market during the first nine months of 1970 alone was 700 million tons. In comparison, the estimated total weight of returned aluminum was only 2,850 tons

We are all aware of the energy crisis and we are cautioned more and more often that citizens and industry must reduce energy consumption. It is interesting to note that "Producing a ton of aluminum requires more than 6 times the energy required to produce a ton of steel plate from ore; and more than 24 times the energy required to recycle steel. The process accounts for approximately 10 % of all industrial power use." (Peter

Borrelli, Sierra Club) Perhaps we need to ask whether items such as cans should continue to be made of aluminum.

The recycling of aluminum must be made at least possible, if not mandatory. Wherever possible, it should not be contaminated with other materials. If aluminum cans continue to be used, they should not be "throw-aways." Every aluminum can made should be recycled. To make this attractive, there must be a strong incentive to return each can. If this cannot be done, the manufacture of the aluminum can, which is a non-essential item, should be stopped.

In the bill at hand we strongly recommend the following change:

In Section 3. "No person shall sell ---", line 3, insert after "of not less than \$0.05 for each container" under 16 ounces and not less than \$0.10 for each container of 16 ounces or more "which shall be clearly indicated on the container."

We also suggest that the following be included in the legislation as amendments:

1. All beverage containers be made with a single material - no combinations, as in bi-metal cans.
2. Phase out, with a strict prohibition by a specified date, no later than 1 year from the enactment of this legislation, the use of flip-top or pull-tab openers on cans.
3. Phase out, with a strict prohibition by a specified date, no later than 1 year from enactment of this legislation, the use of twist-off bottle caps that leave a metal ring on the bottle.

" It is estimated that Americans could save \$705,000,000 per year (based on prices in the Washington, D.C. area) if they purchased all soft drinks in returnable, money-back bottles. If all beer were purchased in returnable, money-back containers, the consumer could save \$800,000,000 per year. This total estimated savings of over 1 1/2 billion dollars a year would go a long way toward financing the program proposed by the President to clean up our environment." (Crusade for a Cleaner Environment, Wash. D.C.; their source: The Role of Packaging in Solid Waste Management 1966-1976, U.S. Dept. of H.E.W., 1969)

President Nixon has said "The task of cleaning up our environment calls for a total mobilization by all of us. It involves governments at every level; it requires the help of every citizen. It cannot be a matter of simply sitting back and blaming someone else. Neither is it to be left to a few hundred leaders. Rather, it presents us with one of those rare situations in which each individual everywhere has an opportunity to make a special contribution to his country as well as his community."

For these reasons and too many to further enumerate, we feel this legislation, A.2212, is a strong and necessary step to take.

Thank you.

This is signed by Stockton Gaines, Chairman of the Southern New Jersey Group of the Sierra Club.

ASSEMBLYMAN WILSON: Any questions?

ASSEMBLYMAN KIEHN: I just have one question.

You mentioned that all beverage containers should be made of a single material. In other words, you object to that twist-top on bottles? When you mentioned a single material, I immediately thought of a bottle or glass container and I was wondering how you would propose to ---

MRS. GRAVES: That would certainly fit in with

what I was saying. Actually I was referring to the bi-metal cans. But I think, as you pointed out, this would also apply to the screw-off caps, the twist-off caps.

ASSEMBLYMAN BLACK: I was wondering, first of all, how long you have been active with the Sierra Club?

MRS. GRAVES: I have been a member of the Sierra Club, I guess, since 1964 or '65. And I was active in conservation long before then.

ASSEMBLYMAN BLACK: We seem to utilize the term "litter" and "garbage" almost interchangeably. Don't you view the problem as being two-fold, one of, let us say, litter along the highways, streets and vacant lots, as litter; and garbage as that which we place on the curb to be picked up periodically?

MRS. GRAVES: Yes.

ASSEMBLYMAN BLACK: I am quite upset, I have to admit, by the statement that we should settle on one particular type of container as the solution to the problem. I am upset very much by the approach and I see possible correlations to some of our other problems. We have here a problem of increasing amounts of waste and I wonder if perhaps we should take a look at the way we are trying to handle this and this would be a forced mandate that the people will settle into a particular mold and will accept one type of container. This approach bothers me very much from this standpoint.

ASSEMBLYMAN WILSON: Assemblyman Black, do you have a question?

ASSEMBLYMAN BLACK: Yes, I do, but I am not sure I really want to ask it because I think perhaps it is unfair. It is the entire concept.

Let me ask it this way: Do you feel that this approach, although for the general good of the entire population, is in any way similar to a "Big Brother" type of government approach?

MRS. GRAVES: No, that hadn't occurred to me.

ASSEMBLYMAN BLACK: It had not occurred to you?

MRS. GRAVES: No.

ASSEMBLYMAN BLACK: Thank you. No further questions.

ASSEMBLYMAN WILSON: Thank you very much.

Mrs. Lois Grayson.

L O I S G R A Y S O N: Referring to the "Big Brother" type of argument that you brought up, might that not be reversed?

ASSEMBLYMAN WILSON: Excuse me. Will you please give your full name.

MRS. GRAYSON: I am Lois Grayson and I am speaking to you as a concerned citizen of New Jersey.

Couldn't the "Big Brother" argument be applied to the industry when they put the one-way container on us? We didn't ask for it.

New Jersey is the most densely populated state in the country. The problems that face our country confront the State of New Jersey many times over. We can look upon this as a challenge or we could say, why bother?

We, in our community, started recycling paper, cans and bottles last March. I question the validity of only recycling. Sooner or later the value of reusable containers is evident.

First of all, I would like to know exactly why 10,000 people would be out of jobs? If the passage of this bill would eventuate in the return to the reusable container, why should the working man be penalized? Is the artist who designs the container penalized? Does he get paid according to how many are made? Is the engineer who designs the container manufacturing machinery paid in accordance with its output? What about the construction workers of the container plants? Why should the working man be penalized whether he makes 100 containers per day or 1,000?

Also what justification is there in teaching children that we should collect our beverage containers, bring them back to recycling centers to be ultimately crushed and melted,

only to become beverage containers again when it is completely possible to make a reusable container? Aren't we teaching our children wastefulness? When industry went from the returnable to the one-way container, that was without a doubt retrogression.

One other thought for industry - Former Secretary of the Interior, Stewart Udall, predicted years ago that the over-all business of pollution control would hit Wall Street with greater impact than the post-war boom in space age technology.

It is estimated by 1975, almost all soft drinks and beer will be sold in throw-away containers. At that rate, industry will be producing 100 billion containers annually, thus creating the possibility of 800,000 large truckloads of refuse to be cleaned up at an enormous cost to the public. If, on the other hand, this trend can be reversed and industry would go back to the returnables, only 6 billion containers would be needed, thus eliminating some 94 billion containers from the waste problem.

According to a survey taken in households and universities over the nation among 2,000 youths, aged 14 to 22, by the Research Guild, 97.7 per cent would buy soft drinks in the returnable container. This survey covered numerous topics ranging from political philosophy to dress codes, etc. The greatest unanimity was in the area entitled, "Willingness to Make Individual Sacrifices to Help Curb Pollution." The interviewing was conducted August 15th to September 25th of 1970. I first came across the results of this survey in Fortune magazine August 1971.

I also have on hand a comprehensive study made by Professor Bruce Hannon, with a group of students at the Center for Advanced Computation, University of Illinois. The title of this study is, "An Energy Analysis of the Returnable vs. the Throw-Away Container Systems." It was completed on May 28, 1971. I quote:

"The data was acquired from industry and library research, and is synthesized using background information obtained from the industries and near approximations to form reasonable figures for every element of the beverage container flow program which consists of raw material acquisition, container manufacturing, filling, the outlet, the consumer, collection, separation and transportation. The throw-away requires 4.70 times as much energy, assuming 24 trips per returnable bottle. We realize that the magnitude of energy consumption ratio between throw-aways and returnables is very much a function of the number of trips per returnable bottle. A consumer education program to return rather than litter, a high deposit on returnables and the utilization of a virtually unbreakable bottle would maximize the energy ratio.

"Based on our energy calculations and projecting our proposed container systems into the future when energy will become a scarce resource, we would see no justification for the existence of the throw-away bottle system. Therefore, we would recommend reverting back to the returnable bottle system."

This study also includes the Black Clawson Plant in Ohio. The conclusion drawn in regard to glass is that it is only 30 per cent efficient in reclamation. At a time when so many power plants are in the planning and building stages, especially in New Jersey, I consider this study made at the University of Illinois an important one.

ASSEMBLYMAN WILSON: Any questions?

ASSEMBLYMAN FAY: Your point that you feel that education as far as recycling is trite ---

MRS. GRAYSON: I said it was trite?

ASSEMBLYMAN FAY: Did you say that?

MRS. GRAYSON: Oh, no.

ASSEMBLYMAN FAY: -- that you felt it was too long of a process?

MRS. GRAYSTON: That recycling alone is not the end and only through recycling - and I should thank whoever started recycling - was I made aware of how ridiculous it is to keep bringing bottles back, watching them being crushed, when one bottle might make many trips.

ASSEMBLYMAN FAY: What bothers me most of all is that if this bill were enacted into law and suddenly all the non-returnables weren't there, there would be just as many thoughtless people throwing away bottles. This is chauvinism in the reverse. But Canada does not have the serious problem that we have. They seem to be much more aware of their natural resources. Perhaps the law is enforced more vigorously. I can't recall the last time I read about someone being arrested for being a litter bug. I can't recall the last time I have seen in the paper where somebody was hit with a good fine for despoiling one of our county parks or State parks. So I just don't like to see people building all their hopes on this one bill, believing that if this one thing is accomplished, littering would suddenly go away.

MRS. GRAYSON: I just will agree with the girl from the Sierra Club who said and other people have said, that this is just a step and it won't take care of everything at all. This is just one tiny step, one beginning.

ASSEMBLYMAN BLACK: You mentioned the fruitlessness of carrying bottles back to a recycling station, I believe.

MRS. GRAYSON: Yes.

ASSEMBLYMAN BLACK: And perhaps we do not have the same mental image of the goal as far as recycling is concerned. I, first of all, question, and I believe that you question, by putting a deposit on a bottle we are going to solve the bottle litter problem.

MRS. GRAYSON: You might, together with education.

ASSEMBLYMAN BLACK: But that step alone will not solve it. I think we agree on that point.

MRS. GRAYSON: No, but that could help, and not giving the customer the choice that he has.

ASSEMBLYMAN BLACK: Don't you feel the full cycle of recycling is the recycling of all trash as collected at the home rather than a separate station that you would journey to on a separate trip to deposit the bottles to be ground?

MRS. GRAYSON: Would the collection from the home

then all go to one building, such as this Black Clawson?

ASSEMBLYMAN BLACK: Yes, I believe this is the concept.

MRS. GRAYSON: But if you read this literature - and this is quite above me, I am afraid - the results at the Black Clawson are that the reclamation of the glass is 30 per cent effective. 70 per cent goes into landfill. It doesn't come back as a glass bottle.

ASSEMBLYMAN BLACK: Yes, but let us talk about that 70 per cent that goes to landfill. What is detrimental about that 70 per cent to the ecology?

MRS. GRAYSON: If the bottle can be reused, wouldn't that be preferable to it going into landfill?

ASSEMBLYMAN BLACK: But I would assume the reason 70 per cent of it is going into landfill is that it can't be reused. I mean, if they are processing and reusing 30 per cent, I have no knowledge as to why they couldn't go ahead and reuse the entire 100 per cent, but I haven't had a chance to look at the figures. But if we have 70 per cent that for some reason cannot be reused, I am wondering what detrimental effect this has on the ecology of the area since it is an inert material and does not break down.

MRS. GRAYSON: That is the point. Now are you talking about glass that has been ground and made into sand again going back into landfill or chunks of a bottle, pieces of a bottle?

ASSEMBLYMAN BLACK: If it is going through a recycling plant, then it is going to be ground, pulverized and made into sand.

MRS. GRAYSON: That would be preferable to having it just remain around as litter, but it would not be preferable for many reasons to having it be reused as a bottle.

ASSEMBLYMAN BLACK: Don't you feel, as Assemblyman Fay has pointed out, that proper enforcement of anti-litter laws, speaking about that phase of the problem, would have greater

impact than passage of this particular bill on the elimination of litter?

MRS. GRAYSON: Why one and not the other? Why can't we attack this in all ways?

ASSEMBLYMAN BLACK: Well, one way is already in existence, though perhaps not being properly applied; the other way, as proposed here, will cost working people their jobs.

MRS. GRAYSON: The diminishment of the containers?

ASSEMBLYMAN BLACK: Yes.

MRS. GRAYSON: I just brought out the point that I wonder why that is valid that if the working man makes fewer containers a day, he should lose his job. Explain that to me. Because many companies work not on the incentive plan.

ASSEMBLYMAN BLACK: If they did not manufacture additional bottles, in order to maintain the same payroll, would they not have to increase the price of their product? And would that not be passed on to the consumer?

MRS. GRAYSON: Perhaps. That would have to be worked out.

ASSEMBLYMAN BLACK: Thank you very much.

ASSEMBLYMAN WILSON: Thank you very much, Mrs. Grayson.

I would like the record to note receipt of a petition signed by people who support A 2212, which was circulated by Mrs. Richard drill.

We are now going to recess until five after two.

(Recess for lunch.)

AFTERNOON SESSION

ASSEMBLYMAN WILSON: I would like to resume the hearing. The other members of the Committee will be here shortly. We have a lot of testimony to hear.

First, I would like to enter into the record a statement by Mr. Winne of the Environment Policy Committee, Society of the Plastics Industry, Inc.

(Mr. Winne's statement can be found beginning on page 235.)

Mrs. Duzinski, do you want to testify, please.

B A R B A R A D U Z I N S K I: I am Barbara Duzinski of Cinnaminson, New Jersey.

The Pompeston Watershed Association was supposed to speak today but they will not make comment at this time. They will later.

I speak on behalf of my family and friends who are both concerned consumers and taxpayers.

In a recent consumer poll conducted by the Courier Post Newspaper, the public wants the return of deposit bottles. The figures are four to one in favor.

Environmental groups and conservationists have also signed to support the bill, A 2212.

I also wish to add my support. In the State of New Jersey, we produce a total of one million tons of solid waste per year, of which total, beverage containers account for half a million tons. We have broken this down as follows:
75 per cent glass is 375,000 tons or 375,000 cubic yards. This is based on 2,000 compacted pounds per cubic yard. 25 per cent metal is 125,000 tons or 1,250,000 cubic yards. This is based on 200 compacted pounds per cubic yard. Most of the counties in New Jersey use sanitary landfills. To deposit one cubic yard in the privately-owned sanitary landfill in Cinnaminson Township costs 75 cents. Using the 75 cents per cubic yard, it costs the consumers of New Jersey \$1,218,750 to dispose of a total of 1,625,000 cubic yards of waste. This is only for non-returnable beverage containers.

Not only are we paying an exorbitant price to dispose of this waste, but the resale of the salvaged material would realize a total of \$8,125,000. The glass industries are claiming undue hardships in the retooling of their machines and an unemployment problem. They retooled their machines four years ago on their own initiative to give us the throw-aways. Since then, their stockholders have received more dividends than the consumers. The consumers outnumber stockholders.

We are paying for something we certainly don't need and wasting our natural resources, in addition to the needless destruction of 1,625,000 cubic yards of area per annum. We need a deposit bottle.

ASSEMBLYMAN WILSON: You mentioned in your testimony, the poll showed four to one in favor of ---

MRS. DUZINSKI: Four to one in favor. This was printed in the Courier Post newspaper.

ASSEMBLYMAN WILSON: This was an excerpt from a newspaper article. This doesn't necessarily mean it was a survey.

MRS. DUZINSKI: It was a survey. They polled over 700 families and it was four to one in favor.

ASSEMBLYMAN WILSON: Where is the Courier Post situated?

MRS. DUZINSKI: It is a Southern New Jersey newspaper. I have the clipping if you would like it or I can make photostats and send them in.

ASSEMBLYMAN WILSON: Fine. Would you do that and send it to my address at home.

Mr. Robert Curry, (Not present.)

Mr. Thomas Conry, Midland Glass Company.

T H O M A S J. C O N R Y: Mr. Chairman, Committee Members, Ladies and Gentlemen:

My name is Thomas J. Conry. I am the Vice-President of the Midland Glass Company, Cliffwood, New Jersey and appear as a witness on behalf of the company and its employees.

With me is Mr. William Ware, Director of Government Industry Relations of our company.

We are not members of the Glass Container Manufacturers Institute. Although we fully support their recycling programs, it should be noted that our efforts and figures should be added to the figures already presented.

Midland has been operating a regular and continuous glass reclamation program for the past year and a half. Our

program was in operation before Earth Day 1970. There has been no lessening of the enthusiasm and dedication of the public who weekly bring their glass to our plant for recycling.

Currently we have three sources of recyclable glass:

1. Weekly recycling center at our Cliffwood plant. This operation has taken in approximately 2 million pounds of glass in the past 18 months.
2. The input of recyclable glass from the community and regional civic and environmental groups who bring in their collections on an appointment basis. This effort totals approximately 1 million pounds.
3. Commercial bottlers and brewers who operate their own recycling centers and feed their collections to our plant. This effort has thus far produced $8\frac{1}{2}$ million pounds of glass.

At the present rate we are receiving and recycling glass at an annual rate of 20 million pounds.

Quite frankly, we have put our money where our mouth is! In the past six months some 15 million glass containers have been recycled at Cliffwood. At least 25% of these 15 million containers were not beverage containers. We have paid out some \$100,000 for this glass and in addition incurred an almost equal amount in added costs such as transportation, handling, supervision and equipment.

The important message is not that we have expended twice the value of the returned glass but that we have spent only twice the value. This cost gap was caused by start up problems, advertising and promotion efforts and the normal inefficiencies which go with new operations. The major significance is that we are learning to perform the task more efficiently and more economically. Perhaps the collection and recycling of any single waste item (such as glass) may never be economically sound, but we do believe a total approach toward solid waste can become a viable and economically feasible operation.

We look upon our present efforts as temporary, stop-gap measures. We consider the high cost as being justified in order to start the program and feel that a total, integrated approach will see a reduction in these costs.

What is needed is a total commitment to the entire litter and solid-waste problem. We do not need a piecemeal, diversionary effort such as Bill A2212. For these reasons Midland Glass Company wishes to register its opposition to Assembly Bill A2212.

Thank you.

ASSEMBLYMAN WILSON: Mr. Conry, at your glass plant, you use recycled glass. What percentage of recycled glass is used in your mix?

MR. CONRY: It will range approximately 25 to 30 per cent - 25 per cent in all probability.

ASSEMBLYMAN WILSON: 25 to 30 per cent. Has your company ever experimented to see how much reused glass -- What do they call it?

MR. CONRY: Cullet.

ASSEMBLYMAN WILSON: (Continuing) -- how much cullet they could use?

MR. CONRY: I can't say that our company has. I know from past experience of one instance where glass was made totally from cullet over a period of about three weeks. That was at another company with which I was associated.

ASSEMBLYMAN WILSON: I have heard different figures as to just how much cullet they can use. Some say 50 per cent; some say 70 per cent. I was just wondering whether you had any additional information.

MR. CONRY: I think you will find, Mr. Wilson, that it varies with the various manufacturers within their own requirements. Do you care to offer any comments in that direction, Mr. Ware?

MR. WARE: No.

ASSEMBLYMAN WILSON: All right, Mr. Conry. Thank you very much for your testimony.

I will enter into the record a statement by John J. Garrity, Executive Director, New Jersey Beer Distributors Association, in opposition to A 2212.

(Statement of Mr. Garrity can be found beginning on page 242.)

Is Mr. Leigh here?

E G B E R T G. L E I G H, J R.: I am Mr. Egbert Leigh, a resident of Princeton, New Jersey, and an Assistant Professor of Biology at the University there, and I wish to testify in favor of Bill A 2212.

Everybody has defended recycling, but many have decried this bill because it does not adopt a "total approach" to solid wastes. What strikes me about this is that it seems to me the primary problem with reusing or recycling trash is separating it into its components, into reusable components, and that the very piecemeal nature of this bill may be its primary merit, for just this reason. If it works, it will concentrate some wastes in eminently reusable form. I suspect that the primary problem with this bill is that

there may be insufficient facilities to permit recycling the "nonreturnables" returned for their deposits, that there had been a previous structure to handle "returnable" bottles, but no one has ever before been faced with such an accumulation of containers, explicitly for recycling. If this is so, then it may be very well that this bill does not embrace a larger segment of solid waste. The machinery of recycling is not terribly well developed and if we don't start with a little bit and slowly develop our capacities, we may find ourselves in serious difficulty.

I fail to see how this bill can affect employment because it should not immediately affect the demand for non-returnables. It is not saying that bottles must be of that sort which are reusable; it is merely a bill that is designed to facilitate recycling, which everybody but one that has testified against this bill has explicitly supported. I have heard only one adverse comment about the idea of recycling. Everybody else that has opposed the bill has insisted that recycling is the answer and they have insisted this without reference to the effect that total recycling might have on the employment in their particular industries.

So I would strongly recommend further inquiry as to just exactly what sorts of unemployment are going to be caused by this bill.

Unlike total approaches, this bill does penalize polluters; that is to say, those who do not help with the recycling of waste. And I believe strongly that a piecemeal approach to recycling based upon citizen responsibility should avoid the need for expensive machinery associated with the total approach, separating apart garbage and trash that has been carefully mixed together in the trash containers associated with the "total approach" to recycling.

This bottle deposit is surely no more revolutionary than parking meters which encourage socially-accepted traffic habits. But I would strongly urge an increase in the deposit to ten cents.

I hope later legislation will cover the types of

allowable containers, taking into account ease of reuse, as well as taste and health.

ASSEMBLYMAN WILSON: Any questions?

ASSEMBLYMAN FAY: I can't understand how you can be so dogmatic about the effect on unemployment when so many have come out and said absolutely we are going to have a minimum of 10,000 unemployed and up. Even those who are strongly for the bill now, recognize the fact there would be a certain amount of unemployment. The industry insists - and I haven't seen any figures or facts to challenge them - that they are going to have an economic impact on them.

MR. LEIGH: I confess to an extreme ignorance and wish to make only two comments. One is that there has been considerable dispute about those figures, that the person who reported, who did the staff work for your Environmental Protection Agency, weighed in with the remark, as far as his agency say it, this bill would increase, not decrease, employment. And we have had some more figures from Mrs. Hopkins on the same business.

I have to admit that this is something which requires further study. But I would also have to admit to an extreme surprise if the figures on unemployment reported by both union and industry, it is true, turned out to be correct. I wonder whether that is not due to a confusion that has been going all through these hearings - whether this is something to ban non-returnables or merely to insure their recycling.

ASSEMBLYMAN WILSON: Thank you very much.

MR. LEIGH: You are very welcome.

ASSEMBLYMAN WILSON: Mr. Sullivan of Cumberland Farms. Is Mr. Sullivan here? (No response.)

Mr. John Gilmour, New Jersey Milk Industry Association.

J O H N C. G I L M O U R, J R.: My name is John C. Gilmour, Jr. I live in Cherry Hill, New Jersey, and I am today testifying for the New Jersey Milk Industry Association which I am proud to represent as its President. Since 1928,

I have operated the Holly Ravine Farm Dairies, serving milk and other dairy and food products, such as chocolate drink, orange juice, fruit drinks, etc., to families at their homes, to schools, hospitals, institutions, restaurants, stores and other outlets where our citizens obtain their daily milk and beverage supplies. Over the years we have packaged our products in glass, paper, and plastic. Some of the containers used for some of our fluid products have been, and are, combinations of glass, metal, paper, and plastic, combined in such a fashion that the consumer could be advantaged with the least costly, most sanitary and most convenient container for a particular product. These "laminated" containers include glass containers with metal caps; paper containers lined with metal foil; and plastic containers with metal closures.

As a result of my 43 years of experience in the milk business, I am concerned with the effects Assembly Bill #2212, as it is presently written, will have upon my business, the entire milk industry in New Jersey, and the price of milk to New Jersey's consumers if it becomes law in its present form.

The milk industry in New Jersey and the United States has been actively involved in environmental quality problems for nearly a century. The physical environment associated with the various activities involved in the production and distribution of milk is a matter of the utmost importance. We have availed ourselves of the privilege of appearing at this hearing in the hope that our experience in this complex field may be of some value to the distinguished Committee that is considering Assembly Bill #2212.

I am sure that you are well aware of the fact that the milk industry is subject to extensive and detailed public health regulations. These were among the first legislative acts enacted which deal with environmental quality by protecting the public health. The benefits of this legislation are so well known that they do not require documentation here. Less well known are the

costs, both internal and external, of these acts. Since legislators, administrators and people engaged in the dairy industry have learned over the years that there are costs associated with any benefit, it seems logical to call the Committee's attention to this aspect of the problem.

There are three broad types of cost that are invariably involved in legislation of this nature. They are:

1. Economic
2. Convenience
3. Freedom of choice and action

Because milk is practically a universal food, costs of this nature affect almost all New Jersey consumers.

The economic costs are usually expressed in dollars and cents, and are reflected in the cost of the product to consumers. These costs involve such things as equipment charges, production procedures, quality control practices, administrative expenses and enforcement costs. A continuously expanding body of knowledge has led to more and more legislation with a consequent increase in costs. For instance, a report from the U. S. Department of Agriculture states that fluid milk plants in the United States paid \$3,400,000 in licenses and fees to sanitary authorities in 1967. One of the important things to notice about these fees, as far as this Committee is concerned, is the fact that much of this expense was for duplicate inspections. Some plants had to obtain over 100 licenses, and for the nation as a whole more than 10,000 duplicate inspections were recorded. The point that I am trying to establish here is the fact that we have learned how easy it is to produce legislation that involves unnecessary costs unless careful attention is paid to the expenses that the regulations entail.

The cost in terms of convenience is not expressed with the precision of economic costs because convenience is a personal judgement. Its importance, however, can hardly be over-estimated. Assembly Bill #2212 is concerned with

returnable and nonreturnable packages. Convenience, along with sanitation, was a major factor in the expanded use of nonreturnable packages. Practically all of the beverages described in this bill have extensive distribution through stores and vending machines. Consumers do not like returnable containers when buying through stores because of the inconvenience involved in returning the container or paying a higher price. Vending machines are not normally equipped to dispense returnable containers. The overwhelming predominance of nonreturnable packages is a clear demonstration of these facts. Simple as this issue may seem to be, the cost of changing present consumer buying patterns to conform to the present provisions of Assembly Bill #2212 will be large. Thus this Bill would not only inflict the "cost" of depriving consumers of present convenience, but would add large dollar costs in the process.

The third cost is also external and does not appear on the price tag. This is the limitation on freedom of choice and action. While paragraphs 2, 3 and 4 of the Bill deal with people who "sell," the effect is to restrict the choices available to buyers. Should this Bill become law the legislature would, in effect be telling the people of New Jersey, "You cannot purchase the beverages listed here in metal, glass or plastic containers except under certain conditions." This most certainly places a limitation on freedom of choice. Now it may be that the benefits derived from this legislation outweigh the costs, in which case passage of this bill would be justified. However, referring to our experience, when legislation or prohibitions directly affect consumers' daily habits, they are very touchy. It is a delicate area.

ASSEMBLYMAN WILSON: Mr. Gilmour, I just would like to remind you that you can't read the whole statement because you are going to go way over the time limit. If there are certain areas you want to cover, I would suggest you do so.

MR. GILMOUR: Mr. Wilson, I appreciate very much your desire to get this meeting finished, but I have sat here for a full day and a half.

ASSEMBLYMAN WILSON: You won't be allowed to read the

whole statement.

MR. GILMOUR: My statement is a matter of about 3 or 4 minutes longer and I would like permission to read it if I may.

ASSEMBLYMAN WILSON: Not the whole statement. You may continue, but when your time is up, I will tell you.

MR. GILMOUR: (Continuing reading)

With these general observations on the cost-benefit equation in mind, I would like to comment on some specific provisions of the proposed legislation. Up to this time, we have seen no preamble which spells out the objectives. Is the bill concerned with the total problem of the environment? Is it concerned only with solid waste? Or is it an anti-litter bill? All of these objectives are laudable goals, but intelligent comment is hampered because methods of accomplishing objectives vary with the objective. For example, if the objective is the environment as a whole, then the bill is deficient because it deals with only one of three primary factors that cause a deterioration in the environment. It must be recognized that all living things draw energy and raw materials from their environment and pump waste back into it. Each of these three actions, by itself, has an adverse impact on the environment. I would like to submit a copy of a paper by Dr. Eastland and Dr. Gough of the Atomic Energy Commission which discusses this concept in greater detail. What I am getting at, however, is that if the intent of the bill is to deal with the total environmental problem, then energy and raw materials should be considered.

If the bill is concerned with only solid waste, then the contributions of returnable containers to the waste stream should be compared with non-returnables. Attached hereto is a study of the contribution to the waste stream of returnable glass milk bottles compared with nonreturnable paper milk cartons. The study shows that if all of the milk in the United States had been packaged in paper containers there would have been generated a million tons of used milk cartons. If all the milk had been in returnable glass bottles averaging 20 trips per container, there would have been generated 32 million tons of solid waste, air pollutants and polluted water.

If the objective of the bill is to reduce litter, then the extent to which deposits will deter littering or indeed, the extent to which containers constitute litter should be considered.

In 1969, HEW published a study made for them by the Midwest Research Institute in Kansas City, Mo. entitled "The Role of Packaging in Solid Waste Management 1966 to 1976." In it (Page 117) was contained a summary of a survey of litter found along a one-mile stretch of a two-lane highway in the State of Kansas. That survey listed 3,086 items of litter found along the survey area. Of these 3,086 pieces of litter, only the 590 beer cans would have been clearly prohibited by provisions of Assembly Bill #2212. The 250 pop and beer bottles might have been prohibited had they been "one-way" bottles, but they could have been "returnables." Here is the listing of the 3,086 pieces of litter:

770 paper cups	20 highway maps
730 empty cigarette packages	16 empty coffee cans
590 beer cans	10 shirts
130 pop bottles	10 tires
120 beer bottles	10 burlap bags
110 whiskey bottles	4 bumpers
90 beer cartons	4 shoes - no pairs
90 oil cans	2 undershirts
50 paper livestock feed bags	2 comic books
30 paper cartons	2 bed springs
26 magazines	270 miscellaneous items

We believe that this Kansas litter survey graphically demonstrates that the very real problem of litter will not be solved by prohibitions similar to those contained in Assembly Bill #2212.

We respectfully urge that the objectives of this bill be clearly stated.

A second question relates to the phrase "including fluid milk products", which is found on lines 5 and 6 of paragraph #1. There is a definite legal meaning to the term "fluid milk products" in the State of New Jersey.

Fluid milk products in New Jersey now include (in addition to milk, cream and the various non-fat and low-fat milks) sour cream, yogurt, half and half, ice cream mix, and condensed and evaporated milk intended for further processing, among others. Most of these products are currently being distributed and sold to consumers in either glass, plastic or paper nonreturnable containers, as they traditionally have been. Many of these containers are actually dual use containers, such as drinking glasses, refrigerator storage containers, etc. Mandatory use of deposit returnable containers for these products would result in making them practically unavailable for consumers. It appears impractical and unrealistic to demand that products such as whipping cream, half and half, sour cream and yogurt, to mention but a few, be sold to consumers only in deposit containers. We believe consumers would vigorously resist such a move, and do not believe it was, or is, the Committee's intent to restrict the sale of low volume specialty products of this nature. We urge that the bill be clarified in order that we may know specifically what products are intended for inclusion.

Lines 9, 10, and 11, paragraph #1 say "'Container' means any device made of glass, metal, plastic or other similar material used for the purpose of holding or containing beverages." The meaning of the phrase "other similar materials" is not clear. Today, the packaging industry uses different materials as separate parts of the same package or as combination materials, as I mentioned above.

Is it the Committee's intent to include paper milk cartons within the scope of this bill? As our study on the contributions to the waste stream for glass and paper demonstrates, one-way containers are not the sole, nor in fact the largest contributors to solid waste or litter.

ASSEMBLYMAN WILSON: Mr. Gilmour, your time is up. We will have your testimony printed in its entirety.

(Following is the portion of Mr. Gilmour's statement, which he did not read.)

We believe that the Committee is interested in knowing that most New Jersey schools demand that milk, juices and fruit drinks distributed in the schools be in non-breakable paper or plastic containers for both safety and sanitary reasons. In addition, most recreational areas, including playgrounds and swimming pools, prohibit glass containers and permit only plastic or paper non-breakable containers. Is it the Committee's intent to invalidate these safety procedures by making it unlawful to use present efficient non-breakable containers for milk, juices and fruit drinks?

As of March, 1968, more than 79% of all of the milk used by New Jersey consumers was sold in "paper and plastic" containers, according to a survey made by the N. J. Division of Dairy Industry. Present provisions of Assembly Bill #2212 appear to prohibit those sales. To ask that sales of more than 79% of the milk in New Jersey be converted from existing to new containers poses a production and distribution problem that is incapable of solution within the near future.

Lines 12 and 13 dealing with the definition of "Nonreturnable beverage container" raises some legal questions. Returnable containers, in the sense that the term is used, generally require a deposit of varying degrees of magnitude. The deposit is incorporated into the price of the product. Let us suppose that a deposit of 5¢ is charged for a beverage that would ordinarily sell for 10¢ so that the total sale price is 15¢. The purchaser will get the 5¢ back if the container is returned. However, whether or not the container is returned is a judgement that the purchaser makes. If he chooses not to return the container the seller takes no action. Actually two transactions are involved. One is when the purchase is made. The other is when the deposit is refunded on the return of the container. Does title change with each of these transactions so that in the first transaction the store gives title to the purchaser and in the second the purchaser gives title back to the store when

the store, in effect, buys the container back from the purchaser? If that is the case, then all containers are nonreturnable under the definition, and all containers are illegal under the proposed legislation. It may be that the law is clear on this point but we have not been able to find a satisfactory precedent.

In practice, the difference between non-returnables and returnables is generally understood, but the legal implications of this definition leave us uncertain. For instance, there are many cases of purchasers of so-called non-returnables bringing them back to the store and saying, "These are yours. You get rid of them." In the minds of some purchasers the responsibility for getting rid of non-returnable containers belongs to the seller, which suggests that the buyer did not accept title to the containers. If possible we would appreciate a definition that would eliminate these potential problems.

Paragraph #3 contains a requirement which appears to defeat all of the three possible objectives that I mentioned earlier. This is the phrase that says a refund value of not less than 5¢ shall be clearly indicated on the container. I have here an ordinary, standard glass milk bottle. It is typical of the several million glass milk containers used in New Jersey. Last year about 150 million quarts of milk were packaged in glass in this State. That is approximately 16% of the total of 900 million quarts sold in New Jersey. Some were in gallons, some were half gallons, some lesser sizes. Probably 100 million units were in glass. With returnable containers, the usual practice is to maintain a "float." This means that for every unit used there are five or six other units in transit, in storage, being washed, etc. Thus, if there were 100 million units of milk sold in glass bottles, there were 600 million glass bottles in service. Few, if any, of these bottles have the deposit statement the bill requires. This represents more than a million dollars worth of bottles that will be illegal under the law and must be discarded. Not only are the dollars wasted, but of more importance, 600 million glass milk bottles represent 300,000 tons of solid waste if they are thrown away. To realize what

this means, consider the fact that if all of the milk consumed in New Jersey, I repeat all of the milk in New Jersey were in nonreturnable paper milk cartons it would take ten years to accumulate 300,000 tons of waste.

Now it might be possible to put a label on the containers setting forth the required information, but this would mean a new label with each washing and an old label going down the drain. One waste disposal problem would be succeeded by another.

Finally, it is doubtful that the industry could purchase the number of new bottles at one time that the act indicates would be necessary. Total new glass milk bottles produced in the entire United States in 1970 were 53 million units. Under this bill the industry in New Jersey would have to acquire 12 times the total national production last year. I doubt that it is the intent of the Committee to legislate such a seemingly impossible situation.

To summarize: our experience has shown that legislation of this nature affects almost all consumers in the State on matters of money, convenience and freedom of choice, all of which are very touchy subjects. We think that there are several critical phrases where the language does not express clearly the

intent of the legislation. Consequently, while we subscribe wholeheartedly to efforts to improve environmental quality, and to reduce the volume of solid waste and litter, it is questionable that this bill would contribute very much toward the realization of any of those objectives. In some cases, the language would generate actions that would clearly be counter-productive. We would repeat that this is a most complex area where it is exceedingly difficult to draw up legislation that accomplishes desirable goals and avoids the pitfalls that have so often produced highly undesirable side effects.

We appreciate the opportunity to appear before this Committee. We stand ready to cooperate and counsel with you further should you so desire.

Contribution To The Waste Stream

Comparing

Packaging All Fluid Milk in the United States in PAPER

vs.

Packaging All Fluid Milk in the United States in RETURNABLE GLASS

If all fluid milk and fluid milk products in the United States (27.3 billion quarts) were packaged in returnable glass containers, and purchased by consumers in the same combination of container sizes ($\frac{1}{2}$ pint, quart, $\frac{1}{2}$ gallon, gallon, etc.) as they used last year, the following waste products would have been generated:

Detergents <u>1/</u>	10,000 tons
Worn out and broken bottles <u>2/</u>	680,000 tons
Bottle caps <u>3/</u>	55,000 tons
Milk residue <u>4/</u>	85,000 tons
Fuel oil combustion products <u>5/</u>	4,300 tons
Carbon dioxide from fuel oil <u>6/</u>	440,000 tons
Additional worn out tires <u>7/</u>	1,000 tons
Additional vehicle exhaust <u>7/</u>	65,000 tons
Additional worn out truck bodies <u>7/</u>	4,000 tons
Water for washing and rinsing <u>8/</u>	30,700,000 tons
Total	32,044,300 tons

If these same products, sold in the combination of container sizes, were all packaged in paper, they would have generated:

1,000,000 tons of used milk cartons .

(While the 85,000 tons of milk residue would be present both in paper and glass containers, with the glass containers the residue would be washed out and rinsed into the water resource, while the residue in the paper containers would either be incinerated or go into a sanitary land fill.)

1/The detergent figure is derived from a Michigan State University study that found .00124 lbs. of caustic per bottle washed.

2/The worn out and broken bottle figure is based on 20 trips per bottle.

3/Milk bottle caps run about 230 to 240 to the pound.

4/Milk residue is assuming a tenth of an ounce per quart.

5/Fuel oil combustion products is based 140,000 tons #4 distillate oil which would be required to heat 30,700,000 tons of water from 60 degrees to 140 degrees.

6/The carbon dioxide is the product of burning the above amount of fuel oil.

7/The additional tires, vehicle exhaust and worn out trucks are based on the 25% additional transportation that would be required to handle the glass because of its weight and bulk compared with paper.

8/The water requirement is based on .27 gallons of water per bottle washed. The figure is derived from bottle washer manufacturers and from Michigan State studies.

ASSEMBLYMAN WILSON: Assemblyman Black, do you have any questions?

ASSEMBLYMAN BLACK: I will have some. Let someone else start.

ASSEMBLYMAN KIEHN: I am anxious to know why you brought the bottles.

MR. GILMOUR: I brought these bottles because I wanted to tell you that there is not in use in the State of New Jersey today a milk container which meets the restrictions of this bill. Every one of the containers that you see today is illegal under the terms of this bill.

The glass bottle that you see there is illegal because it does not have on it stamped, "Deposit Bottle," and the amount of the deposit. In my testimony here, I show that just to change from the present amount of glass bottles in use in the State of New Jersey today would be impractical and impossible because it would take five years development of the glass industry to produce the bottles that we need. There are only some 50 million bottles produced a year in the United States at the present time and right now we would have to have almost 800 million in the State of New Jersey because all of these bottles would be destroyed. The destruction of these bottles immediately would add to the amount of glass that would have to be recycled and be a drag on the market.

The paper container that you see there has a plastic coat on it and the plastic coating will disintegrate and disappear in the ground when it is buried. It can be recycled. In fact, at the present time, the paper companies are offering \$30 a ton to recycle paper milk containers if the people want to put them together and send them back.

So every container that you see there now is illegal under the terms of this bill.

That container there (indicating) is a laminated container that has a small piece of aluminum on it.

ASSEMBLYMAN FAY: Would you like to comment on the testimony given last week regarding the trend to go to the

quart all-plastic container that the milk industry has been using?

MR. GILMOUR: As I recall the question - I was here but it would be from memory now - the question was asked why the milk industry had left the quart sizes and gone to larger sizes.

ASSEMBLYMAN FAY: Yes.

MR. GILMOUR: Over the course of years, in an effort to accommodate the economy necessary to keep milk available to the people in this State, the milk industry has changed its method of distribution to every other day and now to a three-day a week delivery. Most of our business has gone from retail to store deliveries. In doing this, the amount of milk that is purchased is purchased in larger sizes and there is very little milk which is sold today in quart container sizes. It is all in half gallons or gallons or larger.

ASSEMBLYMAN FAY: But do they have to be in those all-plastic containers that there has been comment is so difficult to recycle?

MR. GILMOUR: The all-plastic container is one container which is used today. We do not use it. As you see, we do not have a bottle there.

ASSEMBLYMAN FAY: I noticed that.

MR. GILMOUR: It is a possible container to use, but it is one that I understand is a little bit difficult to recycle and we have made no comment on that particular one.

ASSEMBLYMAN WILSON: Testimony at our first hearing indicated it is the trend for the milk industry in the State of New Jersey to go to plastic containers and discard wax-paper containers, etc. Do you feel this is a definite trend in New Jersey as far as milk producers are concerned?

MR. GILMOUR: I don't think it is a definite trend for the whole industry. It is for a few distributors who have the possibility of putting in what they call a blow-mould machine. But the general trend for the whole industry, I do

not feel is to the plastic container.

ASSEMBLYMAN WILSON: Let me ask you this: What percentage of the milk industry in this State, volumewise, do you feel is actually going in that direction?

MR. GILMOUR: I represent the New Jersey Milk Industry Association and our members represent approximately 80 per cent of the milk which is distributed in the State of New Jersey.

The testimony that was given the other day was given by a representative for two large established companies. They were seeking advice, as I understood it, in their testimony, asking whether or not this particular container was going to be considered as being legal or not. I don't think it is a trend that the large volume of the milk business in the State of New Jersey is going into plastic containers, only to the extent that you see plastic-coated and a small plastic bag, which is in the five-gallon paper container.

ASSEMBLYMAN WILSON: So you don't feel that this is the trend. In the testimony last week, it was said consumers are finding this type of container easier to handle, etc., and this is the reason they are moving in that direction.

MR. GILMOUR: I can only give you my personal experience. We tried it. The acceptance was not what we expected and we discontinued it.

ASSEMBLYMAN WILSON: What size containers were they?

MR. GILMOUR: We had it in half pints, half gallons, gallons, and six quarts, which is a six-quart pack. We didn't find it as acceptable as paper and we discontinued it.

ASSEMBLYMAN KIEHN: Mr. Gilmour, since you are President of the New Jersey Milk Industry Association - I don't want to get off the subject of returnable bottles, but there is one thing that has been bothering me for a long time and I have received calls on - in your regular container there, the paper one with the coating, it is stamped on there the day of pasteurization, for instance, Thursday or Friday.

Is that correct?

MR. GILMOUR: No. Stamped on there is the day of the week, which is 24 hours. In other words, this is the end date of 24 hours. It was produced or pasteurized during the 24-hour period ending 6 A.M., with a date which is stamped on the container.

ASSEMBLYMAN KIEHN: Is it the date?

MR. GILMOUR: No, it is the day of the week.

ASSEMBLYMAN KIEHN: That is where the problem is because I have received some calls that the milk evidently had gone sour and they weren't sure if it was bottled, or whatever you might want to call it, on Thursday of last week or the particular Thursday that they might have picked it up.

MR. GILMOUR: Well, there is a great deal of discussion in the Board of Health as to the method of dating milk containers. It is almost a subject in itself and it takes a little time to go into it.

ASSEMBLYMAN KIEHN: Well, I didn't want to get into it.

ASSEMBLYMAN WILSON: We have that bill in our Committee too, so let's not get involved in that.

MR. GILMOUR: On the container, it says, pasteurized during the 24-hour period ending 6 A.M. of the date stamped on the container.

ASSEMBLYMAN KIEHN: Of the day stamped on the container?

MR. GILMOUR: Of the day --

ASSEMBLYMAN KIEHN: Not the date?

MR. GILMOUR: Of the day stamped on the container. There are a number of dairies who do not process within the State of New Jersey who are using the coding of other states and some of that is bleeding over into New Jersey, so that the question raised to you may be on containers which were not processed in the State of New Jersey.

ASSEMBLYMAN BLACK: Mr. Gilmour, I have one general question, and that is this, sir: First, let me clarify my mind

on this point. Isn't it true that the New Jersey school system requires that milk be delivered in non-returnable containers?

MR. GILMOUR: I don't know whether it is required universally, but most of the schools require that it be in some non-breakable container, either in paper or plastic, and I think that school milk is now universally delivered in paper.

ASSEMBLYMAN BLACK: If we were to charge, let us say -- I don't know; I haven't bought a half pint of milk for a long time -- What does that run, generally, sir?

MR. GILMOUR: Retail, it will run you 9 cents; at the schools, it will run about 7 cents.

ASSEMBLYMAN BLACK: If I were to go out to a store, it would cost, say, 10 cents?

MR. GILMOUR: Something like that.

ASSEMBLYMAN BLACK: If we were to require a 5-cent or a one-third markup or 50 per cent markup in price, and that 5 cents was to be multiplied by the number of pints of milk sold during the course of a day in the State of New Jersey -- let us say that of all the half pints of milk sold only 50 per cent of the containers were returned, what would happen and who would be the recipient of the uncollected deposits? Who should receive the uncollected deposits?

MR. GILMOUR: First of all, the dairy delivering the milk to the schools would have to charge the deposit to the school and then it would be up to the school to collect the deposit from the student.

ASSEMBLYMAN BLACK: I am away from the school issue. Suppose that I went to the local store and wanted to purchase a half pint of milk and I gave them my 10 cents plus the extra nickel and then for some reason I didn't come back to get my deposit. This nickel along with many nickels like it, -- if it is anything like the Pepsi-Cola situation, approximately 80 per cent of those nickels given for deposit would not be collected -- is money, let us say, in escrow in the storekeeper's

hands at this point. He is holding that nickel pending return of the container. If that container never comes back, whose money is this?

MR. GILMOUR: I don't think it would be in the storekeeper's escrow. If a bottler or a dairy is responsible for buying that container back from the store, then he has to get the 5 cents before it goes to the store. So the money is basically going to be in escrow back at the producer of the product's location, and all that the storekeeper is going to be in this case is a handler of money. In other words, he charges 5 cents to the consumer. He gives the consumer back 5 cents. When the bottle goes back to the dealer, the dealer gives the storekeeper back 5 cents.

ASSEMBLYMAN BLACK: And if the consumer does not come back for his deposit, then in actuality ---

MR. GILMOUR: -- the original producer of the product has 5 cents.

ASSEMBLYMAN BLACK: And the consumer, on the other hand, has ---

MR. GILMOUR: -- has paid 5 cents additional.
That is the way I interpret the bill.

ASSEMBLYMAN BLACK: It doesn't seem to be a very good consumer protection device, does it?

MR. GILMOUR: No.

ASSEMBLYMAN BLACK: That was a question.

ASSEMBLYMAN WILSON: Let's ask questions and not make statements at this time. We are fact-finding.

Any other questions? (No response.) Thank you very much.

ASSEMBLYMAN WILSON: Your statement will be put in the record in its entirety.

MR. GILMOUR: May I call attention to one thing and, that is, tomorrow morning in the State of Oregon a bill somewhat similar to this goes into effect, and in that bill they delete all products which are fruit juices, unfermented, non-carbonated

artificially-sweetened; fluid milk products and beverages intended for medical purposes only. So they have deleted all milk products from their bill.

ASSEMBLYMAN WILSON: Mr. Schindel.

LOUIS E. SCHINDEL: Mr. Chairman and gentlemen, my name is Lou Schindel of the Maplewood EnvironACTION Group.

First, I should like the record to show that while on previous hearing days, there was a full press box, today there are no members of the press apparently present. I wonder if the people of the State of New Jersey are to get only half the story.

Earth, millions of years in the making, is an almost-perfect group of systems designed to support living things. Earth's Senior Citizen, man, now in overabundance, was once an innocent albeit negligent user of her. In the last two decades man has become Earth's destroyer. Competent, objective scientists in a wide range of disciplines attest to this fact. Just as scientists are concerned, so are we. Are we not all environmentalists who have come to express our anxiety in this hearing on A 2212? Of course, we are.

Representatives from industry and industrial associations, trained lobbyists, will be here to tell us how much money their firms have spent to promote environmental controls. Read their ads and learn all about it. Read also the law reports on judgments against firms for pollution violations.

By the way, it is rumored that one firm will offer \$200 to every municipality in the State if they will recycle. I think this is a new high in public relations.

Spokesmen from labor will be present to warn of loss of jobs for members of their unions. And they are right - they should talk of jobs.

Let me point out one great difference between the viewpoints of those I have mentioned and the areas I and my fellow environmentalists cover. They talk about dollars or

special interest groups. We talk about Earth, human ecology, the elements necessary for the continuance of life on Earth, about life itself. We talk about human values for all people on the face of our biosphere. We are for this bill because it represents a curtailment of the one-way, no-return society that is choking our lives.

In writing this bill, the sponsors have wisely said, "We know that our forebearers and millions in other countries live in full richness of life and carry their used containers back to stores. We think that some things from the past are good and this is one. Our New Jersey, the most densely populated state, a corridor state (or is it a doormat state?) - our State is besieged with more than its share of pollution problems. Here is a logical place to invoke a corrective measure." We of Maplewood EnvironACTION agree.

As we learn more and more about ecology and human ecology - they are two separate related fields - as knowledge, once hidden on dusty shelves is absorbed, there is a most important fact shining above all. Inter-relationships must be studied and understood. In the case of non-returnable containers, we must understand that litter is but the peak of the iceberg, dangerous but not deadly. What about the consumption of natural resources? Think inter-relationships. Think not only the use of bauxite to manufacture aluminum but also the massive amounts of fossil fuels used to extract the metal. Then think thermal pollution from the power plants and power lines used to transmit the power. This is a pollution chain.

What about the garbage problem, now known as solid waste management, which is related to this problem? Incinerate? What about air pollution? Garbage dumps, now known as landfills, what about them? We all know that time has run out for landfills in most of New Jersey.

Recycle, say some people. We are experienced in Maplewood and we say that to a limited degree, for a short time, recycling is valid. However, if it is forced to grow to

a point where we compound our mindless technology through the installation of large plants, then we will have completed another circle of stupidity.

If we are to solve the problem of geometrically increasing the rate of Earth's destruction - and we are doing just that - we must attack the problems created by the non-returnables in the same fashion that we shall - we must - cure other sources of pollution. We must attack causes and remove them. This bill does just that. Mindful that some readjustments will be necessary on the part of all concerned, we, the people, industry and labor, mindful of this, say that this bill should be moved to law with all possible speed.

Time is short. Let us not wait for the first crisis. Let us act wisely and boldly. Let us act now and move this bill. Thank you.

ASSEMBLYMAN WILSON: Mr. Schindel, I would just like to point out, since you mentioned about the press, that Randy Young, reporter for the Newark Star Ledger is here.

MR. SCHINDEL: Good.

ASSEMBLYMAN WILSON: And I saw Mr. Bolton Schwartz who writes for the Passaic Herald here.

MR. SCHINDEL: Good.

ASSEMBLYMAN WILSON: I am sure they are going to get the statement. Mr. Young wrote the story that was in last week's Ledger and I am pretty sure he is going to give the other side. The Trenton Times was in here also this morning.

MR. SCHINDEL: I am delighted my statement is amended or corrected, sir.

ASSEMBLYMAN KIEHN: Mr. Schindel, how many members do you have in your organization?

MR. SCHINDEL: Maplewood EnvironACTION has approximately 50 active members. We consider all who bring materials to us as members and that is, give or take a few, at least a thousand citizens representing a thousand households in the Township of Maplewood.

ASSEMBLYMAN KIEHN: I have some friends that live up there. I was just wondering what was being done. I presume you are working to better the environment of the Maplewood area.

MR. SCHINDEL: That is true, sir. We have a regular collection day for glass, aluminum and newsprint. We hope shortly to add facilities to receive steel. The cost of this program to the community, to the taxpayer, is only one cost, that is, the cost of moving a township truck or trucks a total distance of 30 miles. All other costs are borne by our group.

ASSEMBLYMAN KIEHN: Thank you.

M R S. A L A N W A L L A C E: I am Mrs. Alan Wallace from Princeton, New Jersey.

Two years ago, recycling was just a dream for many of us. Less than a year ago, many groups started volunteer projects. To say we met with skepticism is an understatement.

I work with 700 families. We have household separation and cleaning of glass cans and paper and have weekly pickups by private contract. The separation of her solid waste educates the consumer and makes her aware of the packaging she brings home.

Gentlemen, as you have heard in the two days of hearings, everyone is talking recycling. We were right then and we are right now. It may take you a year to realize that we need such a bill as A 2212, but if it takes consumer power to do it, we are willing to go out and boycott and work very hard for the next year until people will listen to us.

We of the Coalition believe recycling of glass and cans and paper and reuse of soft drink and malt beverage containers are first steps in the intelligent management of solid waste. Someone has got to be first. The soft drink industry will not of its own free will give us a choice. They offer us convenience packaging.

Last May I made a survey of retail stores in the

Princeton area and there were very few beers and soft drinks that we could purchase in returnable containers.

This past week, yesterday primarily, I went around again and there are now 9 American-made beers that we can buy in returnable containers. So the beer industry is listening to us.

The soft drink industry, on the other hand, has gone totally convenience, throw-away containers, except for Coke. I don't really feel of their own accord, by their own goodwill, they are going to take any sort of profit cut and offer us the choice. We need legislation.

The milk industry certainly needs legislation or, at least, the man on Wednesday asked for it, to give them guidelines.

The glass industry in New Jersey, in 1970, employed 13,600 people. How can they say they are going to lose 10,000 jobs? Do they mean on a national basis or do they mean on a State basis? What happens if in two to four years the man that is making the beautiful, light-weight plastic container takes over the whole industry? They don't need glass blowers any more. We don't need glass containers. Yet in Mercer County we are going to have very few incinerators left to burn such containers. We are kind of pushing the panic button because we realize that solid waste is such a volume, such a mass, and we have to cut it down.

I don't want the soft drink industry to get paranoid or think we are only picking on them, because we are not. We are going to go ahead and we are going to go through the whole mass of solid waste and find out how we can cut it back.

So, please, consider this bill very seriously and if it takes you a long time to decide on it, that's fine. We don't want to rush. But I do hope that you will see your way clear to propose Bill A 2212 to the Legislature for vote. Thank you very much.

ASSEMBLYMAN WILSON: Any questions?

ASSEMBLYMAN BLACK: I want to thank you very much

for coming forward today and giving testimony. How many glass employees did you mention there were in the State?

MRS. WALLACE: 13,631 manufacturers as of 1970. That is broken down. Breweries have 6,000 employees. The soft drink industry has a little less than 10,000.

ASSEMBLYMAN BLACK: That is breweries --

MRS. WALLACE: -- and soft drink is how I have it broken down. I have it broken down also on figures of the payroll and the number of manufacturers for the years 1956 to 1970.

ASSEMBLYMAN BLACK: These are glass industry workers?

MRS. WALLACE: Yes.

ASSEMBLYMAN BLACK: Or bottlers?

MRS. WALLACE: These are glass industry workers.

ASSEMBLYMAN BLACK: Then there are how many employees at the can manufacturing facilities?

MRS. WALLACE: 7,000, in New Jersey.

ASSEMBLYMAN BLACK: Thank you very much.

ASSEMBLYMAN WILSON: Thank you very much.

Mr. McCaffrey, New Jersey Brewers Association.

J O H N W. M c C A F F R E Y: Gentlemen, I have brought with me today Mr. Bernard Malloy, a lawyer, who has been shanghaied out of Spring Lake to Washington, D. C. He is senior counsel to the United States Brewers Association, our parent organization.

I am submitting a statement here which you can read at your leisure. The statement deals with what our industry is doing within the State of New Jersey and also what we are doing nationally. But rather than waste ten minutes on going through that statement, since you will have ample time to read it at a later date, I would like, since others have availed themselves of that opportunity, to rebut some of the statements made at this hearing and the earlier hearing.

I would like to point out, as our industry statement will bear out, that the brewing industry, including the

Newark complex, has been in the forefront of American industry, government and labor efforts to reduce the national problem of litter and solid waste disposal.

My member brewers recycle their own paper waste and damaged cans and bottles. Our employees are constantly subject to an intensive educational program on trash and refuse elimination. All brewery trucks carry the anti-litter message. All brewery radio, television, magazine and newspaper advertisements carry the same message.

The record has shown and will continue to show that the New Jersey brewing industry is vitally concerned with the improvement of our State's environment.

In appearing at today's hearing in opposition to A 2212, I wish to emphasize the fact that all members of the New Jersey Brewers' Association offer both returnable and non-returnable packages in the market places of New Jersey. Further, we offer the returnable packages at a lower price in an effort to make the returnables more attractive to the consumer. But in spite of this favorable price factor, the indisputable result is that the returnable beer package represents only a small and constantly decreasing percentage of consumer preference or sales.

Finally, we know from experience that many of our returnables which carry a deposit refund do not return. Even our returnable quarts which have a ten cents deposit have a very high loss ratio. The conclusion necessarily must be that a deposit requirement does not bring back the returnables in the sizable volume that we would expect.

Statements have been made at these hearings that supermarkets by refusing to sell returnables are causing the increasing trend toward convenience or non-deposit packages. Speaking for the brewing industry in the State of New Jersey, here are the facts: There are probably only 200 or less supermarkets directly licensed to sell beer in the entire State. There is a good reason for this, gentlemen, because in 1962 a statute was passed by the State of New Jersey which

prohibited the supermarkets from having more than two beer or liquor licenses and since that date, they have been stopped. So I have figures here showing in our direct delivery area -- this is the Counties of Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset and Union, where we have a population of over 4,779,000 people and there are less than 100 supermarkets in that area. The bulk of our beer is sold in the 12,000 other types of licensees throughout the State, principally through package stores and taverns, where the consumer has a clear-cut choice between returnables and non-returnables, regardless of what stance a local supermarket might elect to take.

I repeat that the bulk of our beer sales in the State of New Jersey occurs in the 2,000 plus package stores and the 8,000 plus taverns who offer a choice of packages, deposit-bearing returnables and non-returnables.

Please let me clear the record on another point regarding statements and statistics previously introduced at these hearings. The statement was made again this afternoon that the "switchover from returnable, money-back bottles, to throw-away containers in the beer industry has been paralleled by a sharp decline in the number of breweries, with a consequent loss of jobs and corresponding decline in payroll." This inference is a red herring. It is a hoax. I have no criticism of these well-intentioned ladies who appeared here today because they simply read off what the Crusade for a Cleaner Environment handed to them. Statistics were also introduced to show that the number of breweries has declined nationally from 262 in 1958 to 188 in 1967, a decline of 28.3 per cent, and that the brewery employees totals had declined during that same period to the extent of a payroll loss of \$97,596,800. Gentlemen, it is true that the number of Breweries has declined, but this happening, typical of the history of many other American industries, has nothing to do with convenience packages.

During the period 1945 to 1955 when 80 per cent of all

packaged beer was in returnables, the number of brewing companies in America fell from 457 to 231, a decline of almost 50 per cent. The attrition continued over the next decade, but again it had nothing to do with the steady expression of consumer preference for non-returnable packages, because in 1960 non-returnables represented only 38 per cent of the national sales and by 1965, 48 per cent.

I will read you off some New Jersey statistics to prove my point when we had an 80-20 per cent ratio. Dolgers, you may remember, went out in 1947. The William Peter Brewery went out in 1948. Peoples of Trenton went out in 1949. Brice went out in 1951. Union City went out in 1950. There are five breweries right there.

The employment decrease cited, 15.6 per cent over the 1958 to 1967 period, is quite modest against the number of breweries, 74, which ceased operation during the same period. But apart from this serious consideration, the decreases in employment are attributable to the streamlining of total brewery operations and increased automation, to more sophisticated machinery and equipment and to vastly improved plant layouts and warehousing facilities. But this is true of all American industry who to stay alive must improve quality and cost performance by applying modern methods or go under.

I dare say, for example, that the loss in the number of independent farmers throughout the United States far outweighs the loss of employment in the brewing industry and many other industries. But no one suggests that today's American farmer should give up his modern techniques and return to the horse and plow and antiquated crop-growing methods.

I am at a loss to explain the \$97,596,800 payroll loss that supposedly occurred in the brewing industry during this period 1958 to 1967. Our figures show - and the Department of Commerce will sustain them - that our payroll jumped from \$443,000,000 in 1958 to \$571,000,000 in 1967. In New Jersey our payroll rose from \$49,000,000 in 1958 to \$57,000,000 in 1967. We stand today at \$60,000,000.

But I am not here today for the primary purpose of refuting someone else's mathematical deductions, no matter how erroneous. I appear to respectfully advise you that the imposition of mandatory deposit requirements on non-returnable packaging for malt beverages will have serious effects on the economic wellbeing of my industry, our suppliers in the State of New Jersey, the retailers and the State, itself. If we sell less cans, can workers will be laid off. If we sell less glass non-returnables, a consumer preference over glass returnables, glass workers will be laid off, and right down the line to hauling teamsters, label manufacturers, etc. I cannot forecast the exact total impact on over-all employment in my industry and suppliers because I cannot predict the percentage of consumer shift. But I can safely state that any deposit impediment on our convenience packages will hurt us severely and also our suppliers and decrease the State revenue from our industry. Thank you, gentlemen. (See page 260.)

ASSEMBLYMAN WILSON: Mr. McCaffrey, you mentioned the fact that even now in all the stores, they offer returnables as far as beer is concerned - they have returnable bottles. But really when the average person goes into a package store or a supermarket, they don't see these returnable bottles out on display. Don't you have to ask for them actually?

MR. MC CAFFREY: I imagine again it is a question of what they want. Some people like it in cans. Some people like the quart deposit bottles. Some people like the 7-ounce bottles. We have many brands available. They are all there, the deposits and the non-deposits.

ASSEMBLYMAN WILSON: But having them in the back room and out on the shelf are two different things. A lot of people, for example, may come into a package store and just pick up a couple of six packs of beer. A housewife may not select a certain type. She sees what is on the shelf or in the cooler and says, "I'll have two cans of that." But actually the returnables are not on display, are they?

MR. MC CAFFREY: I am not so sure of that, Mr. Chairman.

I think the housewife has her mind pretty well made up as to what type of package and what brand she wants when she goes into that store, as with any other commodity on the shelves. I think she has her mind made up whether she likes the returnables, and perhaps she doesn't like it because of the inconvenience of bringing it back. But the fact remains that we sell both packages throughout the State of New Jersey. So I would like the bill amended to exclude me because I offer both. I'm kidding, of course.

ASSEMBLYMAN KIEHN: Mr. McCaffrey, I notice that they are now putting out 7-ounce beer cans.

MR. MC CAFFREY: That's right.

ASSEMBLYMAN KIEHN: Could you tell me offhand the difference in the amount of metal that is used between the regular 12-ounce can and the 7-ounce can?

MR. MC CAFFREY: No, I could not, sir. I'm sorry.

ASSEMBLYMAN KIEHN: Another thing, just for my own knowledge, why was there such a decline in the breweries? I mean, that has been brought out here.

MR. MC CAFFREY: I explained that and I think it parallels the automobile industry. At one time you may recall - I don't say you recall - but it is in the history books - the State of New Jersey had well over 100 automobile manufacturers right here in the State. I think we follow the same pattern as the rest of the American industry. Either you grow bigger or you go out of business, one or the other. Either you come up with a better product, better merchandising method, better quality control, better lines of distribution, or you are not going to survive. I think that is the history of American enterprise, gentlemen, as rough as it may sound.

ASSEMBLYMAN BLACK: I would like to ask, sir, if you wouldn't include better packaging.

MR. MC CAFFREY: Yes. Well, again, I have listened to these groups here and I hope they understand that all of our suppliers - and I think I have been fortunate to sit here for a day and a half and listen to what the glass companies are doing, the can companies are doing, the steel

industry is doing -- I hope nobody gets the idea that they are alone in this effort to clean up the environment.

I think it has got to be a combination of industry, of labor, of the state and federal government, of county government and municipalities, and the homeowner himself or herself. We are not going to do it singly and we are not going to do it by picking out one phase of this problem and penalizing us at the expense of jobs.

Incidentally, Congressman Sandman mentioned 30,000 jobs. I just want to correct the record on that.

Also in the question and answer period, Joe Stevens of the AFL-CIO stated that there were 10,000 jobs in his industry and also in the glass industry, 5,000 in the cans and 6,000 in the teamsters. I think you will find that 6,000 figure in Mr. Nalikowski's statement which was presented to you here today. I don't know how accurate these fellows are. All I can tell you is this, that if we don't sell beer, if we are locked up, if we are penalized for selling cans, our revenues are going down. It isn't just a question of some warehouseman - it goes right across the board in the brewery industry. It affects the bottler, the brewer, the warehouseman, the driver, the mechanic, the machinist, the engineer, the electrician, etc. We don't have any piece rates like this one lady brought out today. There are no piece rates in our industry. They are paid on a full daily rate. If we are not making money, if we are not getting the volume, then we are necessarily going to lay off. And our suppliers who are not buying from them in the same volume as today, they must necessarily lay off too if they don't have the customers.

ASSEMBLYMAN WILSON: Mr. McCaffrey, on the other hand, when you talk about the number of people being laid off, let's say, in the brewery business - when you bring these bottles back, they are going to have to be washed, etc., and this will shift employment in another area. Also you are going to have a lot more helpers because you are going to have more empties. You know, according to the union rules, there is a certain number of cases allowed on a load. And if

you are going to have more empties coming back to the brewery, more work will be involved. So is it not a possibility that there may be some shifting as far as job classifications rather than a layoff as far as the employees are concerned?

MR. MC CAFFREY: Our employees now are equipped to pick up the returnables.

ASSEMBLYMAN WILSON: What about the washing and storing of them at the brewery?

MR. MC CAFFREY: We probably would have to put on some additional help in that area, but that is not a tremendous job. It is a question of sorting.

ASSEMBLYMAN WILSON: Also unloading the truck. This takes a lot of time.

MR. MC CAFFREY: We have palletized operations. I don't see any great manpower increase on that. I do think that we would have it in one phase of the brewery, a relatively minor phase, and that is the glass washing end of it where we are actually sorting out that glass.

ASSEMBLYMAN WILSON: Also unloading the truck. Let's face it, you don't use palletized operations for unloading the trucks, not the small delivery trucks.

MR. MC CAFFREY: That's for sure.

ASSEMBLYMAN WILSON: That is all individual work.

MR. MC CAFFREY: That's true, and then we have to sort the glass. It doesn't come back sparkling clean. We have to differentiate. We may have somebody else's glass in there. There is some manpower involved in that. The over-all loss on our sales would hit all other departments. We might pick up a dozen men here and lose 100 some place else, because our can business is a tremendous business in the State of New Jersey and so is our non-returnable glass.

ASSEMBLYMAN BLACK: One additional question with regard to employment - I know that we have roughly five major glass manufacturers in the Counties of Salem and Cumberland. I do not know that we have any major breweries in those two counties. Are you aware of any major breweries there?

MR. MC CAFFREY: No. Incidentally there was one thing stated here I would like to correct. One of the ladies quoted Mr. King, who is President of the United States Brewers Association, as saying there were 80 breweries. That is true. There are 80 breweries, but there are now 135 plants. Because many of our brewers like Pabst have several breweries. Anheuser-Busch has several. Rheingold has several. Those three are in the State of New Jersey, along with Ballantines. We do have two small ones down here in this neck of the woods, but the bulk of the business is done by my people.

ASSEMBLYMAN BLACK: However, since there are not breweries located in the areas where five major glass factories are located, we would have to relocate people if we are going to give them jobs washing bottles at the breweries.

MR. MC CAFFREY: I know that sounds fine to people that haven't been in industry to say you just shift men from one place to another. But you shift men with 25 years of seniority over to some brand new plant as a brand new man, and this relocation, if it does occur, is an unhappy one for him. He is being shifted from what I could consider to be a semi-skilled or skilled job to practically an unskilled one if that is all he is going to do, sort bottles and wash glass.

ASSEMBLYMAN BLACK: Thank you very much.

MR. MC CAFFREY: Thank you, gentlemen, and I would like you to hear from Mr. Malloy.

B E R N A R D F. M A L L O Y: Mr. Chairman and members of the Committee: I am going to make my remarks as brief as possible. I understand from what was said earlier that the record of the hearing is going to be kept open for, I think one gentleman said, a couple of weeks

ASSEMBLYMAN WILSON: It will be kept open for a week and a half. I believe that will allow sufficient time.

MR. MALLOY: My name is Bernard F. Malloy. I am Vice President - General Counsel of the United States

Brewers' Association, a national trade association of American brewers and of suppliers to brewers. The U. S. Brewers' Association is incorporated in New York State. Its principal office is located at 1750 K Street, Northwest, in Washington, D. C.

As stated, I am here at the invitation of my associate, Mr. Jack McCaffrey of the New Jersey Brewers' Association. With me are Mr. Dan Adams, U.S.B.A. District Director, formerly of Princeton, New Jersey, whose responsibilities include the State of New Jersey; and Mr. Paul Caverly, who has just been employed by the U.S.B.A. as its field representative for the State of New Jersey. Mr. Caverly is from Maywood, New Jersey, and is presently inaugurating an extensive program of litter prevention via education throughout the State.

I should add that although I presently reside in Washington, D. C., I am domiciled in New Jersey and I am a property owner and a taxpayer here.

Our Association was founded in 1862. It is the oldest continuous incorporated trade association in the United States. Our brewer members produce about 90 per cent of American beer. Most of the New Jersey brewers who are members of the New Jersey Brewers' Association are members of the U. S. Brewers' Association. The great majority of the out-of-state brewers who ship beer into New Jersey are members of our Association and in addition plants or offices are maintained in New Jersey.

Indeed, my comments are going to reflect the extreme concern of the entire brewing industry complex of this state, including local brewers, shipping brewers, etc., as they assess the inevitable disastrous impact that this ill-advised proposal A 2212 would have on beer, the food beverage of moderation to most New Jerseyites.

I respectfully register the vigorous opposition of the U. S. Brewers' Association to this bill, which in the matter of beverage containers would in effect ban the can, prohibit the no-deposit bottle, and force a reversion to an

outmoded, unrealistic, inefficient, inconvenient, expensive, unnecessary, returnable-only distribution system by the imposition of punitive requirements and penal sanctions.

I regret that our industry and others who have testified at this hearing were not consulted by the State EPA Office while they were constructing their staff policy. I think our research and our informational data would have been of interest to them and I take this opportunity on behalf of our Association to offer this assistance to your Committee, to the State EPA and to the private groups who are here today, with respect to this bill.

As I have indicated, we are embarked on a constructive program of litter prevention by education in the State of New Jersey. We have had considerable experience in this area in some 42 states. And working with Mr. McCaffrey, our men will be travelling throughout the State showing litter prevention films and slide programs to groups ranging from school children to Chambers of Commerce and government and fraternal organizations. We already have received permission from some of your local school systems to embark on this program in their schools.

In addition, these gentlemen will be involved in speaking engagements before clubs to discuss the need for litter prevention and will assist the local communities interested in organizing and developing local clean-up campaigns. They will participate in the formation and direction of litter prevention programs, often serving as officers of various organizations in this respect.

We, of course, were one of the founding members of Keep America Beautiful. You might be interested in knowing - I don't think this has been mentioned before at the hearing - that Keep America Beautiful, which is the nationwide organization devoted to the beautification of our country, has kept a litter index, in which they have attempted to measure litter throughout the country. They began this in the early part of the '60's. It went up during the '60's, but I am happy to report that the litter index throughout the country

kept by KAB has now taken a downward turn and in the last two years has dropped twice and is now down 6 per cent. This is a healthful sign. I don't know who deserves the credit for it. I think it is, however, a combination of the fact that the American public has been alerted to the seriousness of the problem.

I would like to mention a couple of matters with respect to the bill which haven't been brought out. I don't plan at this time - and this is not the forum - to get into a lengthy discussion of the question of the legal validity of this bill. There is no doubt that there are problems involved with it as to whether or not it is a valid exercise of the police power of the state. There are constitutional problems involved as to whether or not it is an infringement upon interstate commerce or upon due process or upon equal protection of the laws as set forth in our Federal Constitution and I believe paralleled to some extent in your State Constitution.

One phrase in the bill caused us a great deal of concern; it prohibits the sale at wholesale or at retail. It does not define the phrase "sale at wholesale." I think it was probably the intention of the sponsor that this would involve a sale to a retailer. However, in some states the definition of "sale at wholesale" is broader than that and might encompass the sale by a manufacturer to a wholesaler. If that should be the case in this state, this would simply mean that a New Jersey brewer couldn't sell to any wholesaler from out of state who came in to pick up beer at his dock where it is usually sold FOB. I don't know that this was the intention of the bill, but this is one of the things that gives us pause when we read it, and it is certainly something that should be spelled out clearly by definition.

Another important aspect of the bill which hasn't been touched on completely at the hearing is the fact that all beer containers presently in use in New Jersey would be outlawed. This is due to the requirement in the bill that

all beverage containers must have clearly indicated on the container the refund value. This means that manufacturers would have to make a unique provision in their manufacturing process for a special container which would be used only in New Jersey. This, of course, would create havoc in production lines and schedules and would be another factor leading to an increase in the cost of the production.

Supporters of the bill have made several references to the advantages of the olden days. I suggest, gentlemen, that if it were possible for your Committee to amend the bill to legislate youth, I would be willing to go back to some of the problems of the olden days. Absent that, we certainly would not.

Let me mention Oregon which has been touched on on a number of occasions. This year there were some 235 container-related bills introduced in 45 states. The only state which passed one of these bills is the State of Oregon. This bill does not go into effect until October of 1972, one year away. I think I can say without question, gentlemen, based on reports that have appeared in the papers, that the validity of this bill will be challenged in the courts.

Only one other state in the past has ever passed a ban on convenience packaging and that was Vermont which did it early in the '50's where they passed a ban on the sale of beer in non-returnable glass containers. The Governor of that state appointed a study commission to study the effects of the bill on litter and the report of that commission indicated that the law had not appreciably solved the litter problem and the law was permitted to lapse.

Last year in the State of Washington, the voters went to the polls and rejected a measure which would have imposed a 5-cent mandatory deposit on beer and soft drink containers.

There are some 20 container-related bills pending in the Federal Congress and much has been said here about the exhaustive studies which are pending in Washington, relating

to the problems of beverage containers.

At the local level, some 20 localities have passed some type of ban on convenience packaging for beer and soft drinks. To the best of my knowledge, none of these is in effect, with the possible exception of one measure relating to parks. This began, of course, in the Town of Bowie, Maryland, and the County of Howard in Maryland, where mandatory five-cent requirements were imposed and I advise you, if you don't already know, that both of those ordinances are presently in litigation before the courts.

So we have at the present time, the Federal government engaged in exhaustive studies; many state governments have commissioned studies by various committees which are in progress now, relating to this.

I want to wind up my brief presentation by expressing some surprise with respect to this. It seems that two of the most significant, perhaps popular, movements in our country in recent years have been consumerism and ecology. Of course, the alcohol beverage industry is particularly attuned to the needs and desires and preferences of the consumer because we went through one experience with direct anti-consumerism which was the farce of Prohibition. Therefore, we are vitally concerned with a movement which would impose additional restrictions not just on our industry but on the consumer. And this bill would represent a partial prohibition, not only on the industry but on the preference and the convenience of the consumer of our products.

Of course, it is inevitable that this type of legislation would result in a higher price for beer to the consumer and the denial of his freedom of choice in the marketplace, by requiring that he have considerable funds tied up in deposits, and the fact that he may have to pay heavier taxes to make up for the inevitable loss in tax revenue which would accompany a decline in sales of beer, which pays heavy excise taxes, which would ignore his comfort, cleanliness, convenience and preference, and which would

eliminate from the market in New Jersey a number of brands that are presently carried here.

The effect on the State of New Jersey has been pointed out in detail. I would add to it, however, the fact that you are dealing with a product which has produced some \$4 1/2 million for your State last year in excise taxes alone. It is inevitable that there be a loss of sales. I can't tell you precisely what the loss of sales would be. Accompanying that loss of sales, as we have seen throughout the country not with respect to these bills, because we haven't had the experience, but with other measures which have caused loss of sales, has been a decline in tax revenue.

It would hurt, of course, the general business climate of the State. It would have an inflationary effect. And with respect to the Chairman's question earlier about shift of jobs, again we are talking about something that we have not had direct experience in, but it is possible, as you indicated, that there would be some type of shift of jobs but the loss of jobs would come in those which are comparatively high-paying, skilled jobs, which provide excellent fringe benefits, and substitution for a part of them of seasonal, part-time, school-boy type employment that was mentioned by Assemblyman Dennis when he talked about how in the old days they used to pick up bottles and redeem them. There might be a shift, but the net result of the shift, I am afraid, would be deleterious to your state.

Therefore, I say to you gentlemen, let's live in our own time. The answers to the problems, I believe, are education, voluntary recycling and improved technology. We recognize the urgency of preserving the quality of this state's environment and I want to because I am domiciled in the state. As an industry voted into existence by the affirmative action of the people, we are aware of the urgency of accommodating ourselves to the public interest and respecting the public's preference and freedom of choice. We are deeply concerned with the danger to our nation and

state.--

ASSEMBLYMAN WILSON: Mr. Malloy, how much longer?

MR. MALLOY: Ten seconds - twenty seconds.

ASSEMBLYMAN WILSON: Go ahead.

MR. MALLOY: (continuing) -- and to our already heavily taxed and restricted industry and to the public's options which are inherent in unreasonable, discriminatory legislative proposals to penalize convenience beverage containers. These represent another legislative cost of doing business which must result in ever-increasing costs.

We believe that the American public can and should continue to enjoy freedom of choice, while at the same time we, as manufacturers, and others in our industry, such as distributors and retailers and the consumers of our packages and products can contribute substantially to concerted efforts to constructive solutions to problems of litter control and solid waste management. We have begun in the State of New Jersey and we pledge our cooperation. Thank you.

ASSEMBLYMAN WILSON: Any questions? (No response.) Thank you very much.

MR. MALLOY: I believe you said we have a week and a half to file a statement.

ASSEMBLYMAN WILSON: The record will remain open until Friday, October 8th. It will be approximately a week and a half and then we will have the transcript printed.

~~Mrs. Lynne Abelt~~
LYNNE ABEL: Nearly all of the two hundred housewives in my apartment complex, which is in Princeton Township, wash and sort all our households' bottles and cans for recycling. We have not reduced our beer intake; we simply wash the bottles and save them for recycling. We have thus shown our willingness to make the extra effort necessary for alleviating our community's solid waste problem. However, if we were to recover a deposit on at least some of these containers, we would realize a greater return for our effort. Not only would we personally save the price of new containers

for each beverage purchased, but also would our community save the cost of multiple handling of container refuse. By this I mean, it is the community that is responsible for getting rid of the throw-away containers, not the bottlers or anyone else; it is the community that pays - the municipality that pays the cost. Unfortunately, it is currently impossible to buy most beverages in returnable containers. Mr. Chokola, whom you have already heard, had serious difficulty maintaining his bottling business with returnable bottles because the glass supplier simply refused to fill his orders. Mr. Chokola discovered what every housewife also knows - we do not function in a free marketplace, but must make do with what a few large manufacturers deem profitable and convenient for themselves. Consumer-housewives must, therefore, rely upon our elected officials to help protect us from such wastefulness as throw-away containers.

I urge you to act firmly in our behalf and pass Assembly Bill 2212.

ASSEMBLYMAN WILSON: Any questions? (No response.)
Thank you very much.

Don Read.

D O N R E A D: Mr. Chairman and members of the Committee, my name is Don Read. I am employed by M&T Chemicals Inc., with general offices in Rahway, New Jersey.

I welcome the opportunity this afternoon to briefly outline to you gentlemen a technology that is relatively little known by the general public that is used in the recycling of tin cans.

I am sure we all know how glass and aluminum and paper are recycled, but tin cans have been recycled in the United States in the last 65 years. This technology was born right here in our own State of New Jersey in the Town of Cartaret. At that time, my company was involved in the processing for reuse of tin-plate scrap that was generated in the manufacture of tin cans. Currently, we are doing

this in seven facilities located throughout the United States and Canada, having an annual capability of over 400,000 gross tons per year. We not only process tin plate now but are receiving in ever-increasing quantities tin-free steel, which is also a can manufacturing material, as well as bi-metal cans, which we are effectively putting back into the industrial stream.

Since our inception back in Cartaret, we have processed over 13 million gross tons of material that would otherwise have been thrown in the discard and never brought back into use again. We are currently one of the two largest de-tiners - now we are recyclers - in the entire world.

In the United States today there is recycling capability of over 1 million gross tons per year.

The process that is used currently at our plant in Elizabeth, New Jersey, I think would be of interest to most people, in that we receive the material - primarily cans now - used cans, rejected cans in manufacture, and clippings, and this material is first shredded, the tin is dissolved therefrom by introduction into strong hot alkaline solutions, resulting in clean steel. It is then baled and the tin is recovered by electrolysis from solutions. This tin is the purest tin that anyone can buy in the world. It is much purer than the virgin tin from ore. The tin we recover from recycling this material is utilized primarily in our own company in our Chemical Division, where various inorganic and organic chemicals are made. Some, of course, does go right back into the tin-plate industry which forms more cans. Others are used as a catalyst in the production of urethane foams, food preservatives, antifoulants for marine paint and poultry medicants.

The steel scrap is of very, very high quality, much sought after by the steel industry where it is recycled back into steels of high grade.

An ever-increasing amount of it is used in the

copper industry for cementing copper from leached solutions. Over one-third of our virgin copper is now recovered in this manner by recycling over processed tin cans.

We have also worked very closely with reclamation projects, representatives of whom have appeared before your Committee. I personally have worked quite closely with Henry Seales who has set up a very exemplary program in Long Branch, which also has had its offsprings, first, second and third generations, throughout the State.

You have heard mentioned that over 50 per cent of the tin cans produced today are used in the beverage industry. If this bill should pass and beverage cans are not allowed to be produced, this would reduce the raw material available to our facility in Elizabeth to the point that it would no longer be economical to conduct operations. True, we are not large compared to these other industries, although we currently have a payroll of 40 people operating there.

We welcome tin cans, bi-metal or steel, from any source whatsoever. We work with many ecology groups, as mentioned before, and will continue to do so.

I might say in closing that should your Committee decide to have another hearing, it might be well to consider a possible meeting up in the Elizabeth area, at which time I cordially invite you on behalf of the company to come with me and tour our facilities at Elizabeth, which I think you will find very unique and most interesting. Thank you.

ASSEMBLYMAN KIEHN: Mr. Read, do you do all of the so-called detinning at your Elizabeth Plant?

MR. READ: That is all we do at the Elizabeth Plant, yes, sir.

ASSEMBLYMAN KIEHN: Nothing in the Avenel area? You are across from the State Prison, aren't you?

MR. READ: No, that is our office in Rahway. We don't detin there. Our facility is in Elizabeth, out on North Avenue.

ASSEMBLYMAN KIEHN: I see. Thank you.

ASSEMBLYMAN WILSON: Thank you very much, Mr. Read.
Is Mrs. Carl Light here? (No response.)
Mrs. Margen Penick.

M A R G E N P E N I C K: I am here at the request of
the Princeton Township Conservation Commission. I am a
Commissioner.

We undertook a study of these problems in Princeton
last winter. We realized it was a very complicated subject. I am
not going to try to bore you with all the many facts and
things that we read because I am sure you have heard a great
deal of that. I would like merely to summarize some of our
thoughts on this.

In the first place, we sent a report - we are an
advisory body -- we sent a report to the Township Committee
and these are our recommendations:

Number one, Princeton Township should memorialize the
State Legislature to prohibit the use of non-returnable bottles
and cans in connection with the sale of beer or soft drinks,
and to require a substantial refundable deposit on all such
containers. A deposit of ten cents is suggested.

Princeton Township should adopt a local ordinance
prohibiting within the municipality the sale of beer or
soft drinks in non-returnable bottles or cans, such ordinance
to take effect one year from the date of adoption.

Princeton Township should urge the Borough of
Princeton and other neighboring municipalities to adopt
similar ordinances.

At such time as a practical bio-degradable bottle
or container becomes available, the foregoing recommendations
should be reconsidered.

This is dated March, 1971.

I am bringing this up to suggest that there is a
great deal of interest in this problem on the municipal level.
At the time this report came to the Princeton Township Committee,
we already knew that this bill was going to have a hearing
and they decided to wait on any such legislation until the

State had made a decision. But I think you will find that municipalities, individuals and groups are hoping for action, hoping the State will take it and, if not, will probably seek ways themselves to further this sort of an idea.

I would just like to go through a few of our conclusions after we had studied the problem for five or six months.

Citizen awareness of pollution has increased and will continue to increase. Throw-away products are beginning to be identified by the public with pollution. The consumer pays a higher price for throw-away bottles at the store. In addition, he pays the cost of disposing of non-returnables through the increasing expenses of solid waste management. Now this cost is spread broadly over the population, whether or not one is a user of a great volume of soft drinks and beer.

The bottling industry wishes to pass on the cost of this very necessary part of their business to the public. They have to have containers. Supermarkets and groceries do not want the cost of handling these products and we have become involved in a cost shuffle, what you might call a shell game. Marketers, distributors and bottlers are eager to pass the costs and problems involved in containers on to the citizen, therefore, the municipality, and ultimately the State.

Now we can talk about tax loss, but I haven't heard anybody mention the enormous increased costs of waste disposal, which cannot be undertaken in an intelligent way by the municipalities alone and are going to have to be supported by the State and it is going to be extremely costly.

The basic question, as we saw it, became: Should the user and those who make their profits from the use of containers be able to thrust the cost of disposing of their materials on to the municipalities, the counties and the State, or should they be responsible for the cost of the byproduct of their production? If this cost is handled only by municipalities, it will result in sky-rocketing costs. Well, already we have sky-rocketing costs of municipal and county solid waste

disposal, and this can only be increased by an enormous flood of disposable bottles and cans.

We realize that this Assembly Bill does not attack the whole solid waste problem, but is merely a beginning, attacking merely one area.

As in all pollution controls, jobs would be lost in some areas of industry. However, jobs would be gained in the pollution control area; for example, extra trucking time to return bottles, extra men at supermarkets, etc. would be needed.

One question we addressed ourselves to was: Why single out the bottle industry? Why should they be forced to be the first to attack a problem of municipal solid waste? The answer that we came up with, although this probably doesn't sound very good to them, was that because at this time they can do something about this waste problem. We read many articles and pamphlets about dream machines which are going to sort all these materials, recycle them, etc. They don't seem to be available right now. And if they were available, I know that our own county, when they heard a cost estimate, didn't feel that it was something we could buy right away.

A bill like this is a temporary solution but it is something that we can do now. Also to continue as we are is to endorse the throw-away society; to continue to teach the disposability of bottles, cans, and waste is to continue to teach the disposability of our land resources and our environment.

As I have listened, I have jotted down a couple of comments. One person asked the question: What is detrimental to ecology about landfill? I believe if we were to use only landfill as a disposal method, we could all be buried soon in trash. In Princeton there was a proposal to use a Girl Scout camping area, which is a ravine, for solid waste. But when they researched how long it would take to fill it up, it was only several years and that really isn't any answer to

the problem. We could fill up all our empty spaces and we would still be overwhelmed with trash.

Supermarkets do not encourage non-returnables. This costs the supermarket extra and the soft drinks are a low per cent of their total volume of business. The reason we suggested a ten-cent deposit is that we too realize that people are not going to return bottles if there is not a major economic incentive. They are going to throw them away if it is two cents or three cents.

Addressing ourselves to the problem of a dealer being flooded by out-of-state or out-of-town bottles, the only answer we could come up with, which may not be very good, was to suggest scrip. This would be a problem for the merchant because he would have to take the time to give it out. On the other hand, he might find that if people could only return their bottles at his store, it would at least bring his customers back.

As far as job loss - and I don't know the answer to this - I was told by a local bottler that in order to be dealing in returnable bottles, a bottler needs four times as many bottles at any one time as he does if he has recyclables because he has to have his bottle in the store on the shelf, the bottle he is working on in his plant, plus the bottles that are going out and coming back. So there may not be as few bottles around as some people have led us to believe.

Thank you.

ASSEMBLYMAN WILSON: Any questions?

ASSEMBLYMAN KIEHN: You mentioned a ten-cent deposit on a bottle.

MRS. PENICK: I merely brought that out to show there is municipal interest in this and that we are hoping the State will act. I realize that your bill is different.

ASSEMBLYMAN KIEHN: Would you recommend the same deposit on a can?

MRS. PENICK: Yes. I'm sorry. It should have read "containers." We felt it should be on bottles and cans.

As a housewife - and many people have spoken as housewives - I must say I feel milk should be exempt from this. Because the cost figures that I uncovered suggested that if the user himself is paying the added cost of disposing of the container, this will raise the price of milk considerably. I feel this is a case where there would be a greater social value in allowing milk not to be included because I feel our society should support it. It would be the poor people in the case of milk who would suffer from increased cost. But I feel for the other bottles and cans, this would be a fair user tax. If they didn't return it, they would lose the deposit; and if they returned it, they would get their money back.

ASSEMBLYMAN WILSON: Thank you.

I would like to enter into the record a statement in support of A 2212 from the Mayor of the Borough of Princeton, Robert W. Cawley.

(Letter from Mayor Cawley can be found on page 245.)

Nancy Masterson, Hightstown-East Windsor Ecology Coalition.

N A N C Y M A S T E R S O N: I am Nancy Masterson, resident of East Windsor Township and Chairman of the Hightstown-East Windsor Ecology Coalition.

Please note that Mrs. Teri Provissiero prepared the following statement. Mrs. Provissiero was here on the 22nd, but time did not permit her to present her material. She was not able to be here today at this time because she is attending a meeting in Princeton on solid waste and recycling.

I am pleased to have the opportunity to speak before the Committee. I would like to present a summary of the statement.

The contribution that non-returnable containers make to litter all over this country is nothing that can be overlooked. The Bureau of Solid Waste and Management has said in their publication The Role of Packaging in Solid Waste, and I quote: "Quantitative and qualitative changes in

packaging materials consumption in the 1966-1976 period will intensify the litter problem primarily by providing greater quantities of non-returnable beverage containers."

In Oregon where people buy one million throw-away beer and soft drink containers per day, most of them end up as litter. People's Lobby Against Non-Returnables of Oregon conducted a survey picking up litter. In two hours, they picked up 16,850 beer and soft drink throw-away containers. This may seem an impressive figure, but it only represents twenty-four minutes worth of daily consumption in that state. The results of the survey, conducted under controlled conditions, were as follows:

54 per cent of the litter was cans; soft drink and beer containers outnumbered all others four to one

17 per cent was glass; throw-away bottles outnumbered deposit or returnables five to one

28 per cent was paper; a significant percentage of that was beer and soft drink container packaging.

The survey concluded that throw-away containers have a 21 per cent greater chance of becoming litter than deposit or returnable containers. Although one-way bottles and cans account for 55 per cent of the sales of soft drinks and beer in Oregon, they account for 96 per cent of the container litter.

Glass and metal packaging present two of the worst disposal problems, particularly when incinerators are used. A typical situation where one ton of packaging material is incinerated, a residue of 705 pounds remains; of this amount, 637 pounds or 90 per cent comes from glass and metal containers.

The Bureau of Mines claims that at the present rate we are using aluminum, our supply will run out in 138 years. My great grandchildren may hold as their most precious and valuable possession an all-aluminum beer or soda can. This possibility strikes a frightening note.

Container manufacturers claim their products contribute a relatively small percentage of solid waste to our environment. The percentage is about 22 per cent;

nevertheless, because glass and metal are non-biodegradable, they contribute 80 per cent of our permanent litter.

Last year alone this country spent \$500 million to clean up litter. Mr. David D. Dominick, Assistant Administrator of the Federal Environmental Protection Agency, tells us that we produce more than 4.3 billion tons of solid waste a year and it increases at an annual rate of four to six per cent.

Aside from the unsightlessness of litter along our roadways, the costs of disposing of it, the added burden to the taxpayers and the added pollution it contributes, we find still other problems it causes.

Farmers in Oregon testified in support of the State's ban on non-returnables. They said that litter along the roadsides costs them the lives of many livestock. The animals would eat pieces of broken glass and metal which would become lodged in their chest causing severe pain and finally killing them.

New Jersey is no exception. Mrs. Provissiero talked to a local farmer in the Hightstown-East Windsor area and he confirmed what the Oregon farmers had said. He also added that he has had to throw out loads of feed because glass and metal particles had become ground in with it. The blades on his machine have been torn up by glass and metal containers. He concluded that there were about the roadside other forms of litter, nevertheless, soft drink and beer containers predominated.

Small children suffer from cuts and bruises caused by broken glass and metal. We've seen children put their fingers and tongues into the tops of flip-top cans and come out with gashes.

It might be cited by some who oppose this bill that in 1953 the State of Vermont passed a bill banning one-way bottles which was not successful. In fact, after four years, the bill was deemed "not effective." A further look into this bill would show why it inevitably failed.

1. It banned only "malt alcoholic beverage containers."

2. Public awareness of ecological problems in 1953 was relatively low.

3. Social problems of 1953 could not compare to the problems we have in 1971. By this I refer to the encouragement of industry to create a use-it-once and throw-it-away society.

4. The malt alcoholic beverage companies started packaging their products in cans.

I'd like to add here that it was due to increased public awareness that the State of Oregon was able to pass its ban on non-returnables. An overwhelming majority of states have such bills pending as our Assembly Bill 2212. Would this be possible if a sense of public awareness and urgency were not prevalent? People are ecology minded today out of necessity.

Container manufacturers would have, we the consumer, bring our containers to redemption or recycling centers where they would be melted down into new one-ways. They cite surveys that show returnables wind up as litter too. The price of everything has increased greatly today. Perhaps if there were a proportionate increase in the deposit of containers, people would be more likely to return their containers.

Perhaps it is time for industry to begin sharing some of the burden, to share a social obligation. The consumer is over-taxed enough already, natural resources are over-taxed and our minds are being over-taxed with concern about this mass of garbage we're being buried in day by day.

Recycling is not the whole answer. In my community a group of concerned citizens supported five recycling days. People were asked to bring glass, metal and paper items to a specific point where the material would go to outlets that would recycle them. Some people did not participate feeling that such programs were unrealistic, that unless there were national or statewide bans on non-returnables, it would be purely idealistic to support recycling days.

In summation, I would like to quote something President Nixon said last year, and I quote: "The 1970's absolutely must be the years when America pays its debt to . . . our living environment. It is literally now or never."

As a group of concerned, conscientious citizens, we feel that the passage of this bill is a major step in paying that debt.

(Mrs. Provissiero's complete statement can be found beginning on page 246.)

ASSEMBLYMAN KIEHN: Thank you very much. Assemblyman Fay, do you have any questions?

ASSEMBLYMAN FAY: Do you think the ten-cent deposit is going to be that much of an impetus? Is that dime going to stop a crass person from throwing an empty bottle or an empty can out of a window on to the park or the roadway?

MRS. MASTERSON: I think so. Because if you are taking back, say, a six-pack of bottles, that is 60 cents. You can do a lot with 60 cents. A dime may not sound like much, but when you consider the amount of soft drinks people consume, it soon adds up.

ASSEMBLYMAN FAY: You really feel this would be the panacea?

MRS. MASTERSON: Yes, I do very strongly.

ASSEMBLYMAN FAY: And at the same time, you don't feel the 60-cent deposit on a 6-pack of anything would be a burden to a poor family?

MRS. MASTERSON: Of course, initially it is 60 cents, but then you get it back. I think people understand you would just be lending your 60 cents because you do get it back when you take it back. And if you don't take it back, it is just your own fault.

ASSEMBLYMAN FAY: You don't feel in the case of a family of four, living on \$100 or \$110 a week, that the 60 cents for the Coke or the 60 cents for the beer would be a burden on that family?

MRS. MASTERSON: If they understand that they get that back, it should not be a burden.

ASSEMBLYMAN BLACK: You mentioned a statement made by President Nixon. Isn't it true that he also made the statement that we could not emphasize ecology to the detriment of industry that had made this country as great as it is today?

MRS. MASTERSON: I would say to that that it seems that the taxpayer through municipal taxes is paying for disposing of the materials that industry produces. And I cannot see how anyone could say that industry is doing us a service by not fulfilling a social obligation in providing for either the recycling or reuse or intelligent disposal of materials that they produce and not letting this country be clean - its air be clean - its water be clean. We are all guilty of pollution in our own ways. But I believe that industry has not as yet paid its full social obligation to the people of this country.

ASSEMBLYMAN BLACK: Were you aware that the President made that statement?

MRS. MASTERSON: Yes, I was.

ASSEMBLYMAN BLACK: Several more questions: You mentioned five hundred and some odd million dollars for litter. What was your source on that figure?

MRS. MASTERSON: Since I did not prepare this paper, I will have to make a notation of that and ---

ASSEMBLYMAN BLACK: That's all right. I see here, the figure \$5,600,000 which was spent for Indiana's share on roadside litter. It mentions a national study of roadside litter. You don't know what study that was?

MRS. MASTERSON: No, I do not. I can get that information for you.

ASSEMBLYMAN BLACK: The gentleman behind you may be able to answer.

MR. GERSHMAN: I believe those are the figures published on the annual cost of litter by Keep America Beautiful. But, without interjecting my own thought, I

believe the litter index has fallen over the last two years.

ASSEMBLYMAN BLACK: Having been aware of the lack of success of the Pepsi Cola enterprise in Manhattan, you still feel that the additional deposit concept is the solution?

MRS. MASTERSON: Yes, I do.

ASSEMBLYMAN BLACK: How do you feel about the proposal to recycle waste, let us say, by having it picked up by your local garbage collection agency, as a solution?

MRS. MASTERSON: A municipally-sponsored, communitywide, curb-side pickup for recycling?

ASSEMBLYMAN BLACK: Yes.

MRS. MASTERSON: Organizations such as mine have seen some people are willing to separate their garbage after a lot of education in the community, but not all. The conscientious do.

ASSEMBLYMAN BLACK: I think the effort in Ohio is one devoted to being able to take unseparated garbage and process it straight through.

MRS. MASTERSON: Oh, the Black Clawson Plant.

ASSEMBLYMAN BLACK: Right. Do you think this offers a reasonable solution of this problem?

MRS. MASTERSON: Yes, I do.

ASSEMBLYMAN BLACK: Thank you very much.

ASSEMBLYMAN KIEHN: Thank you very much.

Mrs. Elizabeth Kline, Community Air Pollution Committee.

E L I Z A B E T H K L I N E: Good afternoon, gentlemen. I thank you for continuing this hearing so we are able to present our views on Bill 2212.

By way of identification, CAPCOM, The Community Air Pollution Committee of Southern New Jersey is a group of environmentally concerned citizens from the seven counties of Camden, Gloucester, Ocean, Atlantic, Cumberland, Salem, and Cape May. Although we were originally incorporated to deal with air pollution problems, we have broadened our

scope to include problems of the total environment since each segment is dependent upon each of the others.

CAPCOM commends the Assembly sponsors of Bill 2212 for their basic concern about our environment and for the initiative they have taken in formulating this bill. This proposed law places New Jersey in a league of states very, very small in number at this moment, which realizes that we cannot continue to conduct our lives as we have been if we intend to retain a positive quality of life for the long haul into the future. Therefore, some very important values and activities are being brought to the fore with Bill 2212 which need examination and action. In short, CAPCOM supports this bill and would feel that a step forward had been taken if it were passed. We see it as a small and necessary first step but do not see it as a final cure for the problems it addresses.

Basically, Bill 2212 deals with a part of the solid waste disposal problem. It provides a means of reducing solid waste by making beverage containers valuable items that would not simply be thrown away, either spontaneously as litter or systematically as trash for our landfills and incinerators. Good! This is needed. If containers were worth a nickel apiece, it would offset the expense of retrieving them along our roadsides, etc., and since beverages for home consumption are usually bought in quantity (six-pack, etc.), families would be dealing not with individual nickels but with groups of nickels totalling 30 cents or more. Even our affluent society would think twice about "throwing away" this kind of money.

I would like to speak now on recycling - remelting versus reusing.

In assessing reaction to this bill, we are somewhat puzzled by the industries' opposition. The advertised goal of both the Glass Container Manufacturers Institute, representing glass bottle makers, and the Can People, representing American, Continental, National and Heekin, is to recycle their containers. Bill 2212 is a recycling bill. On the

surface it seems there should be no problem. However, there is obviously a big problem and it revolves very tightly around the meaning of the word "recycle." This needs examination and to discuss it we will limit ourselves at the moment to glass.

Recycling to the glass industry means "remelting" while to conservationists recycling means "reusing." This is the important rub. Although either remelting or reusing depends on collection of bottles, best facilitated at the moment by deposit values, the industry is afraid that, once collected, bottles will not fall into their remelting bins, but may simply be reused. This is why they cannot support a bill such as 2212, for it would lay the groundwork for bottles to go in either direction or, worse to them, only the reuse direction. Therefore, it is what 2212 does not say that bothers the industry. As it stands, 2212 would not adversely affect the industry. They are happily receiving glass containers collected by volunteer trash recycling groups, remelting them, making new bottles from them, and getting all the public relations points they can out of this activity. Jobs are not being lost and consumers are not paying higher prices for glass-contained commodities. This bill does not propose to change any of this system activity. But it should. And the industry fears that the public and government may soon realize it.

To conservationists, once bottles are collected through deposit value incentives, they can better and more economically be reused than remelted. But, should this happen, the manufacturers, etc. of the bottles would be cut out of the flow system and those people employed to remelt might be unemployed. This, however, would be only temporary, for the bottle fillers could easily employ these people to prepare the bottles for refilling. It seems to us that the glass manufacturers are not concerned basically with people's jobs but the amount of produce and profit passing through their hands. This doesn't sound so nice though, does it? It

nonetheless needs to be realized and stated just that bluntly.

Taken simplistically, what the manufacturers advocate, if viewed in an every-day extreme, would wind up looking like this scene: In every home in this country a family has finished eating dinner. The dishes are collected in a pile in the kitchen. The children's milk glasses are collected in another pile. And a third pile is made up of knives, forks and spoons. But none of these things are washed for reuse tomorrow. In place of the sink, the kitchen is equipped with a smasher-crusher, various ovens, and a supply of molds. Mother takes the china and glasses, smashes them all, remelts the pieces, pours the liquid into molds, etc., etc., and when it is all finished she has a pile of nice clean dishes and glasses from which to serve meals to her family tomorrow. She, of course, does similar things with the knives, forks and spoons.

Now many people would find nothing wrong with this scene. They might see it as exciting. New dishes every day would be very nice, and if Johnny throws his glass of milk at the wall and it breaks into a hundred pieces, it really wouldn't matter since the pieces would be remelted and remade. Nothing would be lost. And maybe Mommy could even hire someone to help her with all the kitchen work and, thereby, provide a job for someone needing work.

Let's talk about natural resources.

In reality, a great, great deal would be lost. And, here again, the industry and conservationists have different meanings for the same term. Natural resources to the container industry means the materials from which their containers are made. However, when conservationists speak of natural resources, they are discussing energy, air, water, land, and the materials that make up the containers. This is the most fundamental layer of all the layers of the solid waste disposal problem.

Looking again at the hypothetical kitchen we just discussed, we can see that some water, soap and elbow grease

would minimally use natural resources to ready dishes for another meal. However, when you start smashing and remelting and remolding, etc. ---

ASSEMBLYMAN WILSON: Excuse me, Mrs. Kline. How many more pages do you have?

MRS. KLINE: Another page.

ASSEMBLYMAN WILSON: Could you summarize it? As far as testimony is concerned, we limit it. I extended it to seven minutes.

MRS. KLINE: I hadn't heard that.

ASSEMBLYMAN WILSON: We have been limiting everyone today so everyone would have an opportunity to testify.

MRS. KLINE: I am sorry. I hadn't heard that.

ASSEMBLYMAN WILSON: Some of the people representing industry had longer statements also and we had a little friction, but that is the rule. So if you could summarize that last page, then we can ask you some questions.

MRS. KLINE: Well, what I am basically pointing out is that to run all this machinery, which comes down also to this central collection thing that a town might buy, we are using power and energy. One truism is that all power pollutes and the more power we continue to use, the more pollution we will continue to have.

We have to consider: Where does the power and energy come from? And it comes from mining and off-shore drilling and tankers and trucks and all sorts of things, and ultimately our beautiful atomic energy plants.

Therefore, I would point out that CAPCOM would like to see this bill passed. We would like to see the "Rube Goldberg Recycling Plan" of the container industry shown for what it is.

We would like to see government draw upon the higher attributes of humanity than allowing them to take this sloppy, easy life of throw-aways, which is very easy for all of us.

We would like our elected officials and our

Department of Environmental Protection to outlaw plastics until some way is known to do something with this stuff that lies around forever.

We would like to see a uniformity of container sizes, shapes, and colors, so that the collecting will be easier.

We would also like to see this extended to other glass-contained things, like baby foods, mayonnaise, vinegar, etc., etc.

With this testimony, I include a Flow Chart which shows the comparative components involved in the Reuse versus the Remelt Systems.

ASSEMBLYMAN WILSON: Do you have a copy of your statement?

MRS. KLINE: Yes.

ASSEMBLYMAN WILSON: The whole statement will be included in the record.

(On the following pages are the portions of Mrs. Kline's statement which she did not read and the Flow Charts she referred to.)

NATURAL RESOURCES

In reality, a great, great deal would be lost. And, here again, the industry and conservationists have different meanings for the same term. Natural resources to the container industry means the materials from which their containers are made. However, when conservationists speak of natural resources they are discussing energy, air, water, land, and the materials that make up the containers. THIS is the most fundamental layer of all the layers of the solid waste disposal problem.

Looking again at the hypothetical kitchen we just discussed, we can see that some water, soap and elbow grease would minimally use natural resources to ready dishes for another meal. However, when you start smashing and remelting and remolding, etc. you are requiring power to run the machines

that do the work. Power must be provided by energy from coal, oil, gas, or atomic power plants. This means more strip mining, more drilling offshore, more tankers and trucks, more power generating plants and high tension lines, etc., etc. Also, it means the establishment of plants which would manufacture the smashers, ovens, and molds used to remake the eating utensils, and these plants would need the raw materials of steel, etc. that actually make up the various pieces of machinery PLUS power to run their machines that would turn out these machines. This is an enormous and almost totally overlooked aspect of this whole recycling question. What makes sense? Which way are we going? Conservationists know which way will be healthiest for our environment and thus for us. But what is the industry looking to and trying to "educate" us into?

So, there things stand. And that is why Bill 2212 is having such a hard time. If 2212 passes things can go either way and the industry knows that they have not yet laid enough groundwork to insure that the system begun by 2212 would go their way. And conservationists hope they never do.

Obviously, glass containers are the ones most simply and effeciently reused. And CAFCOM is not overlooking the fact that the industry is not advocating that all glass containers come back to make new bottles. They pushing for new uses of used bottles, Glasphalt for road paving, new insulating and brick materials, etc. But the basic point remains the same-- reuse the bottles or smash and remake them into other products. When we begin discussing steel and aluminum containers there are other problems for they can not be so simply reused. And plastics are even worse for there is no real or practical way to do anything with used plastic.

RECOMMENDATIONS

1. CAFCOM would like to see Bill 2212 (or one basically the same) passed into law.
2. We would like to see the "Rube Goldberg Recycling Plan" that the container industry is trying to educate the public to accept, exposed for what it is and countered by an active effort to educate people about the semantics involved when recycling and natural resources are discussed.
3. Since it is a truism that all power pollutes, we in New Jersey need follow-up laws to Bill 2212 which will conserve by minimal use our drain on energy resources of all types. The less energy used to produce power, the less air, water, and land pollution will be produced. The less produced, the less need for "cleaning up" the environment.

4. Government should begin to deal with and draw upon the higher attributes of humanity by demanding the best efforts from people to insure the best possible future quality of life. The sloppy, easy life promoted by a "throw-away psychology" draws upon the lowest inclinations in us all.

5. CAPCOM would urge deeper examination by our elected officials and our Department of Environmental Protection of the whole problem of plastics and would welcome measures to curtail the growing use of this material.

6. We would urge measures to produce uniformity of container sizes, shapes, and colors so that reuse could be the ultimate and most efficient goal of collecting deposit-valuable containers.

7. We would like a bill to cover containers other than those now covered--namely, containers for baby foods, mayonnaise, ketchup, apples, pet foods, motor oil, etc., etc.

In this testimony we have not attempted to cover every means of dealing with our growing trash dilemma. However, we have laid out valid arguments for the conservationist's view of the problem and the path that should be followed if good sense is employed. We trust that those in positions of authority within government and industry will respond to our arguments in an imaginative way. We feel there is more creativity in industry than there are giving themselves credit for.

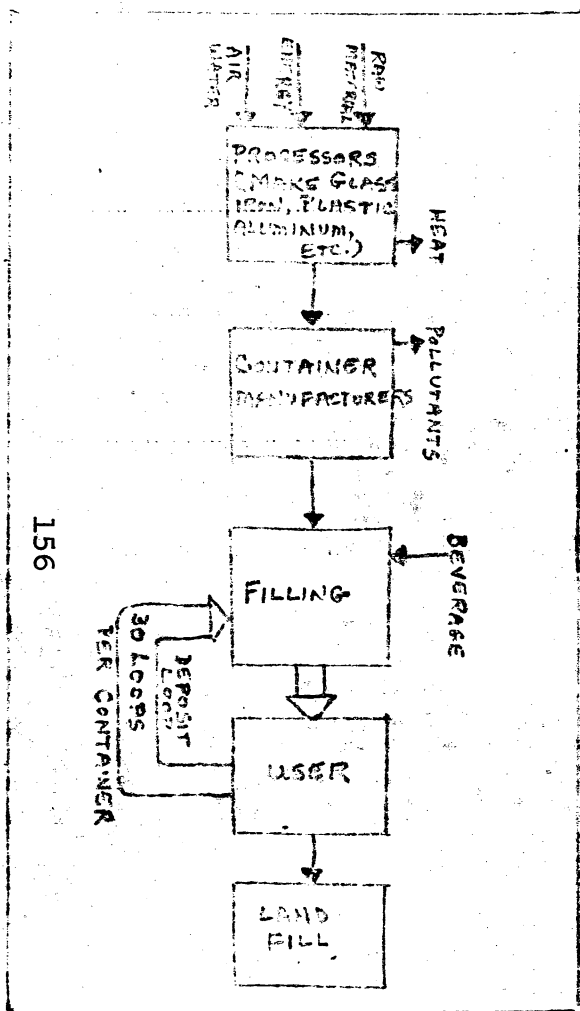
In summary, we are all inhabiting this planet together. Container manufacturers are people like the rest of us and, if the environment is impoverished by rampant, needless exploitation, they too will be poorer in all the important ways, even though their bank balances may be larger than ours. We look forward, with hope, to a kinder view of our Earth.

Thank you.

Attached for the record: FLOW CHARTS showing the comparative components involved in the Reuse System and the Remelt System.

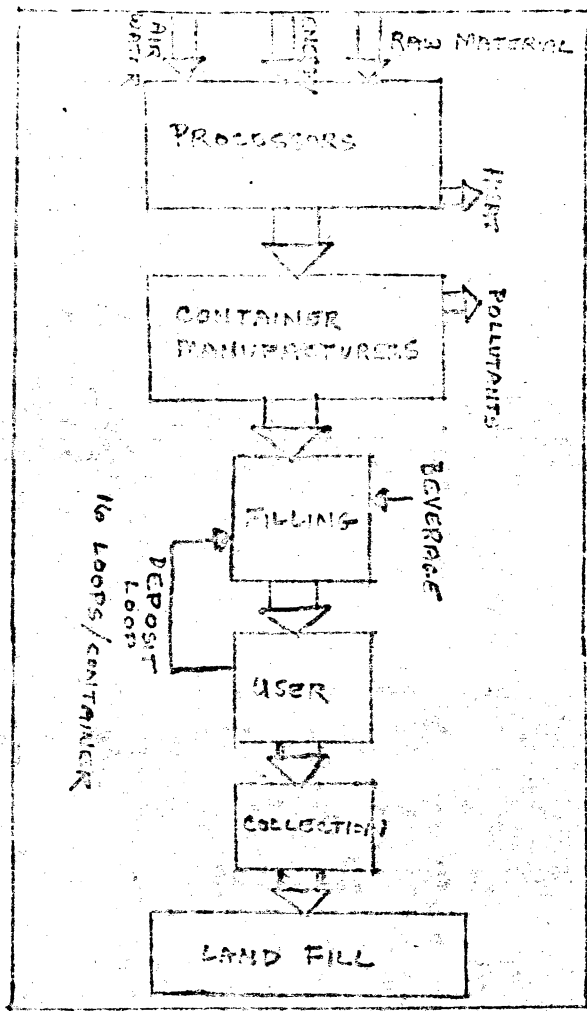
FLOW CHARTS

FROM "NOT MAN MEAT", Vol. 1, No. 5, APRIL/MAY 1971, P. 8, FOR FRIENDS OF THE EARTH

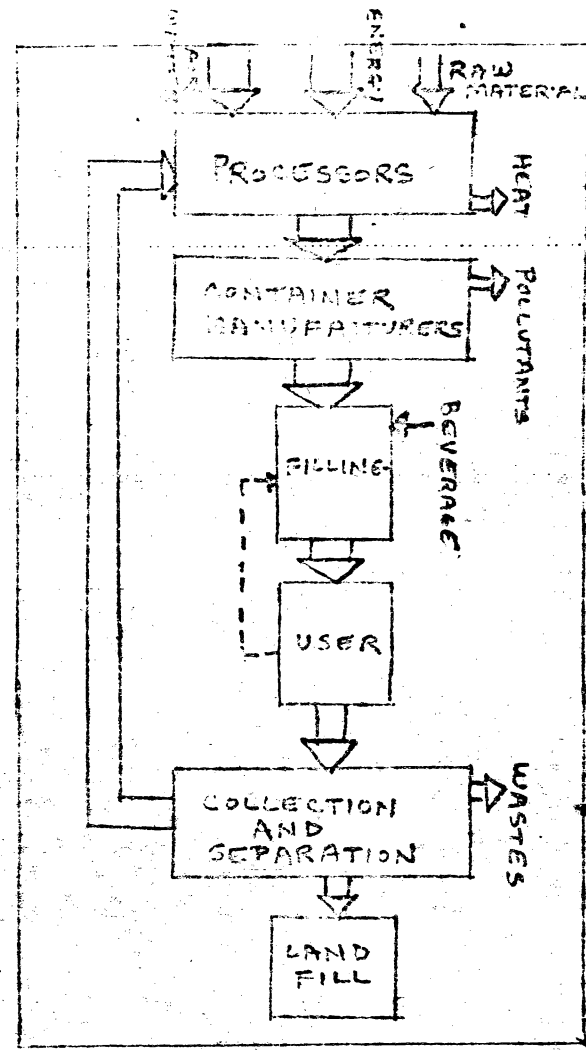


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BEVERAGE INDUSTRY
BEFORE THE ADVENT OF
THROW-AWAY CONTAINERS



THE SYSTEM TODAY
SHOWING THE INCREASE
IN THE PROCESSOR-
MANUFACTURER SEGMENT
RELATIVE TO BEVERAGE-
FILLER SEGMENT



PROCESSORS' - MANUFACTURERS'
PROPOSAL FOR 1976 "RECYCLING"

NOTE: CHANGES IN FLOW OF RESOURCES ARE ROUGHLY SHOWN BY CHANGES IN SIZES OF
FLOW ARROWS AND THE SIZES OF THE BOXES

ASSEMBLYMAN WILSON: Are there any questions?

ASSEMBLYMAN BLACK: I am still puzzled after hearing all the testimony in this long hearing why crushed glass deposited in landfills is any more of an eyesore than a deposit of mica exposed on a hillside.

MRS. KLINE: I don't think we can stop at that level and just talk about eyesores and things like this.

ASSEMBLYMAN BLACK: Both are generally inert. Glass is made from one of the greatest commodities that we have in vast supply - that is sand.

MRS. KLINE: Yes, but it seems to me that we use a lot of resources, which I mentioned, power, etc., to make that glass. It seems a tremendous waste of all of that to just use a machine again to smash it up.

ASSEMBLYMAN BLACK: With the use of raw power, do we not create jobs?

MRS. KLINE: Well, it always come down to this: Where does the pocketbook play the most important role in basic survival? And legislators are only beginning to come to grips with this and this is why we are facing this question all the time. I think survival is more important than bank rolls.

ASSEMBLYMAN BLACK: Do we not, as legislators and as human beings, have the responsibility to aspire to the greatest employment possible so that we can, in turn, provide our fellow human beings with the wherewithal to survive, that being the pay check?

MRS. KLINE: Yes, this is absolutely true, but the earth and her resources are finite and we can't continue to climb this spiralling staircase and see no end in sight. There is an end and I think when we are facing the atomic power plants and the issues these are raising, we are beginning to deal with it.

ASSEMBLYMAN BLACK: I would rather not get into atomic energy at this point.

MRS. KLINE: I hadn't really intended to.

ASSEMBLYMAN BLACK: I would simply ask: Do you question the fact that Mr. Read, the gentleman in the back, is employed in a business that has been recycling cans for 65 years?

MRS. KLINE: That's fine.

ASSEMBLYMAN BLACK: Do you realize that there is crushed glass that goes into the manufacture of every piece of glass recycled at the present time?

MRS. KLINE: Yes.

ASSEMBLYMAN BLACK: And this is an essential part of manufacturing the product?

MRS. KLINE: Yes.

ASSEMBLYMAN BLACK: And that glass comes primarily from silica sand which is available throughout the world in vast, unending supplies?

MRS. KLINE: Yes.

ASSEMBLYMAN BLACK: There will be sand when there are no more people.

MRS. KLINE: But sand is not the question, of course.

ASSEMBLYMAN BLACK: The question is what to do with that bottle that has been selected as a prime container for a substance universally accepted by the people of this country, based on, one, its cost factor, two, sanitary facility, three, the appearance of the product as displayed in it. I think this is the way we determine ---

ASSEMBLYMAN WILSON: What is your question, Assemblyman?

ASSEMBLYMAN BLACK: Thank you. I am asking it now. It is amazing. I look around and I get nasty looks like I'm the salvation for the glass industry and I am not. If I thought this bill would solve the problem, then more power to it. I am trying to search out something I am perhaps missing in this whole thing. As I said when I started, no one has yet pointed out to me why it is hazardous to the environment of this State to have a bottle covered up by a foot of ground.

MRS. KLINE: It's not. I would be the first to say that glass will not harm the ground. It won't pollute it. It won't do any of that. However, it also won't help it. You can't grow a tree on glass and none of us are about to walk barefooted on glass. There are a lot of things, I feel, very importantly involved, even though glass is inert.

ASSEMBLYMAN BLACK: Thank you very much.

ASSEMBLYMAN WILSON: Thank you, Mrs. Kline.

I would like to enter into the record a petition, signed by many, submitted by the Residents' Effort Against Pollution, Inc., in favor of Assembly Bill 2212.

(The petition is on file with the Committee.)

Miss or Mrs. Earling.

S A N D R A E A R L I N G: Members of the Legislative Committee, ladies and gentlemen: My name is Sandra Earling, and I address you as a representative of Residents' Effort Against Pollution, Inc. We are a Trenton-based ecology action organization that is working in the area of public education on environmental problems. It is the desire of REAP that I present this testimony in favor of Assembly Bill 2212.

It is not necessary for me to go into facts and figures at any length. I am sure you will hear all of the necessary statistics in the course of the testimony given at this hearing. I am here to present the concern of all of us who care about the growing problems of non-returnable containers.

We are well aware of the problems. There is the excessive volume of waste and the resulting high cost of disposal. There is the problem of litter and the ugly mess scattered on our roadside, our wooded areas and parklands, and in our lakes and waterways. These problems will not relieve themselves; they will only continue to grow as the years pass.

A problem that is harder for many to see is the immorality of it all. In a society in which a large part of

the population can remember carefully saving string, aluminum, and paper, how did we become so wasteful, so quickly? It is a sin, not in the religious sense, but in a patriotic sense. What are we doing to our country with our thoughtless disposable way of life?

I have here a short essay by Marya Mannes written in 1958. I will read only the first two paragraphs, as they particularly apply here, but I would trust that you will read the rest at your leisure. It is graphic and hard-hitting, and certainly worth reading. It begins:

(Reading)

"Cans, Beer Cans. Glinting on the verges of a million miles of roadway, lying in scrub, grass, dirt, leaves, sand, mud, but never hidden. Pils, Rheingold, Ballantine, Schaefer, Schlitz, shining in sun or picked by moon or the beams of headlights at night; washed by rain or flattened by wheels, but never dulled, never buried, never destroyed. Here is the mark of savages, the testament of wasters, the stain of prosperity.

"Who are these men who defile the grassy borders of our roads and lanes, who pollute our ponds, who spoil the purity of our ocean beaches with the empty vessels of their thirst? Who are the men who make these vessels in millions and then say, 'Drink - and discard'? What society is this that can afford to cast away a million tons of metal and to make of wild and fruitful land a garbage heap?"

It is true that people have learned to prefer convenience to effort. This has come about through public education by American industries (not only the bottling industry), which felt it necessary to raise consumption by any means rather than through any improvement in the product itself. So they flooded our markets with their products, and bombarded us with TV commercials, magazine advertisements, billboards, etc., to convince us that this was what we wanted. The public began to think, "If that's what the other guy

wants, I guess I'll go along. It is easier." But now we begin to see that it's not what the "other guy" ever wanted, and it's not "easier" in the long run.

Bottling companies have told us that people do not want returnable containers, and few companies give us a choice. Supermarkets and grocery chains also have told us that people do not want returnable containers, and even fewer give us a choice. What they mean is, they don't want returnable containers, and never mind what we want. The problems are so easily overlooked in favor of their profits.

I think now the limit has been reached. People all over the country are responding positively to the cry for action to improve our environment. They see the disadvantages that their waste brings to us all, and they demand a reversal of this destructive trend.

Here are the few statistics that I am going to give you:

"A poll conducted by the Opinion Research Corporation, Princeton, New Jersey, found that 64 per cent of all Americans approved of a law prohibiting the sale of soft drinks and beer in non-returnable or throw-away containers. Just 26 per cent of the people asked opposed the law."

This is against what all the industry has said.

Private organizations and firms have taken their own localized surveys:

"A poll taken by Allied Supermarkets, Inc., a concern which operates 87 supermarkets in Michigan, showed that 67 per cent of their customers would buy beverages in returnable containers if they were available. The same percentage favored a statewide ban on throwaways. A survey taken by a grocery chain in Portland, Oregon, also showed that 78 per cent of those polled favored banning all one-way beverage containers. A Minneapolis survey indicated 70 per cent of those citizens in that area supporting a total ban on non-returnables."

The members of REAP, in order to illustrate public support in New Jersey, placed this petition on the table at our booth at the New Jersey State Fair this month. It states that all signers support Bill 2212 and wish to see it passed. All those citizens who took the time to read it also took

the time to sign it. People from all over the State paused, and read, and signed.

To further underline the public awareness of the problem and its willingness to suffer inconvenience for the sake of an improved environment, I only need mention the many recycling centers springing up all over the country and the State of New Jersey. This is not just an inconvenience, but also hard work. Time and money spent because they care. If people will cart empty bottles for miles only to do their part, why would they object to taking them to their local market for a refund?

I must also add that the present efforts of recycling groups are not enough. The problem is too big and the most hard working of recycling groups are bogged down in the sheer volume of their task. They do the work that the bottling companies should be doing, and the companies do only a minimum to help. What the manufacturers do, of course, is that which they feel is necessary for good "public relations."

We ask for no great change in the bottling industry's methods of production. No jobs need be lost. We only ask that the beverage and bottling industries take responsibility for the problem that they helped to create, by arranging for the return of their containers, and removing them from the present and future waste disposal situation.

The unions seem to have entirely overlooked the possibility that jobs may be created and greater manpower may be required to fill the need. The containers will have to be shipped back to the factories, crushed, processed, and hopefully made into new bottles and cans, or even into other products made from such recycled materials. After the careful study you will conduct as a result of these hearings, I am sure you will see this for yourselves.

I hope I have expressed strongly and clearly enough how we feel. People do care, and more and more ask that something be done positively through legislation. We will not accept refusal lightly, and neither will the many

organizations, such as our own, that have been working towards the goal of a ban on non-returnable containers. Please remember, gentlemen, that this is pollution we are speaking about today, just as certain as the effluent of a belching smokestack is pollution. You cannot legislate one and not the other. Since, in America, government must take the ultimate responsibility in these matters, this is what we now ask.

Even now, our State is making progress in preserving natural resources through a bill adopted to create a market for recycled materials when the prices are acceptable. Also, New Jersey has led the country in air and water pollution control, and we have the strongest wetlands act in the United States. Not only do we have this legislation, but we also have the mechanisms to enforce them. We would hope that by this time next year, we can add the strongest non-returnable container law in the country to this impressive list of achievements by New Jersey and her people.

In closing, I would remind you of Governor Cahill's statement as he signed the Ocean Dumping Act earlier this year, and I quote, "We must realize that we can no longer throw our wastes away because there is no away."

(Exhibits attached to Mrs. Earling's statement can be found beginning on page 250.)

ASSEMBLYMAN WILSON: Are there any questions?

(No questions.) Thank you very much.

MRS. EARLING: One thing was handed me late in the day pertaining to that gentleman's statement on the Washington battle over their 256. I have this statement that somebody asked me to present. The narrow margin of defeat was only 51 to 49 by percentage vote, and there was much lingering resentment about the tactics of the victors, meaning the industry.

ASSEMBLYMAN WILSON: What was the vote on that?

MRS. EARLING: 51 to 49 - that was the percentage victory, which was pretty slim.

ASSEMBLYMAN WILSON: You're saying it was a very close vote.

MRS. EARLING: Right. It wasn't all the roll-away that the gentleman seemed to imply. He threw up quite a smokescreen on that particular bill. I thought I had better point out it wasn't quite such a snowball as he stated, and they did have the support of the people and it really wasn't until industry got going with their tactics that it was eventually defeated. And that is what we are facing here.

ASSEMBLYMAN BLACK: What was industry's little tactics?

MRS. EARLING: They have their little Keep American Beautiful Campaign.

ASSEMBLYMAN BLACK: That's a small campaign?

MRS. EARLING: Yes. It is unfortunate I didn't have this in my hands before. It is beautiful. There is so much in this. Could he have this or is this the only copy you have? Because it puts it all beautifully?

ASSEMBLYMAN WILSON: Well, we will put it into the record.

MRS. EARLING: I would really appreciate that.

MRS. WATERMAN: It is worth a careful study. It is the story of the defeat of the Washington referendum.

ASSEMBLYMAN WILSON: We will put that in the record and it will be a matter of public record for all New Jersey to see.

MRS. EARLING: Thank you, gentlemen.

(See page 255 for the article above referred to.)

ASSEMBLYMAN WILSON: Mrs. Stutz.

M R S. A L A N S T U T Z: I first would like to say that I resent the fact that it was brought out that all of us come from the same area. No one seems to say anything about the bottlers all coming from South Jersey.

ASSEMBLYMAN WILSON: That wasn't it. The reason I asked what people came from other areas was because I thought if there were people from other sections of the State, they should have preference over West Windsor,

Princeton, etc., since we did have quite a few people testify from that area. You know, we are a big state. We have quite a few people. I thought there might be some other people who should have an opportunity to testify before we heard more from the one area. That was the only reason.

MRS. STUTZ: I am representing the West Windsor Environmental Protection League and we would like to go on record as basically supporting A 2212.

We would like at this time to address ourselves to one particular aspect of non-returnables, and that is in regard to the supermarkets. The biggest problem is that supermarkets have, to a great extent, completely accepted the idea that consumers only want convenience packages. We have personally talked with several managers of large chain stores and have written to the presidents of others. The response has been, on the most part, that they are convinced that "food customers have let it be known 'in clear and resounding voices' that they no longer tolerate the practice of returning deposit bottles to their point of purchase. As a result...the returnable bottle is nearing extinction." (Joseph J. Saker, Chairman of the Board of Foodarama Supermarkets, Sept. 23, 1970.) These supermarkets obviously feel this way because it is more convenient for THEM to have non-returnables. They then can avoid the handling of returnables which amounts to between $\frac{1}{4}$ and $\frac{1}{2}$ of one employee's time in a large supermarket. But even though they could easily pass this handling cost on to the consumer, and are most probably doing so, returnables are still 3 to 4 cents cheaper than non-returnables. Many stores are so against returnables, that they are either not carrying them at all, or else they hide the bottles behind large building supports, or put them in aisles containing other commodities. In this manner, people who may want to purchase their beverages in returnable containers have already made their beverage

choices by the time they reach the returnables, and would probably not put them back to get returnables because of the time and trouble involved. This is definitely NOT freedom of choice which the markets keep referring to. The markets also make use of deceptive practices in regard to pricing. Instead of letting consumers know the true price of a beverage by listing the deposit price separately, and noting that a refund will be given upon return of the bottle, they instead include the deposit price in the price of the bottle, thus leading people to believe a returnable costs more. The opposite is the Truth. These very same supermarkets are also encouraging customers to buy non-returnables by selling their own house brands, which are much lower in cost than name-brands, ONLY in one-way containers. This again is not freedom of choice. If indeed, non-returnables and returnables are in the same store, in the same aisle, on the same shelf, they are in different size containers, making the choice in price almost impossible, unless you bring a slide rule with you. The markets, knowing full well that time is a very valuable commodity to people, intentionally do this, believing that people will grab what SEEMS to be the best buy without fully investigating. If the shopper was told the true cost of non-returnables, that they might pay as much as 24¢ extra for a six-pack of soda and 45¢ extra for a six-pack of beer, not to mention disposal costs, they indeed would buy returnables.

A recent survey was taken by Opinion Research Corp. of Princeton, N.J., which had been commissioned by U.S. Congressman Joseph P. Vigorito, which showed that 64% of all Americans "approved of a law prohibiting the sale of soft drinks and beer in non-returnable or throw-away containers" while only 26% were opposed to such a ban. A test program in Portland, Oregon, with the cooperation of several supermarket chains

and independent grocery stores, showed that, when available, the sale of returnables in six-packs were up 21% while the sale of non-returnables were down 14%. Obviously, the supermarkets have not done any recent surveys.

There are also many chains which have stated that they will no longer carry returnables, and have told the bottlers that they will drop their brands unless they produce non-returnables.

The chains have been trying to avoid the issue hoping it will go away. It will not. They have neglected their responsibility to the general public by letting the bottlers speak for them. They have not responded to the wishes of multitudes of people who have requested returnables.

The bottlers, for the most part, don't even want to try and see if the general public wants returnables. We would question Pepsi Cola's true motives when they conducted a test program on returnables in New York City. Their advertising left something to be desired. It was attempted in a very large city. Many stores in New York City have a policy of not accepting returnables; and many people had already succumbed to previous advertising campaigns which told them to buy non-returnables. The test was only for a 6-month period, not nearly enough time to change people's habits and certainly not enough time to let them return all the bottles. To this day, Pepsi returnable bottles are being turned into stores. People had held on to them because they could not find any store that would accept them back.

If the incentive is great enough, and the returns allowed in stores, people will return the returnable bottle. In today's times, 5 and 10¢ is a lot of money, especially when multiplied by 6 or 8 or 10 times. That's enough to buy 6 more containers of soda, and almost enough to buy another six-pack of beer. The supermarket chains and bottlers are

deceiving themselves if they think that 60¢ doesn't mean anything to people. Kearns Beverages now give a 10 cent deposit and they are having no problem getting them back. What's even more incredible is that the bottlers themselves have admitted that returnables are cheaper for them to produce. An ad by the Birmingham ~~Coca~~-Cola Bottling Company stated, "Besides making the world a cleaner place to live in, money-back bottles save us money by keeping our production costs down. And they save you money, because Coke in returnable bottles is your best value." Why then, if the cost is lower, and people want the returnable container, are the supermarkets and bottlers resisting so greatly? Why do they spend so much in advertising, trying to convince people to buy one-ways when they know returnables are the better buy?

Cities all over the country are deciding that they no longer will incur additional expenses in their budgets for waste disposal just because the bottlers decide they don't want returnables. In Edgewater, N.J., an ordinance was passed two years ago stating that loose soda, pop, and soft drink containers containing 12 fluid ounces or less would no longer be sold in non-returnable containers. Although they had opposition from local stores and bottlers, the borough decided that the good of the general public was more important than a slight and temporary inconvenience to storekeepers and bottlers. The store owners have now accepted this completely and find no difficulty at all in handling returnables. The bottlers have obviously accepted this fact too. The entire Province of British Columbia has legislated against non-returnables and their program is working efficiently.

I would only mention that the safety record of non-returnables cannot be compared to returnables. Non-returnables are not durable enough to

make the frequent trips that are required of deposit bottles. Sadly enough, many do not even make one trip. Because of the thin wall construction of one-ways, they are more prone to explosion simply by one bottle rubbing against another because of vibrations from shopping carts. Too many people have been hurt badly because of non-returnables exploding. The Federal Food and Drug Administration has recently held Congressional Hearings on the Danger of Non-returnables. In a survey done over a 3 month period, involving over 547 Insurance Companies, it was found that up to 150,000 injuries, per year, had been incurred as a result of shattering glass from ^{bottle} explosions. Over 90,000 children, under the age of 15, were injured. There is now legislation pending to place control over the construction of non-returnable containers. They have found that, for the public good, it was necessary to intervene, and to discipline the bottlers through legislation. If, through legislation, the construction of the bottles comes up to the specifications for a returnable, which undoubtedly will happen, why then cannot all beverage containers be made returnable.

In regard to other health problems, although I would never pretend that cockroaches are not attracted to wet, sticky things, most people would rinse out their bottles before returning them to a store. They would do this simply because they too do not want to attract bugs at home. The use of tough, durable plastic cases, instead of the old wooden ones, in the supermarkets, would greatly alleviate the possible problem since they could be easily rinsed off. Storekeepers have roaches and people have roaches; it is a mutual problem.

In conclusion, we would think that instead of spending all the money that stores presently do in advertising to get customers to come back to their stores, all they really need do is sell beverages in

returnable containers. It's a heck of a lot cheaper for everyone.

We have only one comment to make in regard to the question of unemployment that has been brought up in previous statements. As we read the bill, and as Mr. Dennis has stated, the intent of this bill is recycling. It is meant to assure that all beverage containers sold will be recycled back into the environment instead of being put in landfills, incinerators and farm fields. By having a mandatory deposit on all beverage containers, it is assured that most containers will be returned in order to receive the deposit back. Five cents DOES mean that much to people. But most important, by almost guaranteeing that all bottles will be brought back to the store, and thereby returned to the manufacturer, a guaranteed supply of glass will be available in order to produce additional bottles, glasscrete, glasphalt, glass building bricks and many other uses being found for crushed glass. This is obviously opening up more and more jobs, instead of loss of jobs. No Where does the bill state that the bottles must be REUSED, only that they must be returned. The fact that they DO NOT have to be reused, means that they would be recycled, and almost every person who has testified before this Committee has wholeheartedly endorsed recycling. The Mercer County Improvement Authority has endorsed recycling, and intends to have it as part of their Improvement Authority Regional Landfill. All this bill really does is take the burden off the shoulders of the consumer, the taxpayer, and the municipality, and place a guaranteed supply of available glass to the manufacturer of glass products, thereby assuring workers in the glass manufacturing business an endless amount of work.

Thank you.

By the way, we are in the process of having for six months a municipal recycling program on a door-to-door pickup once a week and it works, but it is not the final solution.

ASSEMBLYMAN WILSON: Is that mandatory by the municipality?

MRS. STUTZ: No, it is voluntary.

ASSEMBLYMAN FAY: Could you tell me who is the sponsor of this legislation dealing with the destruction of the non-returnables?

MRS. STUTZ: The FDA, the Food and Drug Administration.

ASSEMBLYMAN FAY: Yes, but who is sponsoring it?

MRS. STUTZ: I don't know. All I know is that it was commissioned. I don't know who actually sponsored the bill. I had called down to Washington on Monday, but they did not get the information to me in time for today.

ASSEMBLYMAN FAY: When they said it is pending, are they going to recommend it to Congress or has it actually been ---

MRS. STUTZ: No, they are going to recommend it.

ASSEMBLYMAN FAY: Thank you.

ASSEMBLYMAN WILSON: Any further questions? (No response.)

Thank you very much, Mrs. Stutz. I am sorry you had to be last but somebody had to be last.

MRS. STUTZ: Thank you.

MR. HANSON: Mr. Chairman, I wasn't here this morning. I sat through a day and a half of hearing. I was scheduled to speak and I would like to be heard now. My name is Brad Hanson.

ASSEMBLYMAN WILSON: O.K., Brad.

B R A D H A N S O N; I am a junior at Princeton University, and also a resident of the Princeton community. Perhaps one major reason there is such a large delegation from Princeton is our proximity to the State Capitol. Being new to the legislative, public hearing process, I have sort of recognized one major inequity and, that is, that these hearings have been conducted only during the day when it is really difficult for the average citizen to take time off from his job or from

his studies, as in my case. I am missing a seminar right now, but I thought it was more important to come. Unlike representatives of the beer industry, the can industry, soft drink manufacturers and specific labor unions, we are here, unpaid for our efforts. We are only here, compelled by the sincerity in our belief.

Ecology Action, the group I represent, is a broadly based campus environmental activist group. Activities center around (1) raising students' consciousness of local and national environmental issues, (2) reviewing University policies and practices harmful to the environment and subsequently pressing for suitable changes, and (3) working with community environmental groups on local projects, such as the monthly recycling effort of the Conservation Coalition. We of Ecology Action at Princeton University view passage of Bill 2212 as a small but necessary step toward diminishing man's harm to his environment.

You have heard many statements revealing the annual tonnage of disposable beverage cans and bottles, the difficulties and costs of their disposal, the health hazards accompanying their disposal, and other questions of fact. So I will leave that to other experts with more knowledge. Instead, I want to focus on a different part of the picture: the general unavailability and other obstacles confronting the consumer, and particularly the student consumer, who wants his beverages in returnable containers.

As citizens concerned about our environment, we are committed to the use of returnable beverage containers. Just a few years ago this commitment was easily honored. All soft drinks, some brands of beer, and even some types of milk were sold in returnables. Then, almost overnight, except for those awaiting inventory depletion, the situation radically changed. Nowhere was there to be found a returnable container. Today, after the intense interest of Earth Day 1970 and the continuing increased interest in our environment, the returnables have made a slight comeback. But the situation is still far from the "good ol' days" of almost universal returnability. Industry representatives would have you

believe that any return to past practices is anti-progressive, yet in this instance, the practices of the past "good ol' days" offer significant advantages over present practices.

Let us examine in detail obstacles confronting the consumer, and in particular the student consumer, of beverages in returnables in the Princeton area. I, too, personally surveyed most of the retailers in the Princeton area just last week, hoping to discover a greater availability of beverages in returnable containers. Instead, as compared to the situation the past school year, when we last regularly shopped, there has been little or no improvement. Let us examine the obstacles to purchase beverage by beverage.

First, soft drinks - most stores in Princeton do regularly stock Coca-Cola in returnable bottles in one or two different sizes. A few stores even stock a relatively unknown brand, Kern's beverages. But Pepsi-Cola, Dr. Pepper, Seven-Up, Hire's Root Beer, all the Canada Dry beverages, and even the other Coca-Cola Company products - Sprite, Team, Fresca, Tab, Fanta Grape, and Fanta Orange - are simply unavailable in returnables. Unless the consumer wants to drink exclusively Coke or Kern's, there is no choice.

Second, beer - college students are known to sometimes drink a little bit of beer. Although most brewers do offer their beers in returnable bottles, in theory at least, at the retail level there are several obstacles to their competitive purchase. In the first place, most liquor stores in Princeton regularly stock but one or two brands in returnables. Others can be purchased only on special order from the New York or Trenton distributors. You have heard from the President of the New Jersey Brewers' Association who alleged that there was a clear-cut choice between returnables and non-returnables. Well, this simply isn't the case in Princeton. He said that there are 9 American beers that offer a choice of their product in returnable beverage containers. The stores in Princeton that do stock returnable containers only have it in one or two brands at each store. So it may be 9,

but at particular stores, it is 1 or 2.

Another obstacle is that retailers almost universally require the purchase of returnables in whole case lots. The purchase of beer in returnables in the convenient six-packs is unheard of. For the college student who is likely to have but a small refrigerator, if he has one at all, this is an inconvenience. Moreover, the few brands that are regularly stocked by the retailers in returnables are never cooled as are the metal can six-packs. This is a hardship for the student without a refrigerator. Thus, unless the consumer desires to purchase whole case lots of warm beer of one or two brands, there is again no choice.

Finally milk - the situation regarding milk is perhaps the worst of all. Only two stores, the Whole Earth Center and Jack and Jill Store, carry any brand of milk in returnable bottles. Otherwise, at the retail level, milk is simply unavailable in returnables. Again, there is little choice facing the consumer desiring his beverages in returnables.

Glass manufacturers, the can industry, beverage manufacturers, bottlers, and some retailers allege that the general unavailability of returnables is a response to the lack of consumer demand. This might have been true five years ago. Today, I would contend, on the contrary, that the times have changed and that the manufacturers and the retailers themselves are "manufacturing" this lack of consumer demand. By unduly restricting the brands of beverages marketed in returnable containers, by placing an inordinate number of obstacles upon their purchase under at least reasonably equally favorable conditions at the retail level, consumers - and in our case, college student consumers - are left with practically no recourse but to purchase their beverages in throw-away containers. Only with some pains and sacrifice to one's preference in taste can the consumer purchase his beverages in returnable containers. Because Bill 2212 will probably once again make it easy and practical for the consumer, and especially the student consumer, to purchase beverages in

returnable containers, we of Ecology Action at Princeton University strongly support this measure. That it is desirable should be beyond question, since it will also significantly lessen the solid waste disposal problem, reduce costs of waste disposal, and conserve natural resources. Thank you for your careful attention.

ASSEMBLYMAN WILSON: Any questions?

ASSEMBLYMAN KIEHN: I just couldn't help but smile when you said college students are known to drink sometimes a little bit of beer.

MR. HANSON: Right. I think probably though the consumption is decreasing.

ASSEMBLYMAN KIEHN: At the Princeton campus, do you have any problems with the students throwing away cans and bottles?

MR. HANSON: Certainly. Students aren't able to buy them in returnable bottles. I have talked with Mr. Foster Jacobs in charge of buildings and grounds of the University campus and he states that slightly under 50 per cent of their refuse problem comes from beer cans and soft drink bottles. I don't have the exact figures with me today, but I think on a yearly basis it was to the tune of 15 to 18 tons a year.

ASSEMBLYMAN KIEHN: That would really then come under education, probably starting from kindergarten right up through college.

MR. HANSON: That is the long-range solution. I think there are intermediate steps that we can take to alleviate the problem.

ASSEMBLYMAN FAY: Is this some kind of a commentary on the life style of the college student?

MR. HANSON: No, I don't think he is any different than most Americans.

ASSEMBLYMAN FAY: Is he sloppy and ---

MR. HANSON: I know a great many of the students are saving up their cans and bottles to take them to the

monthly recycling efforts. But it is very difficult in the Princeton area, as I have shown you, to even buy what we want in returnable bottles.

ASSEMBLYMAN FAY: It does strike me as a depressing note when we are talking about trying to educate the citizenry and trying to appeal to the people just not to litter anything, to find that kind of a comment on a campus.

MR. HANSON: Right.

ASSEMBLYMAN BLACK: I have one question, Brad, and that is this: The statement has been made by a number of people that the American way of "use it and throw it away" has got to come to an end at some point in the future. I am wondering if your thinking parallels this.

MR. HANSON: If I am thinking what?

ASSEMBLYMAN BLACK: If your thinking parallels this philosophy that the American policy of "use it and throw it away" as stated several times during the hearing is prevalent.

MR. HANSON: Yes, I think we have this philosophy. It is interesting from the very beginning - it goes back to the discovery of the New World - the European settlers came from a condition of real scarcity of resources. They then came to a virgin continent. It is deeply ingrained in our history, this abundance of resources, but now we are finally discovering that there is a finite limit to exactly what we can throw away. It is time to reverse this. This is one small step.

ASSEMBLYMAN BLACK: Have you in your studies taken a course in Economics?

MR. HANSON: I am an Economics major right now in the Woodrow Wilson School. Last year, I took a course on air pollution and I am in an American Civilization Conference right now. In fact, the seminar I am missing this afternoon is on Nature and American Life.

ASSEMBLYMAN BLACK: Let me say this: Say we took this relatively small number of employees in the glass industry and the can industry and we say, according to this bill, we will

discontinue the throw-away container and go to returnables. If we applied this same thinking, say, to the automobile industry, which comes out every year with new models, and had Federal legislation which said you will make one model for a five-year period ---

MR. HANSON: I think the trend is toward that. You notice, I believe it is Chrysler, is only going to remake a model every three years.

ASSEMBLYMAN BLACK: What do you think the impact of that sort of approach would have upon the economy of this country?

MR. HANSON: I look at it as an opportunity. Right now we probably have a lot of wasteful employment. It is not benefiting the consumer to have these annual model changes and throw-away beverage containers. Perhaps the resources freed from this wasteful employment could be -- well, they would have to be shifted to other areas of the economy. These people could engage in fulfilling the great social needs we have in this country. It would be a difficult switch-over and take years to accomplish, but it is really a fantastic opportunity in the future of our nation.

ASSEMBLYMAN BLACK: But do you agree the workers involved in either industry in this case would be sorely pressed for those number of years until the adjustment is completed?

MR. HANSON: Well, I don't think you are going to see anything. We are really talking in academics right now.

ASSEMBLYMAN BLACK: Quite true.

MR. HANSON: There would be a shift in the composition of the labor market. You have heard a lot of testimony on how many jobs would be lost and how many other jobs might be created by continuous recycling. So I really don't know if there would be a net loss of jobs altogether, but there definitely would be a shift. Maybe if this came about on a nationwide basis we could institute further Federal help on job retraining programs. This could be on a parallel with international

trade. When it is shown that an American commodity has lost its comparative advantage to foreign products and they are losing their foreign markets, there is a law that was passed, I believe in '63, that would provide for retraining of the workers in the losing industry, in effect, and it would take Federal assistance.

ASSEMBLYMAN BLACK: But you agree it would take a considerable period of time to make the transition and it would be somewhat detrimental to the financial status of the people involved.

MR. HANSON: It depends upon the scope of your efforts. I really don't think that this one first small step is going to put out thousands of workers from their jobs.

ASSEMBLYMAN BLACK: Thank you very much.

ASSEMBLYMAN WILSON: Brad, we want to thank you for coming down and testifying.

As to your comment that some people come down here on their own free time and others come down because they are paid, I am sure you must realize as legislators we know this.

MR. HANSON: I realize that.

ASSEMBLYMAN WILSON: Many statements have indicated that New Jersey has been the leader in combatting air and water pollution and has set an example for a lot of other states to follow. I would like to mention most of these bills have gone through this Committee.

MR. HANSON: I am very proud ---

ASSEMBLYMAN WILSON: In some cases we have strengthened the penalties and amended the bills so they were stronger than when they were introduced by the sponsor.

I want to assure the citizens here that we will have an objective study after we get the transcript printed. The record will remain open until October 8th in case anyone would like to submit a statement. Then the transcript will be printed and the Committee will have an opportunity to study

it.

I would now like to close the hearing.

(Hearing Concluded)

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A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF PRINCETON

WHEREAS, the packaging and marketing of consumer products has resulted in an ever-mounting increase in the mass of material discarded by the residents of the Borough of Princeton, causing both an extreme amount of litter to be deposited on the streets and a general over-burdening of the solid waste disposal facilities, resulting in a serious hazard to the public health, safety, and welfare of the Borough and its inhabitants, and

WHEREAS, the Princeton Township Conservation Commission, the Township of Franklin and the Township of West Windsor have asked other municipalities to join with them in requesting the State of New Jersey to pass legislation prohibiting the sale of malt beverage and soft drinks in non-returnable containers,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Princeton petition the legislature of the State of New Jersey to pass legislation prohibiting the sale of malt beverages and soft drinks in non-returnable containers and that a minimum deposit of ten cents (\$.10) per container be required for all returnable containers of malt beverages and soft drinks sold at retail,

AND, BE IT FURTHER RESOLVED that a copy of this resolution be sent to appropriate officials of the State of New Jersey, the municipalities of Franklin Township, West Windsor Township and Princeton Township, and all municipalities in the County of Mercer.

I, Robert F. Mooney, Clerk of the Borough of Princeton, County of Mercer, New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Mayor and Council at their meeting on May 27, 1971.

Robert F. Mooney
ROBERT F. MOONEY
Borough Clerk

RESOLUTION

WHEREAS, the Township Committee of the Township of Princeton is concerned with the effect of beverage and other containers which cannot be reused; and

WHEREAS, the Township Committee is of the opinion that this problem can best be approached on a regional or state-wide basis; and,

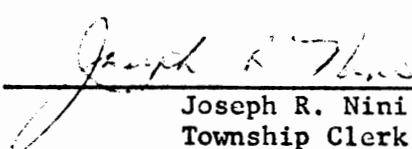
WHEREAS, other municipalities have requested the State legislature to enact legislation prohibiting the use of "No Deposit, No Return" beverage bottled and cans, and to encourage or ensure return of returnable containers;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Princeton in the County of Mercer, that:

The Township Committee of the Township of Princeton requests and will support action by the Legislature of the State of New Jersey to prohibit or regulate the use of "no deposit, no return" containers to encourage the use and actual return of returnable containers;

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Governor, to all members of the State Legislature from Mercer County, and to all the municipalities in Mercer County.

I, Joseph R. Nini, Clerk of the Township of Princeton, do hereby certify that the foregoing resolution was adopted by the Princeton Township Committee at their regular public meeting on August 2, 1971.



Joseph R. Nini
Township Clerk

SUBMITTED BY ALFRED A. HADINGER
Councilman, Village of Ridgewood

September 16, 1971

S T A T E M E N T

Protection of the environment and conservation of natural resources require that measures be taken to reduce and eventually eliminate the waste materials that are destroyed. Although a great deal of research and engineering will be required to reach the ultimate goal, it may be attained if progress can be made step by step.

I strongly urge the Assembly Committee on Air and Water Pollution and Public Health to favorably consider legislation that will discourage the use of disposable containers for beverages. Regardless of the proportion such containers constitute of the solid waste problem, this is an area where conservation can be practiced now while research is being conducted in measures that will reduce or recycle other solid waste.


Considerable volunteer effort and publicity have been involved with programs to recycle disposable beverage containers. In actuality, these efforts are a subsidy to the beverage industry since it should be responsible for the waste it generates, as was the case before the popularity of disposable containers. The container deposit system is a fair and equitable method of sharing the responsibility for control of the containers between the producer and the consumer. The consumer, faced with the deposit incentive, will return the container. The container can then be redeemed--thus reclaimed

- Page Two -

and re-used, eliminating thereby wasteful production of another throw-away container. Volunteer recycling efforts are important in calling attention to the need for environmental protection and conservation of resources, but in actuality they are extremely expensive and, at best, are merely symbolic.

Some municipalities have made an effort to reduce the use of disposable beverage containers. Such efforts, however, are probably going to fail because of the size of the jurisdictions. An effort by a major State such as New Jersey, however, could be an important step in improving the environment and conserving resources in our country.

We must not compromise our growing obligations to protect and preserve our environment in favor of any vested profit motivated opponents.


Alfred A. Hadinger, Councilman
Village of Ridgewood

TOWNSHIP OF CEDAR GROVE
ESSEX COUNTY NEW JERSEY

AGENDA ITEM 7(c)

MARCH 22, 1971

RESOLUTION

BE AND IT IS HEREBY RESOLVED, that the Township Council of the Township of Cedar Grove does hereby petition the New Jersey State Legislature to enact a law prohibiting the use of "NO DEPOSIT, NO RETURN" beverage bottles and cans, exclusive of hard liquor, in the State of New Jersey; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Governor of the State of New Jersey and Essex County members of the State Legislature.

INTRODUCED BY:

SECONDED BY:

VOTE:- AYE:

NO:

ADOPTED

Township Clerk
Township of Cedar Grove

857 State Road
Princeton, N.J., 08540

21 August, 1971

The Honorable
The Chairman, Assembly Committee on Air and Water Pollution
and Public Health
The New Jersey State Legislature
The State House
Trenton, New Jersey

Dear Sir,

I wish to express my strong support for a bill-identified as A 2212 - which I understand is before your Committee, and which is designed to outlaw "no deposit-no return" containers in the State of New Jersey, and to require a five cent deposit on all bottles and cans.

Having worked with the Princeton Conservation Coalition on collecting bottles, cans, and newspapers for recycling, I am appalled at the volume of bottles and cans that is collected. And this from probably a small segment of one community in the State !

The amount of materials- glass and metals - wasted in the throw-away containers is staggering; the amount of space, transportation and effort required for their "disposal" is outrageous. To require the collection and re-use of these containers is only prudent. We have neither the materials to waste nor the space in which to bury them. And volunteer efforts to re-cycle, such as those of the Conservation Coalition, are but a scratch upon the surface.

The State of Oregon has made a good start. Let us, in New Jersey, further the good work.

Sincerely,



GEORGE C. ALEXANDER

CC - Hon. William E. Schluter, State Assembly
Hon. James A. Floyd, Mayor, Princeton Township

Prepared by Ellis L. Yochelson
12303 Stafford Lane, Bowie, Md., 20715

Bowie, Maryland, has become famous as the first city in this country to come to grips with the problem of solid waste by requiring a deposit on beverage containers. Although this legal action is being challenged in three separate court suits by various segments of industry, it has aroused citizen concern about pollution. As a consequence of this interest, local sales of beverages in returnable packages are not declining, local paper drives have increased six-fold (to 60 tons monthly) within a year and glass containers not covered by this local ordinance are being voluntarily recycled by the citizens at a rate of 9 tons monthly. The effects of legislation on beverage containers have had ramifications throughout the nation and have encouraged others to follow the lead of Bowie. Some 4,000 copies of the Bowie ordinance have been requested and distributed.

The summary statement given here in support of A-2212 is not documented to avoid excessive length. However such documentation is available. If it is desired any of the comments or figures given below will be elaborated upon in more specific detail.

Solid waste is a major problem facing modern man. It may be solved with less difficulty than problems of air and water pollution. In science, it is accepted methodology when faced with a formidable and/or complex problem to break this into components and solve them in a stepwise manner until a total solution is accomplished. The ever accumulating pile of solid waste constitutes such a complex problem. Although new technology may eventually assist us, it is important that we solve immediately those components of the problem which are relatively easy to understand and simple to handle. Beverage containers are one such component.

Traditionally, the beverage industry has operated on the concept of a recycling reusable container. When a container is recycled there is no waste. When it is not recycled there is an addition to the solid waste pile. Because of the long experience of the industry in this field, it is appropriate that beverage containers be the first component of solid waste to be considered. Over the past few years the beverage industry--which invented modern recycling--has abandoned this approach because of the advent of "convenience" packaging.

So-called "disposable" packaging is not disposable. If a container is recycled, it remains within the private industrial sphere. If the container is a "convenience" package it eventually becomes a public expense for tax revenues are used to haul it from one area to another along public roads and it is dumped in land which could be more profitably used for public purposes or to produce higher revenue. Individually the "throw-away" containers are not a serious drain on the public purse, but collectively they constitute about 5% by weight of domestic trash or about 50% of all cans and glass in domestic trash. In this regard, they become a crushing burden which can only become more expensive in the future.

A recent study in Yonkers, New York, indicates that the direct additional cost to consumers of beverages in "convenience" packaging is measured in millions of dollars annually. It is less easy to derive indirect costs, but 25% of incinerator residue is directly attributed to them. No allowance is made for poorer incinerator operation as a result of this large mass of non-burnables; because the principal cost of any trash operation is haulage and because the convenient places to dump trash near major cities and suburban areas are rapidly disappearing, haulage costs can only increase. No allowance is made for loss of jobs related to "one-way" packaging, but between 1958 and 1966, 13,000 positions were lost in the beer industry.

Litter is a trivial part of the solid waste problem but it is one which industry keeps raising. Various segments of the packaging industry all contribute to the problem, but no one contributes a majority of the litter. Accordingly it is stated that no industry is to blame in such terms as "people litter, not cans". It is also convenient for industry to quote a national study of only ten miles of road in 29 states sampled for less than one month and ignore more comprehensive local and state investigations which clearly show that both the proportion and total number of "one-way" beverage containers in litter is growing. Industry also ignores the question of degradability. Paper litter will disappear in months, steel cans require tens of years, bottles will require thousands of years and aluminum cans, millions of years. It is obvious that waste is discarded because it has no value. It is equally obvious that if some citizens are foolish enough to discard articles of value, other citizens will be wise enough to pick them up. Every litter bit which can be picked up for profit will be picked up and thus will contribute to the eventual solution of this problem.

Manufacturers of so-called "convenience" packaging repeatedly talk of the need for recycling. There are excellent developments but most effort to date has been more with publicity than with the actual mechanics of setting up a network. The current price of \$20.00 paid for 24,000 steel cans (\$10.00 for bimetal) when delivered in a clean flattened condition to one of 200 or so plant sites within the United States simply is not a solution to the problem. With the best will in the world it is impossible for a volunteer to collect sufficient aluminum cans at ten times the value, and still receive a minimum wage for the effort.

These same manufacturers have also talked of the products which may be made of recycled material. Thus bricks may be made of glass slag or roads may be made of "glasphalt".

The key point is that material must be sorted from the overall waste heap to be useful. One cannot make glasphalt from trash; one can only make it from glass which has been sorted out from the trash. Although technology to sort is being developed, machinery for this is bound to be a major capital investment. Some studies suggest that such magic machines will require the processing of 1000 tons of domestic trash daily just to meet operating expenses at current market prices for the materials recovered. Even with massive installations to sort trash so as to recover glass and metal haulage costs from suburbs to trash centers will probably be more the capital investment.

Industry feels that recycling should be a volunteer activity. The nature of the problem is such that this approach is unworkable, if only because of the sheer volume involved. Perhaps the best recycling to date is in recovery of aluminum. If the current volunteer activities are increased by 25% in the next year, there will still be a net loss of 180,000 tons of fabricated aluminum. To import this will cost \$9,000,000 in an unfavorable balance of trade. To reduce the bauxite to aluminum for these cans will require enough electricity to meet the needs of Washington, D. C. for 18 months. Costs of "throwaway" steel cans and glass bottles are far more because of their much larger volume.

The requirement for a deposit on beverage containers appeals to the logical and prudent man. He will return the container to insure return of his deposit. The return of containers is the first step in a recycling network. Industry may decide to package in reusable containers as has been traditional. Alternatively, they may wish to continue with one-use containers. However, "one-way" containers dispersed through trash are simply more trash. One-use containers which accumulate at a spot where a refund of deposit has been given are scrap material. Scrap is a curious substance in that the purer it is and the more abundant it is, the higher is its value.

A required deposit is a form of statutory recycling which will insure almost 100% recovery of emptied containers. Industry should welcome this approach with open arms for it provides the material needed to make new containers or new products, labor should welcome this for it provides jobs in collecting and handling recycled material, and merchants should welcome this for the purchaser of a deposit container is a customer who will return to recover his deposit and in the process buy more. Of course, the consumer will welcome this for his product will be in more economical containers. All taxpayers will welcome it for this return to a private recycling network will lower the size of the public solid waste pile.

No one in our modern world is likely to die because there are too many metal cans or glass bottles around. However, if we cannot solve this sort of a simple problem we cannot solve the massive problems caused by other more serious forms of pollution. Industry may desire business as usual and insist that the consumer demands convenience. They are partially correct in that the consumer of yesterday demanded convenience. However, there is a new view of the world and the consumer of today demands that it be a cleaner, safer world. The consumer who is also the taxpayer and the voter expects something to be done to help him and he will reward those politicians who take statesmanlike action to protect this world for the next generation.



AMERICAN ASSOCIATION OF UNIVERSITY WOMEN
Princeton Branch

STATEMENT BY THE EXECUTIVE BOARD OF THE AMERICAN ASSOCIATION OF
UNIVERSITY WOMEN, PRINCETON BRANCH, SUPPORTING ASSEMBLY BILL NO.
2212. SEPTEMBER 22, 1971.

The problems of solid waste disposal are magnified by the increasingly wasteful packaging of consumer goods. The throwaway beverage container is a non-degradable and often highly visible example of this kind of waste.

Therefore, we feel that the enactment of Assembly Bill No. 2212 would benefit New Jersey in the following ways:

1. The quantity of non-degradable material for collection and disposal in municipal landfills would be reduced.
2. The amount of permanent litter would be reduced. There would be a cash incentive for the retrieval of containers which did become litter.
3. Natural resources would be conserved.
4. The consumer would save money by being able to purchase beverages in returnable containers.

In Princeton, about 2500 citizens have signed petitions in favor of a municipal ordinance which would ban non-returnable beverage containers. We feel, therefore, that consumers are ready to accept the provisions of Assembly Bill No. 2212. We urge the Committee to act favorably on the bill.

Prepared by Mrs. F.V. Shallcross
Implementation Chairman for the Topic,
"This Beleaguered Earth"
American Association of University Women
Princeton Branch
12 Jeffrey Lane
Princeton Junction, New Jersey



CRUSADE for a CLEANER ENVIRONMENT

September 24, 1971

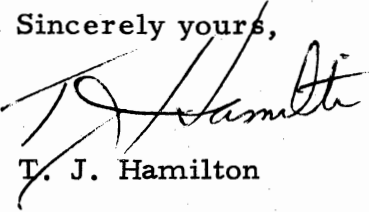
Mr. Ken Wilson, Chairman
Air & Water Pollution &
Public Health Committee
c/o David Mattek, Legislative Services
State House
Trenton, New Jersey

Dear Mr. Wilson:

At the request of Assemblyman Dennis, we are pleased to send you the enclosed data on returnable and non-returnable containers being used in the soft drink and malt beverage industries.

We particularly call to your attention "Fact Sheet" Number 4, discussing the economic effect on jobs if the trend toward non-returnable containers in the beer and soft drink industries continues. Many of our bottler friends in New Jersey are particularly concerned. As you know, the beer industry today has relatively few canning and bottling plants throughout the country because non-returnable containers can be shipped long distances. Because New Jersey is a relatively small state in area, it is conceivable that the same thing would happen in the soft drink industry. Large bottling companies such as New York Coca-Cola and perhaps some of the larger Philadelphia canning and bottling companies could be in a position to force out of business all the smaller canning and bottling plants in New Jersey. If this should happen, the loss of jobs in these industries could certainly outweigh the potential loss of can and bottle manufacturing jobs if only returnable containers were used. This, coupled with the loss of retail clerk jobs as a result of going to non-returnable containers, would certainly have an impact on New Jersey's economy. We hope your committee will look seriously at this aspect of the problem.

Sincerely yours,



T. J. Hamilton

The Case For a Cleaner Environment

By **T. J. Hamilton,**
Executive Director,
Crusade For a Cleaner Environment
at the

ANNUAL CONVENTION
NATIONAL BEER WHOLESALERS ASSOCIATION

Palmer House, Chicago, Illinois

November 10, 1970

*A paper presented at the recent annual convention of the
National Beer Wholesalers Association in Chicago, Ill.*

Reprinted
from



by **CRUSADE for a CLEANER ENVIRONMENT**

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Mr. Hamilton, a native of Fremont, Ohio, received his B.S. in chemical engineering from Ohio State University in 1947. From then until 1959, when he became president of Wilson E. Hamilton and Associates, he was with Union Carbide Chemical Co. Since 1961, he also has served as pres-

ident of Robocrafts, Inc., a direct mail service.

Wilson E. Hamilton and Associates was originally established in Jefferson City, Mo., but since 1960 it has headquartered in Washington, D.C. The executive staff includes Harmon L. Elder and Richard N. Rigby, vice-presidents, and Wayne A. Bonney, assistant to the president. The firm provides its clients with services relative to public relations, government relations and organization membership development.

Its clients include or have included: the Crusade for a Cleaner Environment, the Wooden Beverage Case Institute, the National Right to Work Committee, National Labor-Management Foundation, Southern States Industrial Council, National Oceanography Association, Transportation Association of America, Rice Millers Association, National Forest Products Association, National Retail Merchants Association, among others.

The Crusade for a Cleaner Environment is incorporated as a non-profit, educational corporation, governed by

a board of directors. Its purposes, as stated in its articles of incorporation, are "to promote, support, conduct and/or assist in any way whatsoever, public, educational and remedial programs and activities, through the use of any and all media, relating to and dealing with the problem of littering, pollution and defilement of communities and lands whether urban, rural, public, private or otherwise, caused by indiscriminate disposition and discarding of trash and other solid waste materials."

The president of C.C.E. is J. Clifford Miller, Jr., president of Miller Manufacturing Co. of Richmond, Va., a diversified milling and lumber company among whose products are wooden boxes. Members of the board of advisers are actor Eddie Albert; Congressman Philip M. Crane (Ill.); Mrs. Arthur Godfrey; James B. Lindsey, Sr., president of the Pepsi-Cola Bottling Co., Bakersfield, Calif.; Sigurd F. Olson, president of the Wilderness Society; and Congressman Joseph P. Vigorito (Pa.).

The Case For a Cleaner Environment

I CONSIDER it a privilege to be here today to discuss with you the problem of returnable and non-returnable containers—particularly as it affects the beer wholesale industry.

Just how serious a problem is this? I think it might be best to ask ourselves some questions. For example, just how much do throw-away cans and bottles litter our countryside and pollute our environment? If the problem is not solved, how will it affect your profits? Will throw-aways bring restrictive legislation down on the industry if it does nothing but run a counter public relations program? Will the problem affect other industry—and even our free enterprise system?

I'm sure you have seen and discussed answers to these questions and the statistics used to back up those answers. But let's take a careful look at some of these answers and figures.

Today it costs Americans 1½ billion dollars more per year just to buy their beer and soft drinks in throw-away cans and bottles than it does when they purchase them in returnable bottles. If the trend to throw-aways continues, the extra cost to consumers could reach four billion dollars by 1975. In Detroit alone, the sanitation department says it costs \$4,000 each day to dispose of bottles. Based on a five-day week, this amounts to \$1,000,000 per year. And this is just one city. In addition, the cost of picking up litter across the country (as dis-

tinct from regular refuse collection) is estimated to be over \$500,000,000 annually. These are all additional costs to the consumer or taxpayer when he purchases throw-away cans and bottles.

Of the total litter, beer and soft drink bottles and cans comprise anywhere from three to eight per cent, depending upon whose figures you cite. This may not sound like much until you realize that bottles and cans don't burn. It then takes on a much different picture because when the average city incinerator burns its trash, the residue consists of 60 to 80 per cent glass and metal. And the sanitation people complain and complain about the molten glass which clogs up their incinerators.

So let's look at this solid waste

problem as it is affected by non-returnable containers. To give you some idea of the size, the 36 billion throw-away cans and bottles sold by the soft drink and beer industries this year amount to 800,000 large trailer-loads of trash bottles and cans. If present incinerators can't handle them, we then have to find a place to dump them. But where? The President doesn't want us to dump them in the ocean. Old mines are filling up and many cities are simply running out of empty land for sanitary land fills. As an example, San Francisco wanted to haul its waste to Nevada, but Nevada wouldn't let them. And if you lived in Nevada, I don't think you would want San Francisco's waste either. Just where are we going to continue to put the ever growing quantities of bottles and cans? And if the 37 billion throw-away containers grow to 100 billion by 1975, our problem is going to be three times as bad.

Economic Factor

An economic factor which affects industry like yours should be considered. For not only does it cost the public more to buy its beer or soft drinks in a throw-away bottle or can and cost them more in taxes to pick it up (up to 31 cents a can or bottle in New York City), but the trend to throw-away containers in the beer industry caused the number of breweries to decline from 262 in 1958 to 115 in 1966 (a decline of 52 per cent); and the number of employes to drop from 71,700 to 59,800. It is estimated that even larger repercussions will occur in the soft drink industry—if the switch to throw-aways continues because it is a larger industry with more employes and small franchises. For example, Miller Brewing Co., and the Seven-Up Bottling Co. distribute approximately the same volume of product on a national basis. Miller does it from three breweries. Seven-Up does it from 487 franchise bottlers.

This loss of jobs, the closing of breweries, the fact that quite a number of soft drink bottlers and franchises are beginning to close as a result of the trend to throw-aways are facts which every small businessman should ponder.

Summing it up, non-returnable containers or throw-aways are causing these problems:

- (1) increased costs to consumers—it's now 1.5 billion dollars a year and growing;
- (2) a definite solid waste management problem which is growing;
- (3) higher taxes to pay to pick

up litter from our streets and parks and just plain trash at homes and offices—also increasing;

- (4) a loss of jobs and businesses in the soft drink and brewing industries—as well as the distribution industry such as yours;
- (5) And let's not forget a bad image for the industries involved.

The worst part of these problems is that they will get worse unless industry does something to correct the situation.

Promoting Returnables

Now let's look at what people are promoting returnable containers. First, they are not all kooks and long-haired, bearded kids. As a matter of fact, we can start with the President of the United States. Back on February 10th of this year, President Nixon called on the new Council on Environmental Quality to devise incentives and laws for reusing and recycling containers. The President's Special Assistant for Consumer Affairs, Mrs. Virginia Knauer, has come out strongly for returnable bottles in the soft drink and beer industries. A group of women in Washington, D.C., formed an organization known as Concern to combat pollution. It turns out that these were not just ordinary women, for they included among others: Mrs. Paul Ignatius, whose husband is a former Secretary of the Navy, Mrs. Russell Train, whose husband is chairman of the President's Council on Environmental Quality, and Mrs. Richard Helms whose husband is director of the C.I.A. They are articulate, serious women. I'm sure that you have similar groups of women in your towns and cities doing the same type of thing. Almost every conservationist organization is promoting returnable containers. This includes: the Wilderness Society, The Sierra Club, the National Wildlife Federation, the Audubon Naturalist Society, etc. There are all the student organizations working for a better environment—and if you have teenage or college age children you know they can't be dismissed by a wave of the hand. And then you have politicians who know a popular issue when they see one.

And here we come down to the crux of the problem. Many of these people are concerned with throw-away bottles and cans because they feel that correction of this problem is the key to the whole environmental pollution problem—from air and water to even over-population.

Why? Well, cans and bottles are a very visible aspect of the pollution

problem which faces each of us every day. Throw-away cans and bottles have come to be the symbol of American pollution. And best of all, from the standpoint of these people, the problem of throw-away cans and bottles offers a much easier solution than the problems of correcting air and water pollution. To correct air and water pollution it is going to take considerable expenditures of money, time and effort. But in the case of soft drink and beer cans and bottles, the problem can be solved very easily—all the public has to do is start purchasing its beer and soft drinks in returnable bottles. This not only won't cost money, it will save the consuming public a great deal of money. It can be done almost overnight and on balance there are believed to be a substantially greater number of jobs resulting from the use of returnable containers than those resulting from the manufacture of throw-away bottles and cans.

Tougher Problems

So it comes down to the fact that many of the leaders in the fight to correct pollution believe that if we Americans don't have the determination to lick the relatively easy problem of throw-away bottles and cans, how can we ever solve the tougher problems of air and water pollution? As a result, there is going to be an ever increasing pressure on the soft drink and beer industries to solve this problem.

Knowing this, it would seem only logical that the industries involved would want to correct the problem voluntarily and on a time schedule that would permit essentially no restriction upon normal business.

Now perhaps here is the time to look at those who are opposing returnable bottles. We all know that the can and bottle manufacturers are going to lose business if we increase the beverage industry's proportionate use of returnable containers. And having worked for big business, I can understand all of the long range marketing and planning that have gone into the development of throw-aways. Jobs are going to be lost. But let me ask you, are jobs in can and glass plants more important than the jobs of bottlers, distributors like yourselves, clerks in grocery stores, etc.? I don't think so, and neither do a lot of other people. And the same can be said of capital investments in the glass and can plants as opposed to investments in bottling plants and warehouses.

Perhaps the worst culprit in the effort to clean up throw-away containers is the supermarket. And I'd

like to emphasize that. The greatest problem in eliminating throw-away cans and bottles is retailers—supermarkets, liquor stores, gas stations and even the corner grocery. They have bought the argument of convenience and labor savings. And I agree with them. It is certainly a lot more convenient for retailers—even if it isn't for consumers—and it may save them that $\frac{1}{4}$ or $\frac{1}{2}$ a man per store the large supermarkets use to handle returnables. But are they passing these savings on to consumers? If they are, it's hard to tell because soft drinks and beer are still three to four cents cheaper per bottle in returnable bottles.

I can tell you what the supermarkets are doing, however. Many stores aren't even carrying drinks in returnable bottles. They aren't even offering the consumer a choice. In other stores they are doing everything but hiding soft drinks and beer in returnable bottles. At the same time they are making it easy for consumers to buy drinks in throw-aways—particularly their own private labels. And where they do have returnables and throw-aways side by side they frequently have them in different size containers making it hard for the consumer to compare prices and purchase the most economical drink.

Further, the big chains have put extreme pressure on bottlers to supply soft drinks in throw-away containers. They have done this by telling bottlers they will replace the bottler's brands by the chain's private label brands unless the bottler supplies the chain with throw-aways. The local bottler then has no choice—if he's going to stay in business.

All of this is rather odd, because really the chains and retailers have a whole lot less at stake than the bottlers, breweries and bottle and can manufacturers. If the chains go to 100 per cent returnables, it really isn't going to hurt their profits. If they need extra money to hire that $\frac{1}{4}$ or $\frac{1}{2}$ a man to handle returnables in their store, they could increase the price of a soft drink or beer two to three cents a bottle and the consumer would still save money. In this whole controversy the chains have kept a very low profile. They are hoping the whole issue will just go away. In the meantime they are letting the bottlers, and in particular, the can and glass container manufacturers take up their cause before the public. As an example of what the chains are doing—or not doing, last month the District of Columbia held hearings to determine the feasibility of a ban on non-returnable bottles and cans for soft drinks and beer.

Six chains were invited to testify. Only one bothered to answer the invitation and that company declined. In the meantime, bottle and can manufacturers turned out en masse along with some bottlers to testify the way the chains hoped and wanted them to do.

In this returnable versus non-returnable controversy, industry has a real opportunity to be a statesman. As a businessman, I would like to see them do so.

I hope they will not engage in semantics as Owens-Illinois President Edwin D. Dodd did in the September issue of his company's paper, the "Outlook."¹ In an article entitled, "Returnable," "Non-Returnable" Assuming Different Meanings," he deliberately clouds the meaning of the words "returnable" and "non-returnable." If we are going to have returnable or recycling programs, let's have honest to goodness recycling programs. Let's not say out of one side of our mouth that the public won't return bottles for a deposit of five cents, and then in the next sentence offer a recycling program that gives the public a half cent for each bottle it returns or 10 cents a pound for aluminum.

If we are going to offer recycling centers, let's make them convenient. As one editorial writer in the Philadelphia Inquirer said: "Few Philadelphia housewives, for example, are going to drive 70 miles to the nearest reclamation center in South Jersey to get a penny a pound for their old bottles." Actually she probably couldn't put enough bottles in her car to pay for her mileage. And let's not make the housewife separate her bottles by colors and remove the labels as one set of instructions suggested.

Let's not flim-flam the public. For example, the can and glass bottle manufacturers are continuously trying to promote the idea that the public will not return returnable bottles. They like to point out that Pepsi-Cola in New York City lost 3,500,000 returnable bottles after only an average four trips per bottle. What they don't point out is that most food chains in New York City will not accept returnable bottles—A and P, for example, is reported to have a policy in New York City of not handling returnable bottles of any kind. If this is the case, how can people return bottles? Through their front organization, Keep America Beautiful, the can and bottle manufacturers keep promoting the point that Americans will always litter while at the same time they keep advertising and selling throw-away can and bottle convenience. These activities appear

to be very contradictory to say the least.

Don't Be Short-Term

As a conservative businessman in Washington, I am tired of seeing respectable business looking at things only on the short term basis—or even worse, letting itself be misrepresented. The public wants to work with you. Give them a chance. If you don't, you may end up with restrictive legislation, taxes, or even worse. And I might say right here that legislation is being proposed in almost every town, county and state in the country. It is happening so fast that it is almost impossible to keep up with it.

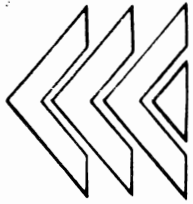
Brewery Efforts

In recent weeks we have been pleased to see that at least two breweries are taking the bull by the horns. Blitz-Weinhard of Portland, Ore., has been promoting the sale of its beer in returnable bottles. The company's marketing test has demonstrated that the public will do its part to help solve the environmental crisis. As a result of the company's test, sales of beer in returnables increased 21 per cent during the first eight months of this year in metropolitan Portland, while sales of beer in non-returnable bottles were down 14 per cent. On the east coast, Rheingold is test marketing a new anti-litter, returnable bottle in New Hampshire and Pennsylvania.

As a representative of the Crusade for a Cleaner Environment, we believe the answer to the pollution problem of throw-away cans and bottles is the returnable bottle. We hope you agree, but if you don't, we hope you will come up with a constructive, aggressive program to help lick this aspect of the pollution problem.

Remember, many influential people believe solving the problem of the throw-away can and bottle is the key to our entire pollution problem. The public looks to industry for leadership. Please accept the challenge. Don't abdicate your responsibility.





CRUSADE for a CLEANER ENVIRONMENT

The Crusade for a Cleaner Environment believes that soft drinks and beer sold in returnable bottles not only save the consumer money, but provide Americans with the most expeditious way to recycle. The enclosed letter from Mrs. Irene Mylan, Recycling Chairman of the Salem Chapter of the Oregon Environmental Council adds impetus to that fact.

T. J. Hamilton

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1900 L Street, N.W. • Suite 301 • Washington, D. C. 20036 • Telephone 296-2608

2380 Church Street, S. E.
Salem, Oregon 97302
April 15, 1971

Mr. Rich Chambers
Rt. 3 Box 7540
Salem, Oregon 97302


Dear Mr. Chambers:

I am happy that you asked about the recycling program the Oregon Environmental Council and high school environmental club students have been running here in Salem. We are especially concerned, after what we have learned from this project, that we not leave the legislators or the public with the impression that current recycling programs are the answer to the "non-returnable" problem. When we began ten weeks ago it was to demonstrate the feasibility and profitability of recycling under current industry programs to service organizations or businesses who might have taken over the project and provided continuing recycling service for Salem. As it turns out, we can prove neither.

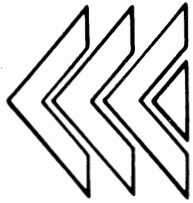
In recent weeks we have seen commercials on television that claim industry recycling programs will make "today's bottle tomorrow's bottle". What they fail to mention is what goes on between the time the consumer discards the bottle in one of our collection bins and we sell it back to the glass company. Almost a hundred students and adults who have worked on this project will tell you that the work of collecting, sorting and breaking of the glass and smashing of cans so that they are acceptable to industry, involves long hours of dirty, smelly, dangerous, heavy labor. It is highly unrealistic to assume any group of volunteers could maintain a recycling program that would make a significant impact on the thousands of containers thrown away in Salem each day. Not only is the work demeaning, but there is a minimal return when one considers the expense of storage transportation and numerous other costs. For our well over a thousand volunteer man hours we expect a return of about \$200.

But the most disheartening revelation came this week when the rehabilitation agency that had agreed to take over our project in the hope of turning it into a business learned that there was no hope of profit. Upon investigation into the policies of Owens-Illinois, it turns out that they discourage persons who approach recycling as a business by paying them \$15 per ton rather than the advertised \$20. It became clear to us then that the company was more interested in giving the appearance of encouraging recycling by catering to groups such as ourselves who make little impact on the total problem, but get lots of favorable publicity, than they were in seeing companies who could provide efficient, continuing recycling.

Sincerely,



(Mrs.) Irene Mylan
Recycling Chairman, Salem Chapter
Oregon Environmental Council



«RUSADE for a «LEANER «NVIRONMENT

FACT SHEET

Number 1

Collection and disposal of waste materials cost Americans \$4.5 billion per year. And the volume of waste is growing at a rapid rate. Today it is a staggering 5.3 pounds for each American every day of the year, and by 1980 it will be 8 pounds of waste a day.

Recent studies indicate that the cost of removing this waste will grow even faster. Why? Because (1) wastes will be of lower density and therefore of greater bulk; (2) the proportion of difficult-to-handle materials, especially plastics, will increase; and (3) the amount of land necessary to store and/or process these materials for ultimate disposal will nearly double.

Today the packaging industry, with strong consumer appeal and a boon to convenience, is accelerating the problem. In 1966 this industry accounted for \$25 billion in sales (approximately 3.4% of our Gross National Product) and produced 51.7 million tons of materials. About 90% of these materials was discarded, representing 13.3% of the 350 million tons of residential, commercial, and industrial waste generated in the United States in 1966.

Glass and metal packages are two of the worst problems -- particularly when incineration is used as a means of disposal. In a typical situation where one ton of packaging material is incinerated a residue of 705 pounds remains. Of this amount 637 pounds or 90% comes from glass and metal containers.

(Over)

There are two possible solutions: (1) use of high temperature incinerators which are very costly or (2) greater use of money-back returnable containers in place of throw-away containers.

In this latter case the American consumer and taxpayer could not only help relieve the problem, but could save himself money in the process. It is estimated that in 1970 if all soft drinks were purchased in returnable, money-back containers American consumers could save an estimated \$650,000,000.

Sources:

- (1) The Role of Packaging in Solid Waste Management 1966 to 1976, U. S. Department of Health, Education and Welfare, 1969
- (2) U. S. News & World Report, September 8, 1969



CRUSADE for a CLEANER ENVIRONMENT

FACT SHEET

Number 2

President Nixon has called on government, industry and individuals to "pay their share of the cost" in the fight against pollution. There is one area of the battle, described by the President where the consumer, the taxpayer and industry could all save by helping to clean up our environment.

By using more returnable, money-back containers for soft drinks and beer, consumers and taxpayers could save money on the out-of-pocket cost of such drinks, as well as the cost of trash collection and disposal.

It is estimated that Americans could save \$705,000,000 per year (based on prices in the Washington, D. C. area) if they purchased all soft drinks in returnable, money-back bottles. If all beer were purchased in returnable, money-back containers, the consumer could save an additional \$800,000,000. This total estimated savings of over one and a half billion dollars a year would go a long way toward financing the program proposed by the President to clean up our environment.

A nationwide survey taken by a major polling firm for the National Wildlife Federation found that almost all of the nearly 1,500 persons questioned were willing to have the federal government spend more on natural resource preservation than it does now -- but only if the money is raised by cutting other outlays, not by increasing taxes or costs to consumers.

(Over)

When it came to specifics, two-thirds of those interviewed said they would not be willing to have their family expenses boosted by \$200 a year -- in taxes and higher product prices -- to reduce pollution. Even an annual expense rise of \$20 a year won approval of only 55 percent.

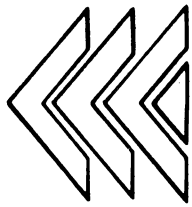
In light of this survey, the potential savings Americans could make by using only returnable, money-back bottles or containers for their soft drinks and beer becomes even more significant. For the \$1½ billion savings involved are equivalent of \$25 a year for each of America's 60 million families -- enough to pay a good share of the cost to clean up our air and water. In addition we would be getting rid of approximately 800,000 large trailerloads of trash, bottles and cans.

SHIPMENTS OF BEER AND SOFT DRINKS IN
THROW-AWAY BOTTLES AND CANS IN 1970 (1)

	<u>THROW-AWAY BOTTLES</u>	<u>CANS</u>	<u>TOTAL</u>
SOFT DRINKS	6,000,000,000	9,000,000,000	15,000,000,000
BEER	6,230,000,000	15,100,000,000	<u>21,330,000,000</u>
		TOTAL	36,330,000,000

Sources:

- 1) The Role of Packaging in Solid Waste Management 1966 to 1976, U. S. Department of Health, Education and Welfare, 1969
- 2) Text of the President's Message to Congress Proposing Action Against Pollution, February 10, 1970
- 3) Congressional Record, December 16, 1969, S-16836



CRUSADE for a CLEANER ENVIRONMENT

FACT SHEET

Number 3

Consumer Economics in the Purchase of Soft Drinks in Returnable and Throw-Away Containers

With the problem of keeping a cleaner environment and the ever increasing costs of solid waste management, many consumers and government officials are asking just how much can the consumer save if he buys his soft drinks in returnable bottles.

The Crusade for a Cleaner Environment has made some initial investigations in the Washington, D. C. and Richmond, Virginia areas and has obtained these figures on nationally distributed "Coca-Cola."

	<u>Washington</u> Retail	<u>Richmond</u> Retail
6-pack of 12 oz. Cans (Throw-Away)	89¢	83¢
6-pack of 12 oz. Bottles (Returnable)	<u>69¢</u>	<u>59¢</u>
Saving per 6-pack	20¢	24¢
Saving per bottle	3.67¢	4¢
Per cent Savings	22.5%	28.9%

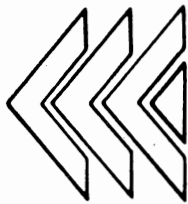
If similar savings could be made on a nation-wide basis, the American public could save an estimated \$600,000,000 if the 15,000,000,000 soft drinks now purchased in throw-away cans and bottles were purchased in returnable bottles. If similar savings were made on the 21,330,000,000 throw-away cans and bottles of beer, another \$840,000,000 could be saved.

(Over)

While solid waste management -- trash pick-up and disposal -- figures for throw-away bottles and cans are hard to separate from the total cost of these services to consumers and taxpayers, they are significant and probably run into the hundreds of millions of dollars per year. In Detroit alone, the sanitation department says it costs them \$4,000 each day to dispose of bottles. Based on a five day week, this amounts to over \$1,000,000 per year. In addition, the cost of picking up litter across the country (as distinct from regular refuse collection) is estimated to be over \$500,000,000 annually. A substantial portion of this is attributed to throw-away soft drink and beer bottles and cans.

Sources:

- (1) New York Times, May 25, 1970
- (2) Detroit News, June 2, 1970
- (3) Coca-Cola Bottling Company, Washington, D. C.



CAMPAIGN for a CLEANER ENVIRONMENT

FACT SHEET

Number 4

THE EFFECT ON JOBS OF THE TREND TOWARD NON-RETURNABLE CONTAINERS IN THE BEER AND SOFT DRINK INDUSTRIES

The switch-over from returnable, money-back bottles to throw-away containers in the beer industry has been paralleled by a sharp decline in the number of breweries with a consequent loss of jobs and corresponding decline in payrolls.

Figures from the U. S. Department of Commerce show that the number of breweries in this country dropped from 262 in 1958 to 188 in 1967, a decline of 28.3%. Recently, a representative of the U. S. Brewers Association estimated there were now less than 80 brewing companies.

The number of persons employed by breweries dropped from 71,700 in 1958 to 60,500 in 1967, a decline of 15.6%. Based on the average wage rate of \$8,714 in 1967, the 11,200 job decline amounted to a payroll loss of \$97,596,800.

It is estimated that even larger repercussions will occur in the soft drink industry -- if the switch to throw-aways continues. If the current trend continues, experts predict that by 1975, all soft drinks will be sold in non-returnable containers. In 1967 there were 3,403 soft drink bottling plants in this country employing 123,400 persons with a total payroll of \$727,100,000.

If the trend to throw-aways in the soft drink industry parallels the beer industry, which it has to date, a decline of 28.3% in the number of plants would amount to a drop in plants of 936, or a new total of 2,440 plants. The number of employees, with a 15.6% decline, would fall to 104,150. Using the 1967 payroll figure of \$5,892, the total loss in payroll would be \$113,421,000 yearly.

A complete switch to throw-aways would also affect employment in food stores and other establishments selling soft drinks. Food chains estimate that it takes between 1/4 and 1/2 of a man to physically handle the sorting and related work connected with

returnables. There were, in 1967, 218,130 food stores in this country. Estimating that around 90% were handling returnables at that time and using the minimum manpower need of 1/4 man, the number of jobs comes to 50,000. Using \$6,000 as an average wage base, the payroll loss would be \$300,000,000 yearly.

Combining the three different sets of figures, the effect on jobs and salaries from the trend toward non-returnable containers in the beer and soft drink industries comes to a possible job loss of 80,450 persons and a payroll loss of \$511,017,800 yearly minimum. In addition, there are thousands of warehousing jobs which would be adversely affected by a complete switch-over to non-returnables.

For a plant comparison between the beer industry, now almost wholly committed to throw-aways and the soft drink industry still selling a large volume of returnables, Miller Brewing Company and the Seven-Up Bottling Company distribute approximately the same volume of products on a national basis. Miller does it from three breweries. Seven-Up does it from 487 franchise bottlers. The September issue of Outlook, a publication of Owens-Illinois (largest producer of glass bottles in the country), said, "One of the nation's biggest soft drink manufacturers has more than 1,000 local bottling plants today -- but officials of that company predict that 10 years from now they'll have less than 100 -- serving the entire country."

Sources:

- 1) 1967 Census of Manufacturers, the U. S. Department of Commerce, Bureau of the Census.
- 2) 1970 Brewers Almanac -- The Brewing Industry in the United States, United States Brewers Association, Inc.
- 3) 1969 Sales Survey of the Soft Drink Industry, National Soft Drink Association.
- 4) Outlook, September, 1970.

what others say

President Richard M. Nixon—"The task of cleaning up our environment calls for a total mobilization by all of us. It involves governments at every level; it requires the help of every citizen. It cannot be a matter of simply sitting back and blaming someone else. Neither is it to be left to a few hundred leaders. Rather, it presents us with one of those rare situations in which each individual everywhere has an opportunity to make a special contribution to his country as well as his community."

Editorial in the Elyria, Ohio, Cronicle-Telegram, March 8, 1970—"The Crusade for a Cleaner Environment shows us one way we, as consumers, can help. . . . We don't have to depend on government and industry to do it all. We create a lot of pollution ourselves, and we could reduce it substantially if we are willing."

Mrs. Virginia H. Knauer, the President's Special Assistant on Consumer Affairs—"People bring back deposit bottles and pick up a few cents. They don't return non-returnable bottles. These end up in the trash and contribute to our garbage problem."

U. S. Representative Benjamin Rosenthal, as reported in the New York Times, April 21, 1970—"Mr. Rosenthal maintained that the consumer was really a multiple loser as a result of today's packaging. First, he said, the consumer pays more for a disposable container than for a reusable one. The buyer then has to pay to have the used container collected for disposal. Finally, he said, "the consumer must pay again" when the "container does not degrade but lives on to foul environmental quality."

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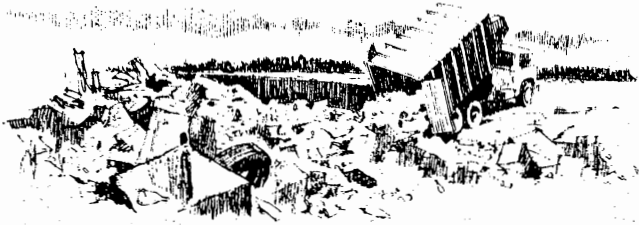
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CRUSADE for a
CLEANER
ENVIRONMENT

A broadly-based CITIZENS organization
dedicated to solving the problem
of LITTERING, POLLUTION AND DEFILEMENT
of communities and lands.





Collection and disposal of waste materials presently cost the American taxpayer 4.5 BILLION DOLLARS PER YEAR and the volume of waste is growing rapidly.

There is ONE PART OF THE BATTLE against waste and pollution that taxpaying citizens and industry can win—and save money at the same time. By using returnable containers for such beverages as soft drinks and beer, Americans can have their cake and eat it, too.

Throw-away glass and metal containers are a big waste problem—particularly when incineration is used as a means of disposal. In a typical situation where one ton of packaging material is incinerated, a residue of 705 pounds remains. Of this amount, 637 pounds or 90% COMES FROM GLASS AND METAL CONTAINERS.

The throw-away can and bottle have become America's SYMBOL OF LITTER AND POLLUTION. And in a few years, unless the trend is reversed, all soft drinks and malt beverages will be sold in throw-away containers.

The CRUSADE

Formed under the District of Columbia Nonprofit Corporation Act, the CRUSADE FOR A CLEANER ENVIRONMENT was established to foster better public understanding of the enormity of our trash problem and the role of throw-away containers. THE CRUSADE is composed of responsible citizens from all walks of life with the mutual interest of wanting to improve their environment. It is a tax exempt organization under Section 501(c)(3) of the Internal Revenue Code, and all contributions are tax deductible.

Under the Crusade's Articles of Incorporation, the objects and purposes for which the corporation is exclusively organized and shall operate are as follows:

TO PROMOTE, SUPPORT, CONDUCT AND/OR ASSIST IN ANY WAY WHATSOEVER, PUBLIC, EDUCATIONAL AND REMEDIAL PROGRAMS AND ACTIVITIES, THROUGH THE USE OF ANY AND ALL MEDIA, RELATING TO AND DEALING WITH THE PROBLEM OF LITTERING, POLLUTION AND DEFILEMENT OF COMMUNITIES AND LANDS WHETHER URBAN, RURAL, PUBLIC, PRIVATE OR OTHERWISE, CAUSED BY INDISCRIMINATE DISPOSITION AND DISCARDING OF TRASH AND OTHER SOLID WASTE MATERIALS.

The Crusade for a Cleaner Environment believes in "do-it-yourself ecology" where the public is encouraged to purchase soft drinks and other beverages in returnable money-back containers, which can be reused. By such action, Americans will eliminate unnecessary waste and pollution, and at the same time save for themselves \$1.5 billion in cost of the beverages. Further savings will be made by cutting down on trash collection expenses.

The organization is incorporated as a non-profit, educational corporation, is governed by a Board of Directors and is assisted by a Board of Advisors.

Participation in the Crusade for a Cleaner Environment's program, as well as financial support to carry out its program, is voluntary and open to all.



The Program

- 1) *Convert existing public sentiment against litter and pollution into effective citizen action to promote returnable containers.* A recent survey in Minneapolis revealed that 88% of those polled would be willing to return bottles and cans, like those for soft drinks, for reuse. Also, 70% said they would be in favor of banning non-returnable bottles and cans.
- 2) *Educate the public on the ecological and economic advantages of using returnable containers.* The "do-it-yourself ecology" cause will promote spirited action among Americans and will unite them in helping to solve our nation's litter problem.
- 3) *Provide informational material, on request, to the various national, state and local governments and officials who are concerned with the throw-away crisis.*
- 4) *Help those interested in promoting the cause by supplying informational materials with which to enlist friends and neighbors.* The Crusade serves as both a listening post and generator of news.
- 5) *Work closely with bottlers who favor returnable containers and want to cooperate in the fight against litter and pollution.*

LITTER BITS OF NEWS & FACTS

Number 7

Can manufacturers have spent millions of dollars in sales and advertising to "educate" the public to use "convenience," throw-away containers for soft drinks and beer.

Because food chains prefer to handle cans, many stores have made it almost impossible for consumers to purchase soft drinks and beer in returnable bottles. They have joined the can companies in "educating" the public.

The result is that the consumer is not only paying higher prices for his soft drinks and beer, but he is being forced to pay millions of tax dollars to pick up "convenience," throw-away cans.



LITTER BITS OF NEWS & FACTS

Number 5

FROM THOSE WHO KNOW!

Consumers save when they purchase soft drinks in returnable money-back bottles. *

From a retailer's ad:

"The savings realized from buying in returnable deposit containers are truly Unbelievable! For instance Nationally Advertised Brands of soft drinks that retail in 6-12oz can cartons are generally sold for 87¢. You can purchase the same products in 6-12oz Returnable Bottles for 59¢. This represents a savings of 28¢ per carton or more than 40%. So it's very clear that You the consumer are paying a great increase in price and contributing heavily to our waste problems."

Meeting St. Piggly Wiggly, Inc.
The News and Courier, January 17, 1971
Charleston, South Carolina

From a bottler's ad:

"... Besides making the world a cleaner place to live in, money-back bottles save us money by keeping our production costs down. And they save you money, because Coke in returnable bottles is your best value."

The Birmingham Coca-Cola Bottling Co.

* Direct savings on a nationwide basis are estimated to be \$600,000,000 in addition to untold taxpayer savings for litter and pollution control.



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LITTER BITS OF NEWS & FACTS

Number 6

Proof that returnable bottles for soft drinks and beer save the consumer money and make more profit for the manufacturer and retailer, as well as helping solve our solid waste management problems is shown by the following:

"The consumer actually pays a premium for nonreturnable containers. It's cheaper for us to use returnables."

From a presentation before the San Francisco Society of Security Analysts by James Bowling, assistant to the chairman of Philip Morris (Miller Brewing Company). Reported in the "Supermarket News," February 15, 1971

"Ecological Advertising Program Increases Sales of Coast Chain"

From a headline, The New York Times
April 11, 1971

"It (The Chug-a-Mug, anti-litter, returnable beer bottle) brings its contents to the consumer at a lower true cost than does the metal can or a non-returnable bottle. The consumer saves money."

From a speech by Theodore Rosenak,
President, Rheingold Breweries,
October 16, 1970



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Number 4

THE PUBLIC PREFERS RETURNABLE CONTAINERS

Will the public buy its beverages in returnable, money-back containers to help in the fight against litter and pollution? Indications are they will. One of the country's 25 largest breweries, the Blitz Weinhard Company of Portland, Oregon has been promoting the sale of its beer in returnable bottles. The company's marketing test has demonstrated that the public will do its part to help solve the environmental crisis. As a result of the company's test, sales of beer in returnable bottles increased 21 per cent during the first eight months of this year in metropolitan Portland, while sales of beer in non-returnable bottles were down 14 per cent.

Another marketing test is taking place in New Hampshire and Pennsylvania where a new anti-litter, returnable bottle has been introduced. Rheingold Breweries of Brooklyn, New York, ranked among the country's top ten in brewing sales, expects that the public in the two states being tested will respond to the promotion of returnable, money-back containers to the same degree that Oregon has.



STATEMENT by THEODORE NALIKOWSKI
STATE DIRECTOR of DRIVE,
for the
TEAMSTERS' UNION,
before the
ASSEMBLY COMMITTEE on POLLUTION and HEALTH,
STATE HOUSE, TRENTON
WEDNESDAY, SEPTEMBER 22, 1971

Honorable Committee Members:

My name is Theodore Nalikowski and I am testifying here as state director of DRIVE which stands for Democratic, Republican, Independent Voter Education and acts in a similar capacity as the Committee on Political Education of the State AFL-CIO. DRIVE represents the voice of the 90,000 Teamsters who are productively employed in this state and who are instrumental in keeping our commerce rolling.

On behalf of these Teamsters and their families I wish to state at the outset that Assembly Bill 2212, no matter how well intention will cause more grief and harm than it will ever contribute toward a better ecology.

I can state this and stand by it because our union represents drivers and warehousemen who handle the movement of goods and this bill strikes at the heart of our bread and butter products -- soft drinks and beer.

Our union is engaged in both the production and the distribution of these refreshments so we have a double barreled stake and any move to limit or discourage public acceptance of these refreshments in the form which the public itself has created by demand -- non-returnable containers.

MORE

Other statistics by other industries affected by this bill will likely be presented to you today but the Teamsters' union alone will find, on the best industry - union authority available, that a minimum of 6,000 jobs will be lost if this bill should ever become law. This includes 3,200 Teamsters in the soft drink industry and the rest in the beer industry.

This means that the jobs of one out of every twelve Teamsters employed in our state are on the chopping block and this comes at a time when we are already suffering from record unemployment.

The sponsors of this bill may feel satisfied that they are trying to do something for the ecology but you will have a tough time proving to these unemployed Teamsters and members of their families that you are doing anything for humanity.

Let's face it. The day of the non-returnable container is as part of the national scene as television commercials. They are both so much a part of America we would all be lost without them. Maybe something can and should be done about improving the situation but we will never be able to do without them.

This is in effect is what the Teamsters are urging in respect to a better ecology. Our good intentions on improving life and ecology are just as sincere and noble as yours.

We say to you look two ways and improve the situation without destroying either products or people namely the working men and women of our state - the breadwinner.

MORE

You very well know that the secretary who sends out for a coke for lunch or a laborer who has a can of beer on the job with his sandwich at noon is not going to waste valuable time returning the container to the store in which it was bought.

Either it will be discarded or worst the secretary or laborer won't bother to buy the container in the first place because of the nuisance deposit which we've all become accustomed to doing without.

The net and tragic result of it all will be fewer purchases, less commerce and no jobs. That's the effect of A-2212 and that's why we Teamsters are opposed to it.

We are all the more in opposition because there are so many alternatives in pursuit of ecology. Why does this bill not encompass recycling? Why not follow the recommendations of the president of National Resources Recovery Act of 1970 in which received overwhelming bi-partisan support in Congress. This bill is the farseeing approach. A-2212 is the self-defeating approach leading to no life rather than the good life it purports to achieve.

Thank you.

Statement for N.J.L.B.A. by
Arthur Mitchko
at
New Jersey State Legislature
Wednesday, Sept. 22, 1971

Mr. Chairman:

My name is Arthur Mitchko. I am Vice President of NJLBA and at present I am Chairman of its Public Relations Committee. I appear today to express a general view and feeling of the Licensed Beverage Association in regard to Assembly Bill No. 2212.

I would like to go on record as being opposed to Assembly Bill No. 2212, for the following reasons:

We feel that this is a cosmetic approach to a serious trash and solid waste problem and has no therapeutic value whatsoever. We feel that this problem needs a lot more study before it can be resolved by the proper legislation. We have in the past and are presently sponsoring and participating in anti-litter campaigns.

We have recently been granted permission to sell beer in original containers during the hours we are open for off-premises consumption. Prior to this legislation the sale of beer in our neighboring states which was brought into New Jersey on Sunday was a considerable problem to our industry and we feel that the passage of Assembly No. 2212 would again necessitate that people would cross over into the neighboring states to make their purchases.

As this bill now reads there is no restrictions on any person bringing non-deposit containers in from the neighboring states or having them in their possession.

The requirement of a deposit on this type of containers would necessitate that they be returned to many places of business who are licenses for on-premises consumption of food and Drink and which could create a very hazardous health problem.

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New Jersey Food Council

JAMES M. NEILLAND
Executive Director

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EX-OFFICIO

ASSEMBLYMAN
JOSEPH AZZOLINA
Food Circus Foodtown

(Statement by James M. Neilland, Executive Director of New Jersey Food Council, testifying before the New Jersey Assembly Committee on Air & Water Pollution & Public Health Wednesday, September 22, 1971, during Public Hearing on A-2212, an Act to restrict the use of non-returnable beverage containers.)

Mr. Chairman, members of the Committee:

My name is James M. Neilland. I am the executive director of New Jersey Food Council which represents the Garden State food industry, its employees and its customers.

First, let me commend you for your decision to conduct hearings on A-2212, which proposes highly-questionable restrictions on the packaging and sale of common consumer beverages. Additionally, each of you is to be commended for your willingness to give of your valuable time to be here today to hear the testimony of this bill.

Today, virtually every American citizen -- both private and corporate -- is tremendously concerned with the many dangers to our environment caused, primarily, by technological advances but compounded by a handful of unthinking or uncaring individuals.

Because of this grave concern, we are often tempted to cure the disease with the wrong medicine, with a medicine which appears to promise instant health and happiness, with a medicine which appears so easy to dispense and so easy to swallow.

Morphine, I might remind you, is a tremendous weapon in the fight against excruciating pain. But I'm certain all of you know the terrible consequences which await the patient who becomes addicted to morphine.

I firmly believe that it is in this light we must ponder that which A-2212 could possibly do to benefit our environment and that which it most certainly will do to harm those who live within this environment.

I am thoroughly convinced that the concern of all Americans for a cleaner and healthier environment begins at home, with the rooms in which we reside, with the food and water we consume, with the clothes we wear, with everything that comes into our homes and with the land immediately surrounding our homes.

I am thoroughly convinced that our concern extends beyond these immediate borders. We want clean air at work and at play. We want clean water, not only for our own use but for the use of our unknown neighbors. We want beautiful and clean highways and unblemished landscapes. We want our ears and our nerves free from unhealthy noise.

As a proud citizen of what I believe to be the greatest and most progressive nation in the history of mankind, I am not afraid to believe that, some day, we can have all of this.

But let me remind you that penicillin was not developed by injecting mold into suffering patients. Dedicated men and women worked with that decayed substance and brought progress.

Today, 200 million Americans consume untold millions of gallons of beverages of all types. And these beverages are brought into their homes in containers of all types.

Unquestionably, these thoughts bring to mind tremendous magnitude in terms of metal, glass and plastic which may serve a useful purpose but which, at present, are doomed to the waste pile.

But, if with one bold move, we could eliminate from our lives every single ounce of that metal, that glass, that plastic, we would not have scratched the surface of the task of cleaning up our environment.

I am sure you will hear much today concerning the documented studies conducted by the National Academy of Science in cooperation with the National Academy of Engineering Highway Research Board and by the Federal Bureau of Solid Waste Management. Their studies prove, beyond the shadow of a doubt, that these packaging materials constitute the smallest part of roadside litter and an even smaller part of our solid waste.

And of course, neither this bill nor any other piece of legislation you and I could envision is going to eliminate each and every ounce of that metal, that glass and that plastic.

And I submit to you that this nation does not want it eliminated.

The beverages we consume today have become so much a part of our lives, so much a part of our diets, that our desire for them is very close to becoming a need for them.

The citizens of this nation, with our ever-increasing concern for the environment in which we live, want clean homes. And so I submit to you that, no matter how these beverages are packaged, we are going to continue purchasing them. And, because we want clean homes, we are not going to tolerate stockpiles of used and dirty cans, used and dirty bottles and used and dirty plastic containers while they await a trip back to our favorite grocery store.

I will not be happy -- and you will not be happy -- throwing away a considerable number of nickels each and every week of our lives. But I will do it and you will do it because we can afford it to preserve the cleanliness of our homes.

But will all the citizens of New Jersey be able to afford such cleanliness when suddenly, by the passage of this bill, the cost of such cleanliness will make it a luxury?

New Jersey is known nationwide for many things, some of which we are not very proud. But we are known, too, for our very genuine concern for the poor and the underprivileged. Enactment of this bill would go in the face of this concern.

If you and I enjoy the pleasure of a cold beer or a cold soft drink while we relax at home; if you and I enjoy a glass of fruit juice in the morning, can we fail to recognize that such simple pleasures constitute perhaps the major pleasure for hundreds of thousands of citizens in this state?

Do we really want to increase the cost of that pleasure for those citizens?

Do we really want to insist that those citizens be forced to live in even unhealthier dwellings than they do at present because they will have to save those cans and bottles in order to hold down the cost of their beverages?

Mr. Chairman, members of the Committee:

I don't want this. I cannot believe you want it.

Frankly, I find it very difficult to believe that the sponsors of this Bill want it either.

But the Bill is before us and, rightfully, you are giving it a thorough airing. Let us look then at some additional reasons why this Bill is bad legislation and only appears to be the golden cure for the ills of our environment.

Let us assume, for the moment, that all of New Jersey citizens could afford to pay the higher grocery bills which this bill would cause.

Let us assume, for the moment, that all of New Jersey's citizens would save their cans, their bottles and their plastics and at the end of each week they would bring these tons of containers back to their favorite grocery store.

If we would not be happy while these used and dirty containers sat in our homes, how much joy will we share in the knowledge that the food we purchase comes from the same marketplace which must serve as a storage yard for thousands and thousands of attractions for insects and rodents?

Through years of effort and dedication, New Jersey has developed outstanding standards of sanitation for the marketing of food. Our health codes, I am sure, rank among the best in the nation. And the men and women involved with food distribution in New Jersey score top grades in living up to these standards.

Can they really be expected to continue under the conditions which would be imposed by A-2212?

I know -- and you know -- they cannot.

Having, for the moment, accepted the impossible assumptions that all New Jersey citizens can afford higher grocery bills and all New Jersey citizens would return these containers to reduce their grocery bills, let us, for the moment, try to accept one more impossible assumption. Let us assume, for the moment, that New Jersey's food industry and its thousands of employees could continue to deliver the highest quality food at the lowest possible prices while forced to work in and around an avalanche of used and dirty beverage containers.

What else will we have accomplished with this bill?

We will have singled out the beverage industry as the culprit which caused all of our litter problems and all of our solid waste disposal problems. We will have ignored the fact that 59.5 per cent of roadside litter is paper. We will have ignored the fact that less than 6.7 per cent of our solid waste results from the containers which will be affected by this bill.

We will have said to the citizens of this state that now, despite all of the hardships and inconvenience and despite all of the unhealthy conditions we have caused for you, we are improving your environment.

Mr. Chairman, members of the Committee:

We don't really want to tell such a bold-faced lie, do we?

Let us turn finally to some very important questions concerning the Constitution of this great nation of ours.

Does that document, which is the foundation and strength of our nation, really permit us to single out the beverage industry and our beverage containers for such restrictive legislation as is proposed in A-2212?

Can we say, in good conscience, that we need not concern ourselves with the mountains of paper waste and with the mountains of glass and metal and plastic which package so many other products we consume?

Can we really require a five-cent deposit on a beverage container without mandating the same deposit for the cans and bottles and plastics which package our fruits, our vegetables, our detergents and so many other necessities?

And will our Constitution really permit us to interfere with interstate commerce by dictating the type or the costs of containers which cross state lines to enter New Jersey?

I trust you will answer with a resounding "NO"!

I can offer only one concluding thought to my feelings concerning this Bill.

It is not the worst piece of legislation I have ever reviewed.

There is a municipality in this nation which, at this very moment, is considering an ordinance which would make it a criminal offense to have in one's possession a non-returnable beverage container.

The governing fathers in that municipality apparently feel that the innocent beverage container merits the same treatment as heroin or a deadly weapon.

Once again, let me commend you for your willingness to review this legislation. Let me hope that I will be able to commend you for your decision to bury it. Thank you very much for the opportunity to present my views on it.

STATEMENT BY GERALD L. PRICE, VICE PRESIDENT
of
THATCHER GLASS MANUFACTURING COMPANY
before the
ASSEMBLY COMMITTEE ON AIR AND WATER POLLUTION
AND PUBLIC HEALTH
on
THURSDAY, SEPTEMBER 30, 1971

Mr. Chairman and Distinguished Members of the Committee:

Thank you for this opportunity to make what I hope will be a helpful contribution to your studies on Assembly Bill 2212.

My name is Gerald L. Price. I am Vice President of Thatcher Glass Manufacturing Company, with plant facilities in Wharton, New Jersey. My company is a leading producer of food and beverage glass containers and a member of the Glass Container Manufacturers Institute.

I am speaking this morning on behalf of Thatcher and the Institute, a national trade association whose domestic members produce nearly 90 per cent of the glass containers manufactured in the United States.

The legislation you are considering is of very direct concern to the glass container industry, since our company and the industry has invested millions of dollars and man hours over many years in the pursuit of new and improved systems and programs to solve the very real solid waste disposal and litter problems that we all face.

Indeed, we believe we were the first to institute solid waste management programs on an industry-wide basis when we established an environmental pollution control program some 4 1/2 years ago under the supervision of a former director with the United States Bureau of Mines.

Our joint objectives, therefore, are similar but they will not be realized through the proposed legislation. Legislation of this sort simply won't work. It will not reduce litter; it will not make a significant inroad into the solid waste problem; nor, whether by mandatory deposits or discriminatory taxation, will it force the consumer to switch from purchasing products in convenience containers to the rapidly diminishing numbers of beverages sold in returnable containers.

However, as has been well pointed out, it will cause economic havoc in industries where many of your constituents make their livings.

Our industry alone -- speaking for the six major companies who are members of G.C.M.I. -- Brockway Glass Co., Kerr Glass Co., Owens-Illinois, Metro Container, Thatcher Glass Manufacturing Co., and Anchor Hocking Glass Corp., with facilities in Carteret, Jersey City, North Bergen, Millville, Salem, Freehold, Bridgeton and Wharton, New Jersey -- employ more than 25,000 persons, with an annual payroll of over \$105 million.

The contribution in taxes to the state of New Jersey of these companies is more than \$6 million, while our long term contribution to the economy in terms of plant investment is over a quarter of a billion dollars. Additionally, the severe impact that any restriction on containers could not help but have an effect on the over \$90 million in goods and services purchased from other New Jersey firms which supply our industry.

But worst of all, it would divert the energies and resources

of not only our industries but of the state of New Jersey -- whose revenues are derived from a healthy industrial economy -- from the study and implementation of much more practical, positive and carefully thought-out solutions to the litter and solid waste disposal problems. Such solutions include exciting new ideas for recovering valuable materials from municipal trash.

To conserve time this morning, I would like to leave with the Committee some material which will outline in more detail the program in which our industry has been deeply involved and devote my remarks to highlighting the findings of our research and those projects.

Firstly, such measures as 2212 are often advanced on behalf of preserving the environment with the thought that by redirecting the non-returnable container portion of solid waste back through the retailing, marketing and distribution systems that have developed, it will lessen the total amount of solid waste to be dealt with.

Let me dispel the notion that the preponderance of solid waste is packaging. The most authoritative study -- conducted for the Federal government by the Midwest Research Institute -- shows that all of packaging accounts for only 13 per cent of solid waste. And of that, less than 6 per cent is glass, including food and medicinal containers. Of that portion, slightly more than one half are beverage containers. However, it is the high visibility of containers that leads many people to conclude that discarded packaging dominates the refuse mix.

I would like to urge this distinguished Committee, and others similarly seriously attempting to develop meaningful, constructive solutions, to consider that when the ardent conservationists, whose concern we share although we differ in approach, quote the vast figures of the solid waste problem, only less than 3 per cent constitute the burden of non-returnable glass containers. Fully 87 per cent of the millions of tons of solid waste produced would not be affected by discriminatory packaging legislation.

Furthermore, a survey of some 5,000 public works officials for G.C.M.I. by the Resource Management Corporation reveals that these officials find glass containers to be a negligible problem in standard solid waste disposal systems.

Glass, being chemically inert, cannot create air, water or land pollution. Made of highly abundant raw materials -- chiefly silica sand, limestone and soda ash, which in large measure constitute the earth's crust -- when it is ground up returns to the earth virtually in its original form -- sand.

Because of the characteristics, glass cannot contaminate the earth or soil, and, indeed, when incinerated, helps break up and aerate the batch, providing greater combustion for other materials.

It is also because of these characteristics that glass is truly ideal from an ecological standpoint. It can be reclaimed, crushed, remelted and reused, over and over again.

Crushed glass -- or cullet, as it is known -- has always been used in the making of new glass containers -- indeed, for many years there was a large cullet industry in New Jersey which

provided a necessary source of used glass for our industry which we are trying to revive today.

In the summer of 1970, the industry took a giant stride forward toward its ultimate objective of recycling all glass bottles and jars, when member companies of G.C.M.I. launched a nationwide program for recycling used containers from the general public.

Reclamation centers were established by more than 90 manufacturing plants in 25 states. Here in New Jersey, all G.C.M.I. member companies participated, drawing on its labor and management to assist in reclamation of used containers, as a result of programs launched by a broad range of community groups and individuals, as well as programs sponsored by its customers, bottlers and brewers.

To date, member companies alone in New Jersey have collected more than 50 million pounds of used glass containers -- representing an expenditure of over \$500,000 -- waste glass that would have otherwise become part of this state's litter and solid waste accumulation.

Nationally, in the first year, G.C.M.I. member companies redeemed a total of some 370 million glass containers, paying approximately \$1.85 million to the public for bottles and jars.

And while we see voluntary public reclamation programs as a vital first educational step to dramatize the concept of recycling and reuse, we anticipate substantial increase in programs in the months ahead.

However, as important as such voluntary programs are in educating the public in solid waste and litter, it is in the

development of technology and solid waste disposal systems, as well as in the development of secondary uses for glass, that our industry feels will lie the ultimate solution for solid waste, and in continuing educational progress to combat the litter problem.

Thus, our industry is working on four fronts:

In litter G.C.M.I. was a founding member of Keep America Beautiful, is still its largest contributor and our industry has long conducted its own anti-litter programs in plant communities, sales offices and through national anti-litter radio and television promotion; in solid waste we have undertaken intensive research into the impact of our product on the environment; the development of secondary products and the development and testing of systems which would separate our glass portion from municipal solid waste.

In the development of secondary materials, I would like to draw your attention to the small kit which has been submitted to you, which displays just a few of the products that are today being commercially made from waste glass. These include glasphalt, a paving material that presently is being used experimentally in eight states; bricks, including a new process of compressing rather than baking; decorative mosaic tiling and spun glass insulation.

I would also like to note the small vial of sand-like granuals, which represents the same vial when ground up, indicating the reduction in size when glass is properly crushed for landfill.

To date, our research has indicated that there are more uses for waste glass than our entire industry could produce now or in the future.

What are needed, of course, are the systems that can lessen the impact of solid waste disposal on our environment under present waste disposal practices and through separating and recycling of all solid waste -- not just less than 6 per cent -- conserve natural resources by returning those valuable materials back to their respective industries.

Included in the material I have provided is a summary of the systems which are currently under development of all facets of government, private industry and educational institutions, numbering over 50 of which several need only to be tested in pilot systems.

Earlier this month G.C.M.I. completed arrangements for the funding of the installation of a subsystem for the mechanized retrieval of glass suitable for recycling from the country's first full-scale pilot recycling plant, constructed by the Black Clawson System, in Franklin, Ohio. Details of the system, which holds great promise, are included in the material I have left with you. The glass system incorporates screening, washing, air-classification, para-magnetic and optical sorting technologies that our industry has jointly researched over the past several years.

Such systems, established on a regional basis in New Jersey with corollary secondary materials industries -- similar to the industrial park plan already planned in New York state -- offer the best hope, we feel, for the viable solution of solid waste disposal problems.

Such an approach would not only see the development of many new jobs and industries in our state, of a more constructive

nature, but would be the best utilization of industry's economic and technological resources rather than their dissipation through quick, simplistic approaches that would prove an economic burden to the consumer as well as industry.

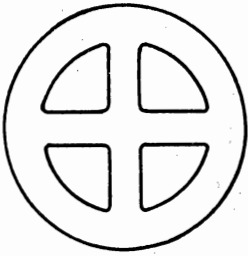
In summary I would like to mention that every Federal congressional and agency committee that has given deep and thoughtful consideration to the solid waste and litter problems, including the Federal Environmental Protection Agency, as well as study committees in each of the 44 states that have considered similar legislation to 2212, have concluded that eliminating, discriminating or restricting no-deposit beverage containers won't solve the problem.

All have concluded that salvage, reuse and recycling of all solid waste is the answer.

Indeed, William D. Ruckelshaus, Director of the Environmental Protection Agency, as reported in March 29 issue of U.S. News and World Report, stated that recycling is a much more rational approach to improve the environment than reverting to returnable containers.

To that end, in summary, I would like to recommend a joint industry government study of regional solid waste systems in New Jersey, and the application of systems for solid waste and recycling with a view to implementing such a program for our state within the next few years. To that end, I can pledge the full support of our industry, its manpower and its technological resources.

Thank you for your consideration of our views.



ATLANTIC
COUNTY
CITIZENS
COUNCIL ON
ENVIRONMENT

137 South Main Street • Pleasantville, N. J. 08232 • Phone (609) 646-6604

September 28, 1971

Assemblyman Wilson, Chairman
Committee on Air and Water Pollution and Public Health
New Jersey Assembly
Trenton, New Jersey

Dear Sir:

Meeting in formal session on the evening of September 27, 1971, in Linwood, New Jersey, the Board of Directors of the Atlantic County Citizens Council on Environment agreed to support New Jersey Bill 2212 designating a ban on non-returnable containers in the state of New Jersey. We request that this communique be made a part of the proceedings on September 30, before your committee.

This is to convey to you our concern that should this legislation be altered to accommodate arguments on behalf of producers of products that are environmentally detrimental, it could produce a costly expense to the public at large.

We are keenly aware of the public's responsibility for maintaining our environment. We know that up until most recently, this responsibility was lax and of little consequence. We understand that this responsibility will become keener through the collective efforts of education and commitment by public, government and industrial interests.

However, we believe that recent public disclosure as to the detrimental effects of certain products on our environment has created a great public understanding in terms of public commitment to overcome this problem.

We refer most specifically to throw-away containers.

The public has taken the time, trouble and energy to secure information concerning recycling processes. The public has taken the time and trouble to stage recycling collections, to establish recycling points and plants. The public has taken the time and trouble to seek out merchandise packaged in returnable containers which are not offered for sale in their immediate communities. And the public shall in the long run pay through their municipalities for recycling costs.

To place upon the citizens of this state the responsibility, which is clearly one directed to the producer of an offending product, seems highly inconsistent with fair and equitable representation of all the citizens of this state.

Sept. 28, 1971

Given, even, the circumstances so frivolously related to your committee, that it is indeed the public's fault the communities are inundated with glass receptacles, it would seem one manner in which to cut down this number would be to cut down on the number of receptacles produced.

We are not unaware of the consequences of this legislation. Nor do we suggest that it would not have grave impact on manufacturers of such containers.

However, we believe that one of the major responsibilities in disentangling environmental ills is for each of us to disentangle ourselves from arguments of fear. And we believe that government through those who represent and serve the people must begin to do this even in the face of powerful interests.

Arguments on behalf of the economy, employment and ratables will no longer be tolerated as being in the best interest of the majority of people no matter how cleverly their pleadings are espoused.

We cannot fail to question the reasons which gave birth to the marketing concepts behind non-returnable containers. We cannot fail to understand that they were neither advanced nor promulgated in the best interest of man, community and environment. They were, bluntly, an ingenious source of additional revenue for a specific industry.

If we are, as a state, to begin to give meaning to concern for the environment, then we must begin to do that which will provide a means for altering or eliminating that which would jeopardize the environment.

One step, one small step towards this direction would be that which is advocated in New Jersey Bill 2212, and we urge your favorable disposition of it.

Respectfully submitted,

Beverly D. Rehfeld *sn*

Beverly D. Rehfeld, President
ATLANTIC COUNTY CITIZENS COUNCIL ON ENVIRONMENT

BDR/sn

cc: Congressman Charles Sandman
Assemblymen Dennis, Dickey, Mabie, Dawes, Kean, Vreeland,
Thomas and Goldfarb
Assemblywomen Fenwick and Margetts
Commissioner Richard Sullivan

Sept. 22, 1971

Friends of the Princeton Environment, Inc.:

To the Committee on Air and Water Pollution
and Public Health

Re: Assembly Bill No. 2212

Mr. Chairman:

The FRIENDS OF THE PRINCETON ENVIRONMENT appreciates the opportunity afforded by your Committee to join representatives of other groups coming before you today. Reading Assembly Bill No. 2212 as an inducement to recycle the materials of containers unsuitable for reuse, the Friends support the Bill if it is redrawn to limit its application to soft drinks and malt beverages.

The FRIENDS, a non-profit corporation of over 600 residents of Princeton Borough and Township, believe that such legislation would benefit all the residents of New Jersey by helping to retard the relentless depletion of our natural resources and the blight along our streams and roadsides, and by significantly reducing land-fill requirements -- which now approach the critical stage in municipalities throughout the state.

As one of our members put it, "For too long we have taken the discard-and-cross-over-the-next-hill approach to living. The hills are used up and the discards threaten to envelop us....We must learn that conservation and use should be thought of as one, and in that order."

FRIENDS OF THE

PRINCETON ENVIRONMENT, INC. (cont'd.)

Banning nonreturnables would not only be a logical and sensible step for New Jersey, caught as she is in the steadily closing vise of two major metropolitan areas.

Here land is at a premium: not only for housing or parks, but for dumps as well.

Banning nonreturnables would also be a worthy "first" for New Jersey among the eastern states in the inevitable, steady procession of states gathering behind an enlightened approach to our mountains of waste. Otherwise they will consume us, the consumers, whose taxes pay to dispose of them.

We in New Jersey are heirs to a once rich land. Have we the will to take one small step to redeem that trust?

A handwritten signature in dark ink, reading "Edwin C. Hutter (LCH)". The signature is fluid and cursive, with the initials "LCH" in parentheses at the end.

Edwin C. Hutter, Chairman

FRIENDS OF THE PRINCETON
ENVIRONMENT, INC.

STATEMENT BY E. E. WINNE
BOARD OF DIRECTORS AND CHAIRMAN
OF
ENVIRONMENT POLICY COMMITTEE
SOCIETY OF THE PLASTICS INDUSTRY, INC.

before the

NEW JERSEY ASSEMBLY COMMITTEE HEARING

on

ASSEMBLY BILL

#2212

September 30, 1971

GENTLEMEN, I VERY MUCH APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY ON BEHALF OF THE SOCIETY OF THE PLASTICS INDUSTRY, INC. I, E. E. WINNE, AM A MEMBER OF THE SOCIETY'S BOARD OF DIRECTORS AND CHAIRMAN OF ITS ENVIRONMENT POLICY COMMITTEE.

THIS ORGANIZATION, REPRESENTING ABOUT 1000 MEMBER COMPANIES, IS THE PRINCIPAL PLASTICS TRADE ASSOCIATION IN THE UNITED STATES AND CANADA. OUR INDUSTRY COMPRISES OVER 14,000 PLANTS INVOLVED IN MOLDING, FORMING AND FINISHING THE POLYMERS SUPPLIED BY 260 MATERIALS PRODUCERS. IN ADDITION, THE INDUSTRY IS SERVED BY SEVERAL HUNDRED COMPANIES WHO MANUFACTURE THE MACHINERY, ACCESSORIES, MOLDS, COLORANTS AND OTHER ADDITIVES. THIRTEEN PER CENT OF OUR MEMBERSHIP AND A SIGNIFICANT PORTION OF THE ENTIRE INDUSTRY, AND THOSE SERVICING IT, ARE LOCATED IN YOUR STATE OF NEW JERSEY.

IN ADDITION TO THE WIDELY ACCEPTED USEFULNESS THAT PLASTICS HAVE PROVIDED TO THE PUBLIC IN BUILDING PRODUCTS, AUTOMOTIVE, AGRICULTURAL, APPLICANCES, FURNITURE AND HOUSEWARES, TO NAME ONLY A FEW, APPROXIMATELY 20% OF ALL PLASTIC MATERIALS ARE UTILIZED IN PACKAGING APPLICATIONS. AS A PACKAGE, WE OFFER A UNIQUE COMBINATION OF ADVANTAGES WITH SUCH CHARACTERISTICS AS LIGHT-WEIGHT, INSULATING QUALITIES, BARRIER PROPERTIES, DESIGN FLEXIBILITY, CONSUMER SAFETY, LOWER COSTS AND EASE OF DISPOSABILITY.

KNOWING OF YOUR TIGHT TIME SCHEDULE TODAY AND DESIRING TO AVOID REDUNDANCIES WITH THE REPRESENTATIVES OF THE GLASS, METAL AND BEVERAGE INDUSTRIES, I AM NOT GOING TO COMMENT IN DETAIL ON THE VERY REAL PROBLEMS THAT WOULD OCCUR IN VIRTUALLY BANNING NON-RETURNABLE CONTAINERS IN THE OVERALL BEVERAGE FIELD. HOWEVER, IN ORDER

TO BRING PLASTICS INTO PROPER PERSPECTIVE I AT LEAST WANT TO LIST MANY OF THESE PIT-FALLS.

ALL AVAILABLE STATISTICS PROVE CONSUMER PREFERENCE FOR ONE-TRIP CONTAINERS. THEY ARE GENERALLY LIGHTER IN WEIGHT, MEANING LOW COST TRANSPORTATION AND EASIER HANDLING THROUGHOUT THE ENTIRE MANUFACTURING, DISTRIBUTION AND RETAIL SYSTEM. IN MANY INSTANCES, STORAGE SPACE AND FILLING AND CLEANING EQUIPMENT NO LONGER EXIST FOR COPING WITH A RETROGRESSION TO ONLY ROUND-TRIP CONTAINERS. THERE IS A WATER POLLUTION HAZARD IN THE RETURNABLE BOTTLE CLEANING PROCESS, NOT TO MENTION THE ALWAYS PRESENT RISK OF CONTAINER CONTAMINATION. CAN WE DISTRIBUTE FOOD IN AN ENVIRONMENT OF CLEANLINESS IF OUR FOOD MARKETS BECOME LARGE COLLECTION DEPOTS FOR DIRTY CONTAINERS?

I WILL VENTURE A CALCULATED GUESS THAT THE MANUFACTURE OF NO-RETURN BEVERAGE CONTAINERS REPRESENTS A MAJOR INDUSTRY IN YOUR STATE AND AN IMPORTANT SOURCE OF EMPLOYMENT THAT WOULD BE JEOPARDIZED BY THE TYPE OF ACTION PROPOSED. LAST BUT HARDLY LEAST, THE PROPOSED ACTION IS DISCRIMINATORY AND PROBABLY REPRESENTS AN INVITATION TO A MAJOR LAWSUIT INVOLVING SIGNIFICANT CONSTITUTIONAL QUESTIONS.

THE SPECIFIC OBJECTION OF OUR INDUSTRY AT THIS TIME IS THE INCLUSION IN ASSEMBLY BILL #2212 OF FLUID MILK AND FRUIT JUICES WHERE PLASTIC BOTTLES HAVE MADE A USEFUL PENETRATION AND THE FUTURE APPLICATION OF PLASTICS MATERIAL IN THE ENTIRE BEVERAGE FIELD. NOT ONLY DO THE SAME CONSIDERATIONS PREVAIL THAT HAVE BEEN MENTIONED FOR THE ENTIRE ONE-WAY TRIP BEVERAGE CONTAINER FIELD, BUT PLASTICS ARE EVEN MORE ADVANTAGEOUS WITH RESPECT TO LIGHT-WEIGHT SHIPPERS. THIS MEANS NOT ONLY LOWER COST HANDLING THROUGHOUT THE SYSTEM, BUT IT ALSO MEANS A CONSIDERABLE REDUCTION IN THE DAILY AIR POLLUTION POTENTIAL BROUGHT ABOUT BY LOWER TRUCKLOAD TONNAGE BEING HAULED ON OUR HIGHWAYS. PLASTICS REPRESENT SAFE BOTTLES MORE EASILY HANDLED

DUE TO THEIR DESIGN FLEXIBILITY. THE PLASTIC MILK BOTTLE IS AN EXCELLENT EXAMPLE HAVING BECOME PROMINENT IN THE LARGER HALF-GALLON AND GALLON SIZES. IT IS HARD FOR ME TO COMPREHEND THAT YOU WOULD EVEN CONSIDER LEGISLATING YOUNG CHILDREN TO HAVE TO HANDLE THE HEAVY RETURNABLE GLASS BOTTLE RATHER THAN THE SHATTERPROOF LIGHTER-WEIGHT PLASTIC BOTTLE.

THE PLASTIC HALF GALLON MILK BOTTLE WEIGHS BETWEEN 35 TO 50 GRAMS VS. 924 GRAMS FOR ITS GLASS COUNTERPART. WHEN YOU CONSIDER THAT LESS THAN 8 ROUND TRIPS IS COMMON FOR MILK DISTRIBUTED THROUGH RETAIL STORES THEN YOU STILL SAVE ON SOLID WASTE TONNAGE IN DISPOSING OF ONE-TRIP PLASTIC BOTTLES. THE PLASTIC HALF-GALLON BOTTLE IS ONLY 50 - 65% OF THE WEIGHT OF THE WELL KNOWN PAPERBOARD CONTAINER. THE SUGGESION OF A POSSIBLE EXEMPTION OF THE PAPERBOARD CONTAINER WOULD BE COMPLETELY ILLOGICAL IN REDUCING SOLID WASTE. IN FACT, THE STRONG CONSUMER PREFERENCE FOR PLASTIC BOTTLES PREVENTS MANY ONE WAY TRIPPERS FROM ENTERING THE SOLID WASTE STREAM AS THEY ARE FREQUENTLY REUSED FOR MANY PURPOSES WITHIN THE HOME.

GENTLEMEN, SIMPLY STATED, PLASTICS ARE MANUFACTURED IN NON-POLLUTING PLANTS AND ARE ONE OF THE MOST DISPOSABLE TYPES OF MATERIALS AVAILABLE TO THE PUBLIC TODAY. A RECENT STUDY BY PROFESSORS KAISER AND CAROTTI OF NEW YORK UNIVERSITY HAS ESTABLISHED THAT MODERN WELL DESIGNED AND OPERATED INCINERATORS CAN READILY HANDLE THE PERCENTAGE OF PLASTICS TO BE ANTICIPATED FOR MANY YEARS TO COME: AND WITHOUT INCINERATOR CORROSION OR AIR POLLUTION. IN FACT, THE HIGHER HEAT VALUE FROM THEIR COMBUSTION IS FREQUENTLY AN ADVANTAGE. PLASTICS ARE DESIRABLE IN SANITARY LANDFILL PROVIDING STABILITY AND COMPLETE FREEDOM FROM AIR AND WATER POLLUTION AS THEY DO NOT BIO-DEGRADE. WHILE RECYCLING HAS NOT PROVEN ECONOMICALLY USEFUL TO DATE, WE ARE CONFIDENT THAT THIS IS TEMPORARILY AN ECONOMIC AND NOT A TECHNICAL PROBLEM: AND THE PROBLEM RELATES PRINCIPALLY TO THE COLLECTION SYSTEM. IN SHORT, RECYCLE WILL HAPPEN - IT HAS TO!

OUR PRODUCT IS MORE RECYCLABLE THAN THE PAPERBOARD MILK CARTON, LESS WEIGHT FOR THE SOLID WASTE SYSTEM AND JUST AS DISPOSABLE.

THE REAL NEED FOR YOU IN THE STATE OF NEW JERSEY IS TO TACKLE THE TOTAL SOLID WASTE PROBLEM. WE IN THE PLASTICS INDUSTRY, AND I AM SURE THE REPRESENTATIVES OF ALL OTHER INDUSTRIES HERE TODAY, ACCEPT AN IMPORTANT RESPONSIBILITY IN AIDING IN THE EVENTUAL DISPOSAL OF THE PRODUCTS WE OFFER FOR SALE. PLASTICS ARE A VISIBLE PART OF LITTER ALTHOUGH WE ARE ONLY A SMALL BUT GROWING 1.5 - 2% OF THE COLLECTED SOLID WASTE. WE SPONSORED INCINERATOR RESEARCH: WE SEARCHED THE LANDFILL QUESTION. WE ARE WORKING WITH MANY GOVERNMENTAL AGENCIES SEEKING SOLUTIONS TO THE PROBLEMS. WE, AS A TRADE ASSOCIATION AND OUR MEMBER COMPANIES ARE WORKING TOWARDS THE RECYCLE OF VOLUME PLASTICS. WE FINANCIALLY SUPPORT KEEP AMERICA BEAUTIFUL AND THE FIGHT ON LITTERING.

WE CERTAINLY RECOGNIZE THAT SOONER OR LATER THE COST OF DISPOSAL MUST BE PART OF THE COST OF THE CONTAINER TO THE CONSUMER BUT WE DO NOT FEEL THAT GOVERNMENT SHOULD DICTATE CONSUMER PREFERENCE. THERE ARE MANY ASPECTS OF THIS PROBLEM ON WHICH THERE IS SIMPLY NOT ENOUGH INFORMATION TO PROVIDE INTELLIGENT LEGISLATION AT THIS TIME. NOT ONLY HAS THIS BEEN RECOGNIZED BY MANY STATE AND MUNICIPAL GOVERNMENTS, BUT IT WAS STRONGLY EMPHASIZED BY W. ROGER STRELOW, DIRECTOR, OFFICE OF ENVIRONMENTAL AFFAIRS, U.S. DEPT. OF HEALTH, EDUCATION AND WELFARE IN TESTIMONY BEFORE A U.S. HOUSE OF REPRESENTATIVES SUBCOMMITTEE LATE LAST YEAR. HE SUGGESTED STRONGLY THAT TIME AND STUDY WERE REQUIRED TO EVALUATE THE IMPACT OF CONSUMER PREFERENCE, THE IMPACT ON EMPLOYMENT IN THE CONTAINER INDUSTRY, THE POSSIBILITY OF ALTERNATIVES TO LITTER PREVENTION OR CLEAN UP, AND LIKELIHOOD OF SUPERIOR COLLECTION AND RECYCLE SYSTEMS FOR ALL MATERIALS. DATA SIMPLY DOES NOT EXIST TO DEFINE THE APPROPRIATE

SIZE OF DEPOSIT FOR A GIVEN CONTAINER TO INDUCE ITS RETURN (IN FACT, SOME STUDIES HAVE SHOWN THAT DEPOSIT BOTTLES CONTINUE TO BE A GREAT CONTRIBUTOR TO LITTER) NOT TO MENTION THE SERIOUS QUESTION OF ECONOMICS IN THE FUNDS TIED UP PERMANENTLY IN THE IMPLEMENTATION OF A DEPOSIT RETURN SYSTEM.

TO BRING THE PROBLEM INTO PERSPECTIVE, I SUGGEST MORE APPROPRIATE STATISTICS THAN SOME SUPPORTERS OF THIS BILL, PRESUMABLY RELEASED TO THE PRESS.

ACCORDING TO MR. STRELOW'S SAME TESTIMONY, BEVERAGE CONTAINERS ARE APPROXIMATELY 4% OF ALL COLLECTED WASTE AND FROM 1 TO 5% OF ALL CONTAINERS ARE LITTERED. YOU ARE NOT REALLY ATTACKING THE TOTAL PROBLEM BUT MERELY WORKING ON A SMALL PART OF IT. THE ENTIRE ELIMINATION OF BEVERAGE CONTAINERS FROM THE SOLID WASTE STREAM WOULD ONLY BE EQUIVALENT TO ONE YEAR'S GROWTH IN THE TOTAL SOLID WASTE GENERATED IN YOUR STATE.

YOU MUST RECOGNIZE THAT THE TIME IS NOW TO PLAN FOR DISPOSING OF ALL SOLID WASTE AND YOU MUST PREPARE FOR THE EXPENDITURE OF FUNDS TO PROVIDE A TOTAL SYSTEMS APPROACH. IT MUST BE COLLECTED IN THE MOST MODERN TYPES OF MECHANIZED TRUCKS, SEGREGATED FOR RECYCLING, OR DESTRUCTION, A PORTION FOR PYROLYSIS OR TO BE INCINERATED, AT THE SAME TIME RECOVERING ITS INHERENT ENERGY BY GENERATING STEAM OR ELECTRIC POWER, AND PROBABLY A SMALL PORTION TO END UP IN SANITARY LANDFILLS. WE ARE REALLY TALKING ABOUT A NEW INDUSTRY FOUNDED ON AVAILABLE TECHNOLOGY IN WHICH MODERN ENGINEERING AND PLANT OPERATING PRINCIPLES MUST BE APPLIED. A TOTAL SYSTEM LIKE THIS IS THE EFFICIENT WAY TO ACCOMPLISH YOUR RECYCLE OBJECTIVES, NOT BY EACH PERSON CLOGGING THE HIGHWAYS TO HAND CARRY HIS WASTE CONTAINERS BACK TO THE STORE.

IF YOU CHOKER OVER THE RAISING OF MORE TAXES WHAT'S WRONG WITH THE IDEA OF

PRIVATE ENTERPRISE BEING INDUCED INTO THIS NEW SOLID WASTE INDUSTRY? YOU MIGHT VISUALIZE A COMSAT OR PUBLICALLY OWNED COMPANY OR AT LEAST AN INDUSTRY OPERATING AND CONTROLLED ALONG THE LINES OF PUBLIC UTILITIES. IN SUCH A SYSTEM ONE WOULD PAY FOR HIS WASTE REMOVAL ACCORDING TO TYPE AND QUANTITY. THEN EACH CONSUMER WOULD BE ABLE TO MAKE HIS OWN ECONOMIC DECISION ON THE TYPE OF CONTAINERS HE WANTS TO BUY AND PAY FOR ITS DISPOSAL.

LET'S GET AT THE LITTERBUG. MAKE LAWS AND ENFORCE THEM. LET'S NOT DEPRIVE THE CONSUMER OF HIS PREFERENCE FOR BEVERAGE CONTAINERS BECAUSE OF THE DELINQUENT LITTERER. WHAT I AM SAYING IS GET WITH THE BIG PICTURE.... LET'S STOP WASTING THE TIME OF HARRIED LEGISLATORS, GOVERNMENT OFFICIALS AND INDUSTRY WITH THE MINOR ISSUES WHILE WE IGNORE OUR REALLY BIG PROBLEMS.

Beer Distributors' Association of New Jersey

941 WHITE HORSE-MERCERVILLE ROAD
HAMILTON TOWNSHIP, TRENTON, N. J. 08610
(609) 585-5900

September 30, 1971

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RICHARD H. SALZMAN
Chairman of the Board

JOHN J. GARRITY
Executive Director

To: New Jersey State Assembly
Committee on Air and Water
Pollution and Public Health

STATEMENT BY

John J. Garrity - Executive Director - New Jersey
Beer Distributors Association

We are appreciative of the opportunity afforded us to participate in the hearing on Assembly Bill 2212 and to join with the many other persons and organizations who have become involved and committed in trying to solve the serious problem of solid waste and litter control.

We applaud the concern shown by all who are here both those for and against the provisions of A2212, and who are trying to help our environment survive the assault on it by ever an increasing standard of living and modern conveniences.

At this moment, in our concern for the environment, we are struggling with a dual problem, solid waste and litter. They are two separate and distinct problems; one has to do with modern living and technology - the other with human behavior and responsibility.

The solid waste problem is being attacked by the great force of American ingenuity and free enterprise. The profit motive is sufficient inspiration and incentive for American industry to make feverish efforts to be in the forefront of those business enterprises that will come up with practical and economical solutions.

- a. The litter problem is something else - truly a human problem only - reaching to the innermost depths of human behavior and attitudes. This can only be solved by a massive educational effort. Many of the businesses represented here are investing thousands of dollars yearly in such educational efforts. But more is needed. Everyone has to get involved, until the time arrives when it will be publicly

September 30, 1971

abhorrent to litter our environment. We have to improve personal values to protect our environment.

- b. Lets have faith in our great system of free enterprise and be confident that American expertise will solve this problem as it has many others.

We recognize the good intentions of the proponents of A2212 in trying to find a solution to this problem. But, as has become clearly evident at this hearing, the solution is not in a negative approach - on in a discriminatory approach. We're all in this together. We all want correction and improvement. There are no good guys - and no bad guys. So why approach it that way? A2212 is a negative approach - a backward step - and will do nothing to solve the problem. It is too limited in the total concept of the problem.

Realizing that litter is made up of thousands of products and items, who will disagree that the bill is discriminatory in selecting for punishment only the beverage industry? I could give you statistics on the small contribution the beverage makes to litter, but you've already heard them several times. It has been pointed out by several witnesses that if A2212 were enacted it would result in higher prices for beverages to the consumer. It would penalize the overwhelming member of good citizen who act responsibly and don't litter.

A2212 is not the answer to this serious problem. Recycling, as an interim measure, can alleviate for a while, but the solution on solid waste disposal must be solved by American industrial ingenuity and our free enterprise system - Litter - by a great educational program must become a taboo. Not a thing to be guilty of. Doing our own thing cannot include littering.

I remind you that New Jersey is bordered by three highly populated states, and millions freely cross these borders yearly. Can we legislate against beverage containers crossing state lines? Can we burden our retailers with the problem of refunding on containers bought deposit-free over our state borders? Will this measure, if enacted, stimulate more beverages coming across our state borders from neighboring states who charge no deposit, thereby being cheaper to the consumer, and hurting our New Jersey retailers?

September 30, 1971

The American people want and are willing to pay for convenience packaging. Every day they cast their vote to affirm this in their purchases in our retail establishments. They do not want to go backward. Punitive legislation such as this only punishes progress and does nothing to solve the problem.

I urge you to reject A2212 because it is negative, backward in concept and discriminatory to the beverage industry.

Lets all keep working together in a positive way to solve our environmental problems.

John J. Garrity
Executive Director

JJG/lah

busy

SEP 21 1971

ASSEMBLYMAN KENNETH WILSON, Chairman
Air and Water Pollution & Public Health Committee
New Jersey State Assembly
c/o Mr. Samuel Alito
Legislative Services
State House
Trenton, New Jersey

I urge the New Jersey Assembly pass legislation banning non-returnable beverage containers, as a first step in minimizing solid waste disposal problems stemming from excess packaging. A suitable incentive to return containers -- a minimum five cent deposit -- should be required. Action on the State level is needed since the beverage industry operates in large regional districts. Although I support recycling, the most direct way to reduce solid waste disposal loads on municipalities is to reduce the amount of waste materials -- as this action would accomplish.

Original Signed By
R. W. Cawley

ROBERT W. CAWLEY
Mayor, Borough of
Princeton

RWC:om

STATEMENT IN SUPPORT OF ASSEMBLY BILL #2212

Submitted on September 22, 1971 by Teri Provissiero for the
Hightstown-East Windsor Ecology Coalition

I am Teri Provissiero, A resident and home owner of East Windsor, New Jersey. I am pleased to have the opportunity to speak before the Committee as a representative of the Hightstown-East Windsor Ecology Coalition.

There are numerous reasons why our organization supports this bill #2212, nevertheless, I would like to present some of them to you.

The contribution that non-returnable containers make to litter all over this country is nothing that can be overlooked. The Bureau of Solid Waste and Management in The Role of Packaging in Solid Waste 1966-1976 said. "Quantitative and qualitative changes in packaging materials consumption in the 1966-1976 period will intensify the litter problem primarily by providing greater quantities of non-returnable beverage containers."

In Oregon where people buy one million throw away beer and soft drink containers per day, it has been noted that most of them wind up as litter. A citizens group, People's Lobby Against Non-Returnables, conducted a survey picking up litter. In two hours they picked up 16,850 beer and soft drink throw away containers; this may seem an impressive figure but it only represents twenty four minutes worth of daily consumption in that state. The survey was conducted under controlled conditions* The results were as follows.

54% of the litter was cans; soft drink and beer containers outnumbered all others four to one
17% was glass; throw away bottles outnumbered deposit or returnables five to one
28% was paper; a significant percentage of that was beer and soft drink container packaging

Thus, the survey concluded that throw away containers have a 21% greater chance of becoming litter than deposit or returnable containers. Although one way bottles and cans account for 55% of the sales of soft drinks and beer in Oregon, they account for 96% of the container litter.

*Each of the 141 participants gathering litter was instructed to pick up all paper, glass and cans in an assigned area and bring it to an assigned area where bottles were counted by hand and volume was established using calibrated containers. An independent observer monitored the counting.

Keep America Beautiful, Inc. cited that in 1968 nearly 28 million dollars was spent on the collection of litter from primary highways in this nation. They did studies on Indiana's share of that burden and reported that it was \$5,600,000 worth. In addition, the Dept. of Natural Resources of the State of Indiana projected on a population basis that Indiana's yearly usage of disposable cans is 1,130,000,000 and disposable bottles 629,000,000.

A National Study of Roadside Litter* took random samples of approximately ten highway segments, each two tenths of a mile long. They included some from twenty-nine states. It was estimated that approximately one cubic yard of litter was accumulated per month for each mile of interstate primary highway.** The statistics showed that 32% of the litter collected consisted of cans, glass bottles and jars. The estimated cost for bottles and cans (at \$5,600,000 per year for the total collection of litter) clean up is \$1,792,000*** per year. The State of Indiana alone was estimated spending in excess of \$1,000,000 per year for collection of bottles and cans.

In a letter from the Indiana State Highway Commission, Mr. Martin L. Hayes stated that an "average" of \$750,000 was spent by the Indiana Highway Commission per year to collect and dispose of litter along our state highways. Since bottles and cans comprise 32% of the total collection, the burden to taxpayers would be in excess of \$1,800,000 per year.

Glass and metal packaging present two of the worst disposal problems, particularly when incinerators are used. A typical situation where one ton of packaging material is incinerated a residue of 705 lbs. remains, of this amount 637 lbs. or 90% comes from glass and metal containers.

The Crusade for a Cleaner Environment tells us that it costs 1.5 billion dollars per year to get rid of cans, non-returnable bottles and plastic containers.

The Bureau of Mines tells us that at the present rate we are using aluminum, our supply will run out in 138 years. My great grandchildren may hold as their most precious and valuable possession, an all aluminum beer or soda can. This possibility strikes a frightening note.

*Prepared by Research Triangle Institute of N. Carolina sponsored by Keep America Beautiful, Inc. Research Board developed specifications
**In the 29 participating states for the calendar period represented by the pickups

***This figure is based on a straight division of the national total of litter collection and qualifies as a valid estimate only.

Last year alone this country spent \$500,000,000 to clean up litter. Mr. David D. Dominick, Assistant Administrator of the Federal Environmental Protection Agency tells us that we produce more than 4.3 billion tons of solid waste a year and it increases at an annual rate of four to six per cent.

Container Manufacturers claim their products contribute a relatively small percentage of solid waste to our environment. The percentage is about 22%, nevertheless, because glass and metal are non-biodegradable they contribute 80% of our permanent litter.

Aside from the unsightliness of litter along our roadways, the costs of disposing of it, the added burden to the taxpayers and the added pollution it contributes we find still other problems it causes...

Farmers in Oregon testified in support of the State's ban on non-returnables. They said that litter along the roadsides cost them the lives of many livestock. The animals would eat pieces of broken glass and metal which would become lodged in their chest causing severe pain and finally killing them.

New Jersey is no exception, I spoke to a local farmer and he confirmed what Oregon farmers said. He also added that he has had to throw out loads of feed because glass and metal particles had become ground in with it. The blades on his machine have been torn up by glass and metal particles running through. He concluded that there was about the roadside other forms of litter, nevertheless, soft drink and beer containers predominated.

Small children suffer from cuts and bruises caused by broken glass and metal. I've seen children put their fingers and tongues into the tops of flip-top cans and come out with gashes.

It might be cited by some who oppose this bill that in 1953 the State of Vermont passed a bill banning one-way bottles which was unsuccessful. In fact after four years the bill was deemed "not effective". A further look into this bill would show why it inevitably failed.

- 1) It banned only "malt alcoholic beverage containers."
- 2) Public awareness of ecological problems in 1953 was relatively low.
- 3) Social problems of 1953 could not compare to the problems we have in 1971.
- 4) The Malt Alcoholic beverage companies started packaging their products in cans.

I'd like to add here, that it was due to increased public awareness the State of Oregon was able to pass its ban on non-returnables. An overwhelming majority of states have such bills pending as our Assembly Bill #2212. Would this be possible if a sense of public awareness and urgency were not prevalent? People are ecology minded today out of necessity.

Container manufacturers would have, we the consumer, bring our containers to redemption or recycling centers where they would be melted down into new one-ways. They cite surveys that show returnables wind up as litter too. The price of everything has increased greatly today. Perhaps if there were a proportionate increase in the deposit of containers people would be more likely to return their containers.

Perhaps its time for industry to begin sharing some of the burden, to share a social obligation. The consumer is "over taxed" enough already, natural resources are "over taxed" and our minds are being "over taxed" with concern about this mass of garbage we're being buried in day by day.

Recycling is not the answer. In my community a group of concerned citizens supported five recycling days. People were asked to bring glass, metal and paper items to a specific point where they in turn would go to outlets that would recycle them. Many people did not participate feeling that such programs were unrealistic, that unless there were National or State wide bans on non-returnables it would be purely idealistic to support recycling days.

In summation I'd like to quote something President Nixon said in 1970. "The 1970's absolutely must be the years when America pays its debt to....our living environment. It is literally now or never."

As a group of concerned, conscientious citizens we feel that the passage of this bill is a major step in paying that debt.

CANS, BEER CANS. Glinting on the verges of a million miles of roadway, lying in scrub, grass, dirt, leaves, sand, mud, but never hidden. Piels, Rheingold, Ballantine, Schaefer, Schlitz, shining in sun or picked by moon or the beams of headlights at night; washed by rain or flattened by wheels, but never dulled, never buried, never destroyed. Here is the mark of savages, the testament of wasters, the stain of prosperity.

Who are these men who defile the grassy borders of our roads and lanes, who pollute our ponds, who spoil the purity of our ocean beaches with the empty vessels of their thirst? Who are the men who make these vessels in millions and then say, "Drink — and discard"? What society is this that can afford to cast away a million tons of metal and to make of wild and fruitful land a garbage heap?

What manner of men and women need thirty feet of steel and two hundred horsepower to take them, singly, to their small destinations? Who demands that what they eat is wrapped so that forests are cut down to make the paper that is thrown away, and what they smoke and chew is sealed so that the sealers can be tossed in gutters and caught in twigs and grass?

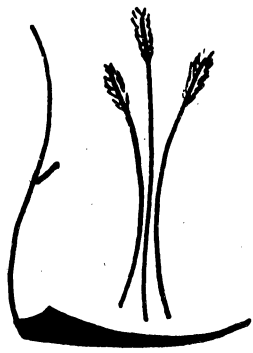
What kind of men can afford to make the streets of their towns and cities hideous with neon at night, and their roadways hideous with signs by day, wasting beauty; who leave the carcasses of cars to rot in heaps; who spill their trash into ravines and make smoking mountains of refuse for the town's rats? What manner of men choke off the life in rivers, streams and lakes with the waste of their produce, making poison of water?

Who is as rich as that? Slowly the wasters and despoilers are impoverishing our land, our nature, and our beauty, so that there will not be one beach, one hill, one lane, one meadow, one forest free from the debris of man and the stigma of his improvidence.

Who is so rich that he can squander forever the wealth of earth and water for the trivial needs of vanity or the compulsive demands of greed; or so prosperous in land that he can sacrifice nature for unnatural desires? The earth we abuse and the living things we kill will, in the end, take their revenge; for in exploiting their presence we are diminishing our future.

And what will we leave behind us when we are long dead? Temples? Amphora? Sunken treasure?

Or mountains of twisted, rusted steel, canyons of plastic containers, and a million miles of shores garlanded, not with the lovely wrack of the sea, but with the cans and bottles and light-bulbs and boxes of a people who conserved their convenience at the expense of their heritage, and whose ephemeral prosperity was built on waste.



THE REAPER

RESIDENTS' EFFORT AGAINST POLLUTION, INC.

Volume 1, Number 2, Summer 1971

240 South Walter Avenue, Trenton, N. J.



This Issue's
GRIM REAPER AWARD
is given to the
MERCER COUNTY
IMPROVEMENT AUTHORITY

for their poor choice of "sanitary land-fill" as a method of solid waste disposal.

At a time when public awareness of environmental problems is growing daily, it is an insult to all of us that they have chosen the most ecologically harmful method available. The potential waste of 800 acres of as yet unrevealed N. J. land is shameful.

Low cost is cited as one reason for this choice, but the cost of an effective solution eight years from now, when the problem comes up for review again, will be staggering. Once again, the cheapest way has been chosen, with little regard for a good, long-term solution.

If, as they say, the eight year waiting period is for studying other methods of garbage disposal, we can understand the need; however, one year, or perhaps two would be reasonable. Eight years seems to be a long time to dump garbage in a hole, even if it is "called" sanitary landfill.



The
REAPER AWARD
for this issue goes to the
TRENTON LEAGUE
OF WOMEN VOTERS

for their worthwhile efforts in establishing a collection and recycling program in the city.

For the convenience of Trenton residents, collection will be done through curb-side pick-ups once a week, on a non-collection day. The pilot project (later to be city-wide) begins in one Model Cities area and a nearby West Ward area. The program will begin with glass only, for which there is an immediate market, and will later be expanded to include paper and cans.

Special mention goes to Mr. Joseph Tuccillo and the Trenton Department of Public Works for their cooperation and loan of a city truck, and for the use of the Marine Terminal as a transfer point.

Special mention also goes to Mr. Leon Salter of the Urban Rodent & Insect Control Department for the loan of a truck, and for his efforts in establishing a public education program with the assistance of his personnel in the Model Cities area.

WHATSOEVER A MAN SOWS, THAT SHALL HE ALSO REAP - Gal. 6:7.

ECOLOGY IS ECONOMY

- OVER-WRAPPED convenience foods are always more expensive than plain, frozen, canned, or fresh.
- FRESH fruit & vegetable season is here! SAVE by buying in bulk and SPLIT COST with a friend or neighbor (you won't be paying for packaging). Try your hand at freezing and canning.

- With a handful of washing soda in your machine with your detergent, you need not use COSTLY water or fabric SOFTENER.
- INDIVIDUALLY WRAPPED cheese slices are more expensive, and create more plastic garbage.
- You can SAVE as much as 20 GALLONS OF WATER with a five minute shower over a bath.

INSECTICIDES

SOME OF THE LESS HARMFUL PRODUCTS (TO BE USED WITH CAUTION) - (Those not included here are either dangerous or have not yet been researched):

-FLYING INSECTS (INSIDE):

Black Flag Flying Insect Killer
Heritage House Flying Ins. Kill.
Ortho Home & Garden Spray
Ortho Mosquito & Fly Spray
Raid Flying Insect Killer
Shoprite Flying Insect Killer
Shoprite H & G Insect Killer

-FLYING INSECTS (OUTSIDE):

Black Flag H & G Insect Killer
D-Con Outdoor Fogger
Ortho H & G Insect Killer
Ortho Yard & Patio Spray
Raid Mosquito Coil
Raid Yard Guard
Scott's Insect Stop
Shoprite H & G Insect Killer

-ANTS & ROACHES:

Amway Bug Spray
D-Con Ant & Roach Spray
Heritage House Crawling Ins.
Johnson's No Roach
Pratt's Ant & Roach Spray

-WASPS & HORNETS

Amway Bug Spray
Pratt's Wasp Bomb

Sources: National Audubon Society.
Reap Field Research, May 1971.

DO NOT USE THESE INGREDIENTS

<u>ARSENIC</u>	<u>HEPTACHLOR</u>
<u>ALDRIN</u>	<u>LEAD</u>
<u>CHLORDANE</u>	<u>LINDANE</u>
<u>DIELDRIN</u>	<u>MERCURY</u>
<u>DDT</u>	<u>TOXAPHENE</u>
<u>ENDRIN</u>	

Source: Concern, Inc.
Wash., D. C.

RECOMMENDED, but use with caution

Abate	Methoxychlor
Diazinon	Naled
Dibrom	Nicotine
Dursban	Sulfate
Guthion	Pyrethrum
Malathion	Rotenone
	Sevin

Source: Nat'l
Audubon Soc.

READ the label of a SHELL NO-PEST STRIP before you buy it. You may change your mind. If it is not safe to use around food, or a sick room, or near a baby's room, what makes you think it's safe to use anywhere else?

Remember! If a PESTICIDE can KILL insects, it can't do people much good. READ the label CAREFULLY, and follow instructions.

Yard sprays leave POISONED DROPLETS in the air to kill and keep away insects. You breathe this into your lungs too. Think about it.

KEEP pesticides AWAY from the WATER SUPPLY. NEVER dispose of them in sinks or toilets.

TAKE CARE to fit the PESTICIDE to the PEST! Don't use a pesticide on the wrong insect. It won't work. Also, don't use a PERSISTENT pesticide when a short-lived one will do.

KNOW THE INGREDIENTS OF THE PRODUCT YOU ARE BUYING! If there is no list of ingredients on the container, or if only technical names of the chemicals are listed, the manufacturer may have a reason for not wanting you to know what is in it. DO NOT BUY IT!

Sort out the ADVERTISING CLAIMS from the WARNINGS. This is frequently easy - the claims are printed in large type: KILLS BUGS DEAD; CLEAN, PLEASANT ODOR; NONTOXIC TO HUMANS AND PETS; while the warnings are relegated to small type (Keep out of reach of children; Avoid inhalation; Avoid contact with skin; Toxic to fish and wildlife). One can find contradictory claims and warnings on the same package.

READER CONTRIBUTION

Use of food waste: fill a blender half full of water, add vegetable peelings and other food waste, and blend. Pour liquid on ground as fertilizer, or onto compost heap. - Mrs. Joseph Wasko, Trenton.

"CLEANING AGENT CONTROL ACT"

Assembly Bill 2331 Needs Your Support!

It will give the environmental commissioner the authority to control dangerous additives in detergents and cleaning agents, as well as phosphate content.

"The measure gives the power to prohibit or place conditions on the sale of cleaning agents 'which cause or may tend to cause adverse effects on man and the environment'. It also allows specification of what the manufacturer must disclose on the label in the event the state permits the product to be sold." - Trenton Times, 6/2/71

Use LOW PHOSPHATE detergents -- they have all the CLEANING POWER you need. YOU CAN'T GET CLOTHES CLEANER THAN CLEAN!!

DASH has reduced its phosphate content from 42 grams per 3/4 cup to 15.5 grams (safe level).

Take a few small PAPER BAGS to the supermarket with you to avoid the use of plastic bags for fruit and vegetables.

If YOU are not part of the POLLUTION SOLUTION, you are part of the PROBLEM

About 11 million tons of paper were recycled last year to save 200 million trees. League of Women Voters, Trenton, N.J.

WE HAVE BEEN CALLED ALARMISTS!

And that is true. We are alarmed that the air we breathe is conducive to the breakdown of body tissues, therefore directly and indirectly causing harm. We are alarmed that we are willy-nilly destroying the surrounding world. We well understand that the progress we need requires sacrifice of valuable things, but wanton destruction rather than reasonable planning seems to be the watchword of the day.

The citizen is the only one who can help, not as a "lone voice crying in the wilderness", but as a united effort. Perhaps those who depend on the vote must now be "assisted" by us, for it seems that our welfare is not being considered as it should be. The disregard of changes necessary for current living seems to be for reasons of economics and politics. The pressures of waste and garbage are closing in, and are creating unlivable conditions. We no longer have time to waste words, we must make necessary changes in order to survive.

The everpresent individual is to be blamed, as well as the elusive they. Industry, cities, all of us, one by one, are responsible both personally and politically for our present situation. It is now time to recognize this and begin to correct what is happening before we are no longer able to do so.

Our newsletters are a beginning -- WE ARE ALARMED!

WE HAVE MET THE ENEMY, AND HE IS US - Pogo

PICNICS CAN POLLUTE!!!!

- Snap-off tops from aluminum cans strangle fish and small animals which are attracted by their brightness
- Buy paper picnic cups and plates -- avoid plastic ones if possible.
- Bring paper litter bags to your picnic and USE THEM.
- Plain charcoal burns cleaner than briquettes or other compounds.
- Use waxed-paper lunch bags for your sandwiches.

With OUT-DOOR weather here again, it is time to look about our neighborhoods to see what we can do.

Could your area use a clean up squad? Children with not much else to do might appreciate a little organization in this area, why not try it on your block?

Any dead branches on the trees on your block? Call the Department of Public Works and request removal.

LITTERING POLLUTES!

MINIMIZE usage of harmful products. For many of them, there are perfectly acceptable alternatives that cost much less, and which place much smaller demands on the environment.

-Ammonia will do in place of commercial household cleaners.

-Damp cloth for dusting instead of a chemical, aerosol dust cleaner.

-Baking or washing soda in place of all purpose cleansers like Ajax, Old Dutch, Comet.

-Etc.

NOISE POLLUTION!!

PLEASE consider your neighbor!

-Control the noise level from your home (radio, TV, animals, and machinery).

-Keep your car muffler in good condition

-Be careful of unnecessary acceleration noise with cars and motorcycles.

HARD ROCK MUSIC reaches 115 decibels in noise intensity. This causes damage to hearing, and can bring on deafness at an early age.

GOODWILL INDUSTRIES will send a truck to your home to pick up re-usable household items. Those that can easily be repaired, or that are in good condition are preferred. 989-7990



GRIM REAPER AWARD

REVISITED

CUMBERLAND FARMS DAIRY STORES continue to sell milk in plastic bottles. If you really care, don't buy Cumberland Farms milk.

SAVE GLASS CONTAINERS!

Bring to Jewish Community Center

999 Lower Ferry Rd., Trenton.

June 16, June 30, July 14, July 28,
Aug. 11, Aug. 25, Sept. 8, Sept. 22.

11:00 AM to 2:00 PM

- ANY GLASS CONTAINERS
- SEPARATE BY COLOR
- TAKE OFF METAL RINGS
- LABELS CAN STAY ON

New Jersey Dept. of Environmental Protection ACTION LINE (609) 292-7172.

If you are part of an ecology group, please let us know about your organization.

CONTRIBUTIONS to our Newsletter Funds or Organizational Funds will be gratefully accepted - REAP, 240 South Walter Ave., Trenton, N.J. 08629

PLASTIC PRODUCTS are one of the WORST DISPOSAL PROBLEMS.

THIS NEWSLETTER IS BIODEGRADABLE, BUT PLEASE RECYCLE IT TO A FRIEND

THE REAPER

Residents' Effort Against Pollution, Inc.
240 South Walter Avenue
Trenton, New Jersey 08629

STATE OF WASHINGTON BATTLE Nov. 1970

Round One of the Bottle Revolt*

On November 3 the voters of Washington State rejected Initiative 256, which would have required a deposit of at least five cents on all containers for beer and soft drink sold for consumption within the state. The narrow margin of defeat--51-49 by percentage vote--and lingering resentment about the tactics of the victors assure a continued interest for the proposal within Washington and elsewhere. Whether the environmentalists' assault against the citadel of the throw-away container can be repulsed indefinitely must await other political battles across the country.

The problem confronted by initiative 256 is not exactly invisible. Of the 52 million tons of packaging materials produced and used in the United States in 1966, only 10% were reused or recycled back into industrial raw material channels.¹ What was left was trash, to be disposed of in the usual pick-it-up and dump-it garbage collection channels or distributed more generously across the landscape as unsightly and dangerous litter. Packaging materials are the pet peeve of anti-litterers, with the usual run of bottles, cans, cartons and bags easily surpassing in volume the more exotic documented contributions of underwear, washing machines, or false teeth.² Annual costs of litter control now are estimated at over \$500 million and climbing.³

Ranking littering offenders by industry is a chancy business: research data may stress such variables as volume, number of discarded items, weight or other factors affecting collectibility and disposal. More important, the container manufacturing industries pay for ^{their} share of the studies, with a consequent further skewing of emphasis and conclusions. Nonetheless, objective

* William H. Rodgers, Jr., Associate Professor of Law, University of Washington, Dec. 7, 1970. The author was one of the draftsmen of initiative 256, the anti-litter measure discussed in text.

observers agree that projected dramatic increases in the consumption of beverage containers per capita assure a sharp rise in litter over the next ten years.⁴ Discarded beverage containers are growing at a rate nearly twice that of other refuse.⁵ Already, eighty percent of the new soft drink bottles manufactured in 1969 in this country were non-returnables.⁶ Fifty percent of all cans used in the country go for soft drinks and beer, which happen to be the growth area, and all of these are throw-aways.⁷ In 1969, 43.8 billion beverage containers were made in the United States and, if the trend continues, by 1980 100 billion of these bottles and cans will be produced and discarded every year.⁸ One or two billion of these will end up as litter, according to the President's Council on Environmental Quality.⁹

If your concern is with safety or degradability, bottles and cans easily are the worst offenders. Virginia Knauer, the President's Special Assistant for Consumer Affairs, pointed out to the National Commission on Product Safety that disposable bottles "are nondegradable. The remnants or fragments litter the land and cause a high proportion of lacerations."¹⁰ Design samples of disposable bottles are subjected to a pressure test only 50% of that for the returnables, with a consequent increase in the risk of injury by shattered glass.¹¹ The Commission on Product Safety ranked glass bottles and containers first on a frequency-severity index of some 32 product categories, which included power saws, spring-operated guns and cleaning agents.¹² The risk is not confined to people. One letter to the backers of 256 set forth the rationale that has led to the general support of bottle bans by farm groups: "One cow died from bloat. Why? The neck of a broken beer bottle was lodged in her esophagus. Some passing motorist or pedestrian disposed of an 'empty' by throwing it over our pasture fence."¹³

Industry sees it differently and prefers to count rather than to assess the impact of its refuse. Bottles are "only 6% of the problem" and bottles and cans together are "only 22% of the problem" if you believe a 1969 study paid for by Keep America Beautiful, Inc.--an anti-litter front financed by container manufacturing industries--and contracted under the auspices of the Highway Research Board of the National Academy of Sciences-National Academy of Engineering.¹⁴ Counting items along the roadside in 29 states during winter months was the technique employed in this "National Study of the Composition of Roadside Litter," which managed thus to equate a bottle or can with a scrap of newspaper or a dead opossum or porcupine. Another item-counting study under the sponsorship of HEW's Bureau of Solid Waste Management found that beverage containers--paper cups included--account for almost 2/3 of all highway litter items.¹⁵ For those who prefer a more relevant volume analysis, one day last spring volunteers in Vermont collected from the state's roadsides 40,000 cubic yards of litter, of which 90% consisted of nonreturnable cans and bottles.¹⁶ Whatever the data, it is safe to say that there is occasional disagreement with the conclusion of the study paid for by Keep America Beautiful, Inc.: "It would seem that publicity efforts led by Keep America Beautiful, Inc. and the state highway departments continue to offer the most practical approach to the problem of reducing litter."¹⁷

One of these "less practical" alternatives is a ban on the use of the throw-away container. Fewer bottles and cans, reuse of packaging materials and commissioning the citizen in the clean-up effort are the obvious rationales of the movement to return to the returnables. The Council on Environmental Quality predicts that the estimated production of 100 billion beverage containers by 1980 could be cut to 6 billion if restrictions on non-returnables are widely adopted.¹⁸

Today, in many rural areas, including eastern Washington, returnables run as high as 90% of all available beverage containers. Imposing the good old values of country living on the city dweller, however, is not easily accomplished. Initiative 256 was a direct assault on the packaging policies of the container manufacturing industries ^{tries} and the selling preferences of the supermarkets. Thus it was that a mild ecology proposal became a bitterly contested political issue.

The initiative was conceived as an academic project in political science in the spring of 1970 by its sponsor and chief organizer, Dr. Robert Keller of Fairhaven College, Bellingham, Washington. It had an auspicious beginning. Petitions began circulating in late April and by July the proposal had garnered a record 188,102 signatures, nearly twice the number necessary to secure a place on the ballot. Ironically, the measure was known as the Keep America Beautiful Act, the ultimate tribute to the anti-litter industry front working under the same name. In late July, State Republican Chairman Gummy Johnson advised a gathering of prospective candidates for the legislature that polls disclosed overwhelming support for the anti-litter measure. A private poll taken in August for the beverage industry found that 80% of the voters were backing the issue,¹⁹ a figure that held firm until about three weeks before the election. Professionals and amateurs alike firmly were of the view that the issue was a winner. And it was--until industry went to work.

The special interests began to mobilize in Washington State as early as 1969, in response to a legislative resolution to an interim committee calling for a report and recommendations on the litter problem to the 1971 regular session. Always anxious to get in at the ground floor, the brewers and soft-drink producers, bottlers and can manufacturers, steel and aluminum companies,

among other stalwarts, joined in a group calling itself Industry for a Quality Environment to work with the interim legislative comm'ttee. Out of these efforts evolved a sorry piece of proposed legislation known euphemistically as the Model Litter Control Law, an ignominious proposal that will be urged upon legislators throughout the land, reminiscent of the earlier efforts of the American Chemical Society whose foresight in drafting a "model" on air pollution control set back meaningful regulatory efforts for at least a decade. Promotion of the model law turned out to be synonymous with the defeat of 256.

The central features of the model appeared in a progress report to the interim legislative committee on April 25, at about the time the 256 movement was getting under way. "We have determined from the beginning that half-way measures were not acceptable,"²⁰ announced the industry group, and then spelled out a series of half-way measures, some of them so bad as to be laughable. Among the hard-hitting provisions recommended were proposals for anti-litter labeling messages on containers, a requirement that vehicles operating in the state carry litter bags and that commercial firms catering to the public use state-approved litter barrels. A modest renovation of the state's criminal fining system for litter violations was recommended and "a request [was made] of industry to coordinate its various anti-litter information and education programs with the [State] Department of Ecology."²¹ A cool response from a legislative committee not itself known to be maniacal towards protection of the environment sent the industry group back to the drawing boards where new flourishes were added to its dreadful model. A band of forty "ecology patrolmen" was prescribed to scour the state with a lawman's power to issue citations and arrest the callous litterer. To meet funding objections and after a great deal of soul-searching, the group also agreed to the imposition of an annual litter assessment in the amount of \$150 for every \$1 million of gross sales of numerous products thought to contribute to the litter problem.

The mood of the "model" is unmistakable and will be stressed before many legislative bodies: solve the litter problem with more policemen, more arrests, more trashcans and more preachment. Cite the "authoritative" study concluding that "publicity efforts led by Keep America Beautiful, Inc. and the state highway departments continue to offer the most practical approach to the problem of reducing litter." Deplore the irresponsible few, whoever they may be, who decorate the landscape with their garbage. Ignore the solid waste disposal problems that remain if the litter can be collected.

Suffice it to say that the model's labeling proposals are the last gasp of every industry hoping to head off sterner measurers, the litter bags a potential major new entry to the highway litter problem, the patrolmen a pitiful response to a predicted volume of trash that is awesome, the criminal sanctions a proven loser as a deterrent. The single provision beyond the bandaid category, that is the use tax or effluent tax which is a respectable device in an anti-litter arsenal, is insulting only in that the amount endorsed--\$150 for each million in gross sales--is but a tiny fraction of the costs involved in collecting and disposing of litter.²² In Washington and elsewhere, industry has a major problem: the people don't want more trash cans, they want fewer bottles. Persuading the public to want what you want calls not for control of pollution but rather for public relations.

A strategic move approaching a stroke of genius in the Washington campaign was undertaken in early September when the industry group launched a massive initiative movement to gather signatures in support of its own "model" litter law, a classic attempt to turn public sentiment to its advantage.

Though the model could not make it on the ballot in time to compete directly with 256, the potential for hoodwinking the voters was irresistible. At the outset, promoters of the model offered visions of "national prominence" to the backers of 256 if they assumed a leadership role in the pro-model campaign, upon the understanding of course that they would drop their dangerous and futile proposal.²³

Having failed at seduction, the campaign of obfuscation began. Centered in the supermarkets and supported by massive spending through a group called the Washington Committee to Stop Litter, a euphemistic spin-off of the euphemistically named Industry for a Quality Environment, the "model" was a surefire winner. That the purpose of promoting the model in initiative form was to beat down 256 was conceded quite early by one talkative lobbyist for the Washington Brewers Institute who announced that the sponsors of the model would close-up shop on election day regardless of whether they had secured the necessary support although the deadline for gathering signatures would extend to December 31.²⁴

This callous concession that industry's model wasn't even very dear to industry was muted throughout the early part of the campaign. Something short of explicit denunciation of 256 by the pro-model backers was thought to be the soundest strategy to avoid alienating the environmentally concerned who don't look too closely at what they are signing. Campaign literature stated that the Washington Committee to Stop Litter would take no position on 256. "Some of the industry members of the Committee, however, are hopeful that the people of Washington will come to recognize the Model Litter Control Act as a better way to attack the litter problem than the deposit-refund proposal of Initiative 256."²⁵ One syrupy form letter, distributed to various groups by executives of American Co. and Continental Can Co., expressed concern about an "extremely awkward situation" created by 256 over a litter problem about which they were most concerned, urging friends to vote against the measure and to join in support of the model.²⁶ A "separate" entity--Citizens Committee Against 256--sprang up to front for the campaign to defeat the deposit initiative. Signatories to the group's paid advertisements were exclusively labor representatives--the Glass Bottle Blowers Ass'n, the Retail Clerks, the Mineworkers and the Machinists. The money came from big business.

Before long, distinguishing between the pro-model and anti-256 campaigns was impossible. The Seattle Public relations firm promoting the model also handled the publicity for the Citizens Committee Against 256. "Put the Mix on 256" declared campaign literature also urging support for the model. Billboards appeared proclaiming the model, denouncing 256. Public support for the "model" initiative, strategically situated and well financed as it was, was strong in early weeks with clear sailing under the anti-litter banner and was slowed only slightly by an ineffectual citizen counter-attack pointing out the coincidental deception in this second initiative campaign. The model already has enough votes to go on the ballot, which may turn out to be a mixed blessing. For under typically loose campaign reporting laws,²⁷ opponents of an initiative need not make any financial disclosure while the proponents of a measure must do so. The options are most embarrassing: the industry-backed group can drop its initiative and confirm the worst charges of cynicism and opportunism. Or it may proceed with its initiative and be obligated to disclose its massive investment to defeat 256 and similarly confirm the worst charges of cynicism and opportunism. Disclosure has further hazards since Washington law flatly forbids a corporation with a majority of out-of-state shareholders

from making contributions to local initiative campaigns--one of several legal obligations treated cavalierly by the industry in the 256 campaign and now under investigation by the Seattle Police Department. Nobody yet knows how much was spent on the campaign but a fair estimate would be that the poverty-stricken \$6000 budget of the citizen backers of the measure was matched on a 100-to-1 basis by industry opposition. Television and radio spots, newspaper ads, billboards, bumper stickers, and yard signs were in abundant supply. A plane with a "Nix on 256" streamer appeared over Huskie stadium on the Saturday before the election. Supermarket patrons were besieged with leaflets, stickers and warnings driving home the anti-256 message.

Let there be no doubt, the people were told, that a vote for 256 was a vote for higher prices, lost jobs and economic chaos. Worse, the litter problem would be unaffected, no recycling of raw materials would take place, and, most assuredly, the convenience packaging for which the consumer has clamored long and loud would disappear. It is of course irrelevant to the debate to acknowledge that the larger can and bottle producers have made heavy investments in high volume packaging lines for non-returns,²⁹ just as it is beside the point to concede that 256 might give a competitive boost to the smaller franchise bottlers geared to handle returnables and who are rapidly being forced out of the competition by the bigger producers. No mention is made of the coercion brought to bear on the bottlers by supermarket chains who demand the throw-aways to further their own convenience under the threat of replacing the bottler's brands with private label brands. The consumer is still king, he wants convenience, and he is not changing his mind if big industry has anything to say about it.

Persuading the public in the same breath that 256 wouldn't work and that it would also lead to economic disaster was a message that could only be promoted by a virtuoso and deserves closer scrutiny. Early in the campaign the amateur backers of 256 were so naive as to accept at face value the public utterances of major soft-drink producers and can manufacturers. Several puffing statements emanating from industry sources were quoted in the statement in support of 256 appearing in the Official Voters Pamphlet which is distributed to each registered voter in Washington state. "Pepsi Costs Less in Returnable Bottles" was the message excerpted from a Pepsi billboard. Readers were reminded of Coca Cola's message to the campuses in full page advertisements on Earth Day: "the returnable Coca-Cola bottle is . . . durable, practical and very economical because it can make as many as 50 round trips in its useful life. The returnable Coca-Cola bottle is ecologically sound as well. Because, when a bottle keeps moving it is less likely to find its way into . . . the highways, beaches and parks." Ellison L. Hazard, President of Continental Can, was quoted as saying: "We are convinced that the best answer to solid waste is recycling--finding a way to use the material again."

The public is exposed to many similar statements: "We've been making our contribution--Coca-Cola in money-back bottles--ever since we started in business. The fact is, we much prefer to sell coke that way. Besides making the world a cleaner place to live in, money-back bottles save us money by keeping our production costs down. And they save you money, because Coke in returnable bottles is your best buy."³⁰ "Dear Bluebirds," reads a saccharine March 30 letter written on behalf of Robert Schmidt, President of Olympia Brewing Company: "Now in answer to the question you raised in your letter about returnable bottles, I think it would be best if I began by saying that we do put our product into returnable containers and have been doing so since 1934.

In fact, I will go a little further and say that we would actually prefer to put all of our product in this type of container. Washing returnable bottles and refilling them presents no problem to us at all and, because we can use the bottle over and over again, it is actually more profitable for us to do this than to buy and fill a container we will use only once." There is a wrinkle usually in these messages: despite the deeply held convictions of the beverage industry, the powerful consumer keeps insisting upon the throw-aways, so vehemently in fact that every once in awhile it is necessary to spend several hundred thousand dollars to remind him again of what he actually wants.

Considerable embarrassment was created by these reminders in the Voter's Pamphlet and elsewhere of rhetorical claims made on another day to other audiences for other purposes. For approval of 256 was something else again: Pepsi would not cost less, it would cost more; returnable coke bottles have nothing to do with making the world a cleaner place to live in; Olympia would not save money, it would lose money; and requiring deposits was unresponsive to Continental Can's version of "finding a way to use the material again." When losing on the merits of a debate, according to an ancient axiom of American politics, it is time for an ad hominem personal attack.

Participating in what can only be called the shoddiest tactic of a shoddy campaign were top executives from several major corporations. "De-liberate Fraud In Voter's Pamphlet" blared radio and newspaper ads pointing out what was hardly a mystery--that the companies quoted in the Statement for 256 actually opposed the measure.³¹ In mid-October news stories were built around disclaimers of the use of the statements in the Pamphlet by, among others, Fred W. Dixon, president of Coca-Cola who sanctimoniously requested the Secretary of State to issue a statement "clarifying" the company's opposition; Ellison Hazard himself of Continental Can, who protested that his words about recycling had been "used to deceive the voting public and weaken the democratic process"; and Donald Kendall, president of PepsiCo, Inc., who oozed deep concern "that voters will be misled into believing that Pepsi Cola is supporting [256]" by being reminded that Pepsi costs less in returnable bottles.³² President Nixon also quoted in the statement of support for 256 did not write to disassociate himself from this vicious professorial campaign to twist and distort the public-spirited statements of corporate America.

On the merits, understandably, the effort to discredit the backers of 256 was unproductive as the Secretary of State quickly brushed off the suggestion that he could edit or censor materials going into the Voter's Pamphlet, pointing out that under accepted rules of debate it was "not unusual" for sponsors to quote their opponents.³³ Quoting public relations hogwash thus was affirmed as a permissible exercise of free speech. Nonetheless, the charges were a valuable publicity device and helped portray both sides of the campaign as genuine street brawlers, a position theretofore the sole preserve of the opportunistic promoters of the famed "model." Long run chastisement, such as a libel suit by the supporters of 256 or a reprimand from the Fair Campaign Practices Committee or the Federal Trade Commission, hardly are credible sanctions when industry believes its capital investment is at stake.

Having scored with its charges of fraud, the Citizens Committee Against 256 and the Washington Committee to Stop Litter began positively to drive home their points. They explained "recycling" as it is understood and practiced by the likes of Continental Can. A newspaper ad reported: in legislation recently agreed upon by Congressional conferees "grants are provided for design, operation and maintenance of solid waste disposal and resource recovery

equipment. This is recycling. This, not a refund on cans and bottles, is the coming forward step in the protection of our environment."³⁴ Consumers must understand, then, that the "coming forward step" is a government subsidy of industry equipment not direct compulsion to make industry do the job itself. Imagine the disappointment when industry discovers a few years hence that federal money authorized under the Resource Recovery Act of 1970 invariably will be the precursor of a federal fist in the form of packaging regulations.

Many container manufacturers are finding out how easy it is to put a concerned public to work collecting raw materials. "It's Working" reads a Reynolds ad describing the spectacular success of its Los Angeles program where over 1 million aluminum cans per month were returned by the public for reclamation in response to a bounty offer of 1/2 cent per can.³⁵ Alcoa is calling a similar effort "Yes--We Can." ³⁶ American Can is paying for reclaimed containers.³⁷ The Glass Containers Manufacturers Institute attributes the phenomenal growth of its redemption program in the Los Angeles area--which now reaches the level of a million bottles and jars a week--to an enthusiastic public response arising from the growing concern with environmental problems.³⁸ During the 256 campaign in Washington, Lucky Lager broke ranks with the brewing industry to announce that it would pay a quarter for the return of each case of 24 empties,³⁹ a decision that produced 200,000 bottles in two weeks.

Given the spectacular success of these bring-it back programs, one may ask how it was that 256 could be defeated by a campaign that insisted that the initiative wouldn't contribute to recycling. The claim of unworkability is usually kicked-off with the "only 6 percent of the problem" or "only 22 percent of the problem" argument which is repeated ad nauseum in the pollution world. The argument originates from the already mentioned study of roadside litter for Keep America Beautiful, which proves without a doubt that if you define your litter problem generously to include enough scraps of paper and dead porcupines, it is possible to minimize the percentages of bottles and cans.

Next, it is insisted that whatever the reward the people will never bring them back, a shaky ground that pointedly ignores the successful redemption programs in many parts of the country. The chief data for this assertion is the "Vermont experience," which occurred during the 1950's where a ban on non-returnable bottles was abandoned after four years upon the remarkable discovery that the bottle void of the litter problem had been more than filled by cans.⁴⁰ Also mentioned under this heading are the misfortunes of Pepsi-Cola which, only two years ago in New York City, experienced the loss of several million returnables in a six month period.⁴¹ This "proof" of the housewife's laxity in bringing them back of course is thought to be unrelated to the fact that the major food chains refuse to handle returnables.

A separate strain in the unworkability theme is a sympathetic plea of "why pick on us" in the beverage industry. Singling out beverage containers is condemned as patent discrimination, sounding the usual argument of the first culprit brought under the regulatory gun. What about ketchup bottles, milk cartons and gum wrappers, reads the submission, which flatly denies the basic legislative premise that there is nothing wrong with applying a sound solution to a limited part of the problem. Typical of the nonsense generated under this banner in the 256 campaign was an excerpt from an editorial appearing in the Seattle Shopping News based on a gross misreading of the initiative: "Furthermore most Americans do believe in fair play. We would point to questions asked by Initiative 256 opponents, including these: Why require deposits on paper cups with soft drinks in them but not on paper cups with coffee in them? Why on grocery cartons of soft drink, but not on the same cartons of

milk? Why on fruit juice cans and not on vegetable juice cans--or on any other containers, including coffee cans, fruit cans, vegetable cans, and a multitude of other containers? Ridiculous, isn't it?"⁴² It certainly is but it was winning politics.

The clincher in the campaign was flatly inconsistent with the it-won't-work claim. A basis for predictions of economic chaos was a study paid for by the Washington Brewers Institute and conducted by a Seattle consulting firm, which produced nothing but four and one-half pages of hair-raising conclusions: 600 jobs lost in the beverage container manufacturing industries, another 1100 jobs in supporting industries; "lost" wages and salaries in an amount of \$12 million; a decline in sales of an estimated \$55 million; and a reduction in tax revenues of over \$1 million.⁴³ To the professional economist the study was pap, to an electorate extremely sensitive to depressed conditions--in large part attributable to thousands of Boeing lay-offs--it was a winner.

Overlooked in these figures was the fact that the "losses" identified in the beverage industry also was money saved for consumers to be spent and taxed elsewhere within the state's economy. Unsubstantiated was the assumption of elasticity of demand to any price increase leading to the conclusion that people would drink less beer and coke. Unmentioned was competition between containers, which may have prompted a switch to bottles at the expense of cans, as well as normal growth in all manufacturing industries which could operate to preserve every existing job. Ignored was the new used container industry that would arise and the abundance of jobs it would bring. Irrelevant was the plight of the small bottlers and their employees who are being buried by the mass-produced throw-aways.

Elections are not won on such subtleties. Talk of lost jobs assured nearly unanimous labor backing in an off-year election producing a heavy vote. "How Much More Can We Take?" read the newspaper ads about unemployment and lost tax revenues superimposed on clippings reporting Boeing lay-offs. "I may lose my job" read the stickers appearing on the cash registers of supermarket checkers. "Initiative 256 a threat to our jobs" was the theme of literature stuffed into the shopping bags of every A & P customer. The scare message drummed home in every conceivable manner was: 1700 men out of work, \$55 million in lost sales and \$1,140,000 in lost tax revenue.

The message to the consumer was equally bleak: "50 percent higher prices for beer, soft drinks." 256 "will increase your grocery bill \$60.00 annually for an average family of four." "You are already paying the garbageman to haul away your trash . . . why pay your grocer, too?" A few days before the election stickers appeared on containers of beer and soft drink in the local super-markets: "Deposits and handling costs will Add 48 cents per Six-Pack Under Initiative 256," a representation clearly evidencing an illegal agreement to fix prices either among beverage manufacturers, supermarket retailers or both. A raft of red herrings was raised over the meaning of the initiative, with opponents arguing that powdered drinks, like cool-aid, could only be sold in accordance with deposit requirements. They went so far as to assert that paper cups in drive-in restaurants would need a deposit, a phony point blown into a news story when a local drive-in proprietor began insisting upon the down payment.

This ugly, distorted and false campaign was filed with many of the tricks that marked this year's elections. Anti-student sentiment was exploited with ads declaring: "Initiative 256 is a political science project of a Bellingham College class." "Professor Keller's class project is about to add \$80

million to our cost of living." A Vice-President of Olympia Brewing Co. wrote to Attorney General Slade Gorton expressing a not-so-subtle opinion about both him and the Governor who supported the measure: "Leaders such as you-- and Dan Evans--should realize that without business to pay the taxes that provide the funds for the wages of the politicians and the college professors, there wouldn't be any paid government officials or paid college professors. This is very fundamental and should be constantly kept in the back of your mind."⁴⁴ "[W]e would like further to state," read another letter from an Olympia representative to the sponsor of 256, "that it has always been our position that the people of this state and nation have, tempered by the public good and welfare, the inherent right of selection, be that in their government or their consumer goods."⁴⁵

So it was that the consumer exercised his inherent right of selection of November 3. To the chagrine of the container industry, he will have other chances. By one tally, 17 state legislatures actively are considering legislation similar to initiative 256.⁴⁶ Bills are pending in Congress.⁴⁷ The Nixon administration is considering a legislative package that would provide incentives to use returnable bottles. In Washington State there is strong support to legislate what the people rejected at the polls. A massive investment by the container industry appears only to have bought time, while inspiring probable reforms in campaign responsibility laws and stiffening the resistance of those who insist upon a return to the returnable.

Has industry learned a lesson? Never fear. On November 4, the day after the election, the Carbonated Beverage Manufacturers Ass'n named Grey Advertising and Ruder & Finn, a public relations firm, "to help them find a solution" to the litter problem.⁴⁸ Abandoning a successful strategy, one must concede, is not good business.

FOOTNOTES

1. Forward, Bureau of Solid Waste Management, The Role of Packaging in Solid Waste Management: 1966 to 1975 (1969).
2. *Id.* at 117; see Seattle Times, Feb. 5, 1970, p. A1, for a specification of the curious items.
3. See N.Y. Times, May 25, 1970, p. 1, col. 5.
4. See note 1, *supra* at 117.
5. Council on Environmental Quality, First Ann. Rep. at 117 (1970).
6. Statement of Richard L. Cheney, Executive Director, Glass Container Manufacturers Inst., Inc., Before the Senate Subcomm. on Air & Water Pollution, Hearings on Resource Recovery Act of 1969, vol. 5, p. 2222 (1970).
7. See Wall St. J., Nov. 2, 1970, p. 6, col. 2.
8. Council on Environmental Quality, First Ann. Rep. at 116-17 (1970).
9. *Id.* at 117.
10. National Commission on Product Safety, Final Report 18 (1970).
11. See *id.* at 17.
12. *Id.* at 40.
13. Letter to Dr. Robert Keller, from Norma Kremser, Ferndale, Wash., Sept. 19, 1970.
14. See National Study of the Composition of Roadside Litter, pp. 9, 17.
15. See note 1, *supra* at 117.
16. Reported in Newsweek, Sept. 21, 1970, p. 70.
17. *Supra* note 14, at 2.
18. See Newsweek, Sept. 21, 1970, p. 70.
19. See Wall St. J., Nov. 2, 1970, p. 6, col. 2.
20. Industry for a Quality Environment, Interim Report at 1.
21. Industry for Quality Environment, Press Release, April 24, 1970, p. 2.
22. See N.Y. Times, May 25, 1970, p. 1, col. 5.

23. See Seattle Times, Oct. 13, 1970, p. A6.
24. Everett Herald, Sept. 1, 1970 (quoting Gordon Marshall, field director, Washington Committee to Stop Litter).
25. Washington Committee to Stop Litter, Fact File about the Model Litter Control Law.
26. See, e.g., letter from Ralph B. Anderson on Continental Can Co. stationery to the Members of the Seattle Chapter, Pacific Northwest Personnel Management Association, Oct. 19, 1970.
27. Rev. Code Wash. §29.79.130 (1965).
28. Rev. Code Wash. §29.79.490(6)(1965).
29. See, e.g., Owens-Illinois Corp., Outlook, Sept. 1970, for statements that brewers and soft-drink manufacturers are concentrating their bottling operations on a regional basis.
30. Coca-Cola Co. Advertisement, University of Washington Daily, April 22, 1970.
31. See, e.g., Statement by Frank Keller, co-chairman, Citizens Committee Against 256, The Fraud of Initiative 256, Oct. 12, 1970.
32. *Ibid.*
33. See Seattle Post-Intelligencer, Oct. 14, 1970.
34. Seattle Post-Intelligencer, Oct. 28, 1970, p. 12.
35. Time, Sports Illustrated, June, 1970.
36. See Chemical Week, Aug. 26, 1970, p. 11.
37. See Black Enterprise, Oct., 1970.
38. See Commerce Clearing House, 2 Clean Air & Water News No. 37, p. 9 (Sept. 10, 1970).
39. Press Release, Lucky Breweries, Inc., Sept. 24, 1970.
40. See Report of the Vermont State Litter Commission to Governor Joseph B. Johnson (1956).
41. Reported in Newsweek, Sept. 21, 1970, p. 70.
42. Editorial, Nov. 2, 1970, col. 2-3.
43. Harry J. Prior & Associates, Inc., Summary of Survey Findings on the Impact of Initiative 256, Sept. 21, 1970.
44. Letter from Sherman R. Huffine to Mr. & Mrs. Slade Gorton, October 26, 1970.
45. Letter from Don M. Lee, Olympia Public Relations Manager to Dr. Robert Keller, Oct. 5, 1970.
46. See Wall St. J., Nov. 2, 1970, p. 6, col. 2.
47. Cf. S. 3665, 91st Cong., 2d Sess., April 1, 1970, which would authorize the Secretary of Treasury to establish packaging charges on the sale of certain goods.
48. See New York Times, Nov. 5, 1970, p.

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TEXT OF STATEMENT BY
JOHN W. McCAFFREY, EXECUTIVE SECRETARY
NEW JERSEY BREWERS' ASSOCIATION
BEFORE
ASSEMBLY COMMITTEE
ON
AIR, WATER POLLUTION AND PUBLIC HEALTH
IN THE
ASSEMBLY CHAMBER, STATE HOUSE, TRENTON
SEPTEMBER 30, 1971

NEW JERSEY BREWING INDUSTRY

1970 Expenditures

Agricultural Products	\$27 million
Payroll	\$60 million
Number of Employees	6,500
Fuel & Power	\$2½ million
Packaging	\$85 million
State Excise Tax	\$4½ million

Additional tens of millions expended for:

- Advertising
- Freight & Transportation
- Machinery & Equipment
- Communications
- Insurance
- Professional Services
- Etc.

STATEMENT OF JOHN W. MC CAFFREY

Executive Secretary - New Jersey Brewers' Association

Many thanks for the opportunity to appear before you today to discuss the impact of A2212 on the brewing industry in the State of New Jersey, the third largest brewing center in the nation.

A2212 basically deals with the underlying problems of solid waste disposal and litter; problems that are of national, state and local concern. The New Jersey Brewers' Association shares that concern. The can, glass, and plastic manufacturing companies and the brewing, soft drink, fruit juice and milk companies take no pleasure from the knowledge that the use of our product containers is accompanied by litter.

We suggest, however, that the overwhelming majority of convenience packages are properly disposed of by most consumers. This statement should not be construed as a lessening of industry concern for litter and solid waste disposal as a serious problem. To the contrary, the United States Brewers' Association, together with its individual member brewers, have been in the forefront of American industry's attempt to solve this problem.

Individual brewing companies in New Jersey are also actively engaged in the drive to overcome the environmental problems created by litter and solid waste disposal. Anheuser-Busch, for example, shares with all thoughtful citizens a deep concern for the total environment and has adopted a systems approach to the problem of solid waste disposal. This company is sponsoring at the University of

Pennsylvania major environmental research led by experts in the fields of operation research and systems analysis. This research team includes specialists in materials engineering, physical ecology, regional science, sanitation engineering and government.

P. Ballantine & Sons, brewing in New Jersey since 1840, has established one of the first aluminum can reclamation centers in the metropolitan area. Cans delivered to the center by individuals or groups are redeemed at the rate of ten cents per pound or approximately one-half cent per can. Scrap aluminum, such as pots and pans and other all aluminum products, are also accepted at the rate of ten cents per pound.

The Rheingold Company, another major Company in New Jersey, is employing another approach to the litter-solid waste problem by test marketing in selected areas in several States a new ecology-oriented returnable beer case and bottle. The price involved is lower than that for beer in non-returnables. Rheingold will continue to test to determine whether people really are interested in doing something about keeping themselves from littering their own environment or whether they will continue to throw away even returnable, deposit-bearing containers.

The Pabst Brewing Company, at Newark and nationally, long ago embarked on a major litter program. Pabst employees are constantly being reminded to exert extra care in disposing of trash and refuse. The Company has purchased paper balers to bale all waste paper (the No. 1 litter problem) which is sent to re-processors.

Pabst also sends damaged cans and bottles to re-processors. In

addition to this intensive in-plant litter prevention program, Pabst trucks are tagged with Fight Litter posters; anti-litter messages are on Pabst containers; Pabst billboards, newspaper, radio and television advertising contain appropriate messages; and in many other ways the Pabst campaign goes forward.

I respectfully call your attention to the following specific alternatives to punitive legislation which will assist your Committee in achieving litter control and solid waste management without invoking a discriminatory, costly and onerous statute of very doubtful effectiveness at the consumer level:

1. As a constructive alternate to punitive legislation, such as A2212, I wish to report that the New Jersey Brewers' Association and the United States Brewers' Association has instituted a field service program in New Jersey. The thrust of this program is to conduct a public responsibility program designed to provide data concerning litter control and solid waste management, and particularly to stress litter prevention via education with civic groups, community leaders, enforcement officials, industry licensees, and the schools. We stand ready to work with a City and the private sector of the community with personnel, research, and professional expertise to assist in the formation and operation of municipality committees devoted to an all-out attack on litter and solid waste.

2. We also stand ready to assist in the drafting, publicizing and enactment of a non-discriminatory anti-litter law of general application directed against the litter bug.
3. In the matter of improved solid waste management I suggest that the Federal Resources Recovery Act provides a substantial government base from which an all-out attack on solid waste can be launched. This Act encourages a systems approach for the development of collection, transportation, separation, recovery and recycling of solid waste. Further the Act authorizes over 450 million dollars over a three-year period for grants to local governments for construction of garbage and waste facilities, training grants for operation and maintenance of solid waste disposal and resource recovery equipment, and for federal research and development programs. We understand that substantial funds are being appropriated for these purposes.

Litter control is for all practical purposes a problem of public education, supported by provision of adequate disposal facilities and equipment and reasonable legislation. The creation of an effective solid waste management system is on the other hand basically a technological systems design problem of which public education is an essential but subsidiary part. The systems approach embraces many areas of interest including the consideration of reclamation and reuse of products, consumer education and alteration of behavioral patterns, new product packaging and materials development.

Obviously all this is an undertaking too vast to be assumed in the private sector by any single agency, company or industry. Therefore because of the scope and complexity of the challenge, the steel, aluminum, glass, metal, can, paper, plastics, soft drink, brewing, supermarket and chain store, food industries and American Labor have come together in joint sponsorship of the National Center for Resource Recovery, Inc.

Established in August, 1970, with headquarters in Washington, D.C., this non-profit organization Center has been provided substantial initial funding by participating companies and industries. Its mission is four-fold:

1. To serve as a resource agency for information on litter-solid waste disposal systems.
2. To function as an agency to receive funds from private and public sources for the support of basic research.
3. To contract out basic research grants for the development of litter control and solid waste disposal systems.
4. To obtain and evaluate the results of research in litter control and solid waste management and to utilize those results in the design, test, and implementation of systems of litter control and solid waste collection, recycling, and disposal.

The Center functions as a central communication point for government agencies, industries, labor groups, individuals, and private institutions involved in the many aspects of solid waste collection, recycling, and disposal, as well as litter control. Not only does it collect, develop and disseminate information and facts, but it also will possess and exercise capability for designing and evaluating model physical systems.

Representative problem areas in which the Center is equipped to act are:

- Litter control systems related to particular sites and types of litter; parks, marinas, stadiums, shopping centers, highways, etc.

- Role of private solid waste collectors, associations, secondary metals dealers, etc., in community or regional disposal systems; integration of private and public collection system for optimum service and cost reductions.

- Behavioral inducements for public participation in material reclamation programs.

- Cost-reduction requirements in existing local solid waste collection, transportation, and disposal systems.

- Evaluation of local versus regional solid waste systems; model systems development and field tests.

- Final disposal techniques for non-reuseable components of solid wastes. Continuing experimentation in reducing quantities of non-reuseable wastes.

- Recycling potential for all components of industrial and household solid wastes.

- Legislative requirements for effective anti-litter laws; optimum fines or punishment criteria for violators; motivational requirements to insure enforcement.

The opportunities for discovery, investigation, and experimentation are unlimited, but their range is best comprehended in the Center's philosophy that a solution to the problems of litter and

solid waste depends upon our ability to first identify the interests of the consumer, government, and industry, and second, to fuse the activities of each into a total, demonstrably workable system.

The National Center for Resource Recovery was established on the premise that the problems of solid waste disposal and litter control are of such magnitude that they can only be dealt with effectively through a united effort by both the private and public sectors of our economy. Through the Center, for the first time, the full force of industry experience and capability is brought to bear on the educational and technological perplexities of litter and management of solid wastes. It offers our best hope for a solution to one of the pressing problems confronting our society, and should stand as convincing evidence that American industry is fully mindful of its obligation to help to preserve our environment.

The American public can continue to enjoy its traditional freedom of choice in the packaging of the products it consumes, while at the same time the manufacturers of packages and products, through concerted, coordinated effort, will contribute substantially toward solutions to the problems of litter and solid waste.

Members of the Council, the trend to convenience beer containers simply reflects millions of votes cast every day by the public, the consumer, in the marketplace. Every day millions of consumers throughout the nation, thousands of consumers throughout the State, cast votes at their favorite retail establishment. They exercise their freedom of choice to select the type of beverage they prefer, to select the brand they prefer, to select the size and style of container they prefer, to select the nature of that container-glass,

metal, returnable or non-returnable. The members of the New Jersey Brewers' Association and the United States Brewers' Association do not favor returnable containers or non-returnable containers. We do not prefer glass or metal or steel or tin or aluminum, but we do strongly favor the preservation of the most important part of the beer distribution system - Mr. & Mrs. John Q. Public - their freedom of choice to exercise some options in the marketplace. We in a licensed industry, voted into existence by the people, are particularly aware of the urgency of accommodating our privileged industry to the public interest and of respecting the public's preference and convenience and freedom of choice. I respectfully suggest that because in the government sector and the private sector we do have freedom of choice that the better alternative is to focus in the same innovative knowhow; to target the same talent for getting things done; to exercise the same efficiency on litter control and solid waste management that developed our present, efficient distribution system.

On September 18, 1970 in his appearance before a Sub-committee of the House Committee on Interstate and Foreign Commerce which was considering proposals to generally ban aluminum containers, and to ban non-returnable containers for beer and soft drinks, Mr. W. Roger Strelow, Director, Office of Environmental Affairs, U.S. Department of Health, Education and Welfare testified, in part that:

"In summary, while we feel that there is considerable promise in the approach proposed in H.R. 18773, H.R. 18983, and H.R. 18999, we do not believe enough information has been accumulated or that all pertinent factors have yet been adequately considered to warrant action at this time.

* * * * *

When Sufficient information is available to make a sound judgement, we would support appropriate action to solve the litter and solid waste problems caused by beverage containers. We are currently planning major studies of packaging and incentives to determine the best way to deal effectively with the entire packaging problem."

In his message to the Congress in August, 1970, relating to the First Annual Report of the Council of Environmental Quality, President Nixon discussed the complex and deeply imbedded basic causes of our environmental troubles - and stated in part:

"It should be obvious that we cannot correct such deep-rooted causes overnight. Nor can we simply legislate them away. We need new knowledge, new perceptions, new attitudes - and these must extend to all levels of government and throughout the private sector as well; to industry; to the professions; to each individual citizen in his job and in his home. We must seek nothing less than a basic reform in the way our society looks at problems and makes decisions."

Members of the Committee, I respectfully urge that the proposal in A 2212 to in effect penalize the consumer for his or her choice of non-returnable containers is not in the public interest. Your State brewing industry respectfully urges that the constructive, innovative, tangible alternatives, which I have outlined, to discriminatory, punitive, piece-meal legislation, offer our best hope to solution of New Jersey's problems of litter and solid waste management.

FRIENDS OF THE EARTH

620 C STREET, S.E., WASHINGTON, D. C. 20003

October 6, 1971

David Brower, President

Statement of Friends of the Earth on Assembly Bill 2212 Concerning Recycling of Containers.

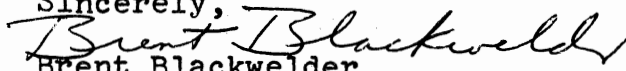
Kenneth T. Wilson, Chairman
Committee on Air and Water Pollution
and Public Health
State Capitol
Trenton, New Jersey

Dear Mr. Chairman:

Friends of the Earth wishes to join in full support of the testimony given by Mrs. Elisabeth Klein of CAPCOM on Assembly Bill 2212. Passage of Assembly Bill 2212 would not only help to eliminate unsightly litter and lower cleanup costs, but would also be instrumental in reducing the drain on our natural resources and in cutting down on the power requirements needed to recycle nonreturnable containers.

Friends of the Earth is a national conservation organization dedicated to the preservation, restoration, and rational use of the ecosphere. Our Washington office is located at 620 C St. SE, Washington, D.C. 20003. We would like our statement to be included as part of the hearing record.

Sincerely,


Brent Blackwelder
Associate Washington Director

PAUL R. PORRECA
MILLVILLE, N. J. 08332

September 21, 1971

The Honorable Kenneth T. Wilson
Chairman, Air and Water Pollution and
Public Health Committees
State House
Trenton, New Jersey 08625

Dear Assemblyman Wilson and Committee:

The proposed Bill which will impose a \$.05 levy on beverage, fruit juice, and milk, glass containers will prove to be a disaster to Cumberland County where the glass container industry serves as the back bone of and basis for the economy. Unfortunately this consequence will be visited upon the people of Cumberland County without even affecting the desired improvement in our environment. The approach to the litter problem that is pursued by this Bill must prove ineffective. Experience has proven that the additional \$.05 paid will not encourage enough people to return enough bottles to make a significant difference. In fact, when these heavier containers are discarded instead of being returned the problem of disposing of them will become greater than the problem of disposing of the present throw-away glass container.

We all realize that in order to improve our environment the ultimate burden will rever to the everyday consumer. We firmly believe that the consumer will willingly pay the cost for effective, proper, well thought-out and meaningful environmental protection. In this case the consumer is going to pay not only the additional \$.05 per bottle but is also going to pay for the required industrial conversion and unfortunately not receive a commensurate benefit.

Honorable Kenneth T. Wilson
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September 21, 1971

Presently the glass container industry is engaged in continuing research and in programs to help solve the problem of discard for glass containers. Should the State adopt this Bill and take this tack then that research will necessarily stop and this effort by private industry cease.

Certainly legislation in this State alone will create an unfair advantage for out of state manufacturers and if this piecemeal type of approach continues confusion will prevail. There have been some 240 separate Bills introduced in State legislatures. There have been some 300 separate ordinances introduced in municipalities, all aimed at the same target and the fact that only one Bill and one Ordinance have passed should cause this committee and this legislature to take a long hard look at what they think may be a solution but which we submit is not.

In Cumberland County there are approximately 7500 persons directly employed in the glass container industry. In addition to that there are many satellite companies supplying the needs of the glass industry such as box manufacturers, automotive suppliers, fuel supply and of course the Teamsters who haul the raw materials and the finished material away. There will be as much as a 10% reduction in employment directly in the glass industry in the event that this Bill becomes law and this will continue each year for several years until the economy of Cumberland County and of a large part of South Jersey is literally undermined and destroyed.

We all share one another's concern for the devastating effect that man's carelessness has wrought on his environment. We all share a sense of urgency that something be done to curb this continued onslaught. We should also share a firm and abiding desire to make sure that that something to be done is effective, meaningful and does not place a discriminatory and onerous burden upon a select few or upon a particular section of our State.

Honorable Kenneth T. Wilson
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We, therefore, respectfully urge the defeat of this Bill for the reasons stated. We further urge this Committee to pursue the improvement of our environment with these constructive comments in mind.

Sincerely,

A handwritten signature in dark ink, appearing to read 'P. Porreca', with a long horizontal flourish extending to the right.

Paul R. Porreca, Democratic
Candidate for State Senate
First Senate District
Cape May and Cumberland Counties

John W. Sjostrom, Democratic
Candidate for State Assembly, First District

Charles Fisher, Democratic
Candidate for State Assembly, First District

prp/map

Bethlehem Steel Corporation

BETHLEHEM, PA. 18016

J. V. ROBERTSON
MANAGER OF COMMUNITY RELATIONS
G. R. HALL
ASST. MANAGER OF COMMUNITY RELATIONS



September 23, 1971

Honorable Kenneth T. Wilson, Chairman
Committee on Air and Water Pollution
and Public Health
New Jersey State Assembly
Trenton, NJ 08625

Dear Mr. Wilson:

Bethlehem Steel Corporation, as a major producer of tin mill products, with operations at Dunellen, Elizabeth and Hoboken, is opposed to A. 2212, a bill which would prohibit the sale of beverages in nonreturnable containers. Restrictive legislation will not reduce litter. Litter is caused by people, not by products. Facts indicate that a change in packaging simply changes the composition of litter, not the amount.

Although we were not able to appear at the recent hearing on legislation to prohibit one-way beverage containers, our views on this subject are set forth in the attached position paper.

"Ban the one-way container" legislation is discriminatory and unrealistic. We urge that you oppose it.

Sincerely,

Manager of Community Relations

Bethlehem Steel Corporation

Views in Opposition to
Restrictive Legislation on Nonreturnable Containers

Restrictive legislation outlawing or taxing nonreturnable beverage containers is generally designed to support efforts to solve problems of solid waste disposal and, more particularly, littering.

Despite the laudable objectives of its sponsors, Bethlehem strongly opposes such legislation on the grounds that:

- (1) It does not get to the heart of the litter problem and it will not achieve the desired results. The great bulk of the materials which are now littered would still be available for littering regardless of this legislation. Furthermore, enactment of such laws would do nothing to educate, inform or penalize litterers who would accordingly be under no pressure to change their indiscriminate or careless practices.
- (2) It is discriminatory and unfairly singles out a very small segment of business for economic harassment. Nonreturnable beverage containers constitute only a small fraction of the materials which make up litter. Tests recently conducted by the National Research Council showed that a random sample of litter picked up along the highway was composed of 6% returnable bottles, 16% nonreturnable bottles and cans, and 66% paper products.
- (3) It runs directly contrary to the public interest in that it penalizes consumers generally with increased costs and burdensome and outmoded methods of handling containers in an attempt to deal with the improper behavior of only a small segment of the population.
- (4) It would have a serious impact on the steel industry and its employees and on other industries such as container manufacturing, beverage producers and distributors, and many related lines of business, large and small. Curtailing the use of steel cans would reduce requirements for tinplate and result in serious losses of employment in our industry. Depressing effects would extend to a wide variety of substantial taxpaying businesses.

The problem of litter, although a particularly irritating one, is only a small component of the overall major problem of how to handle the massive volume of solid waste increasingly generated by our affluent and sophisticated society. The basic problem is receiving a great deal of attention from government, the public and many industries, including the steel industry. Wide industry support is being given to the National Center for Research on Solid Waste Disposal whose objective is the solution of the problem. The steel industry's efforts in this area are channeled through the Subcommittee on Solid Waste of the American Iron and Steel Institute.

There is widespread recognition of the inadequacy of present procedures for sorting and recycling solid waste. Congress in 1970 enacted the Resource Recovery Act which places emphasis on the recovery of solid waste for recycling. We believe that comprehensive systems can be devised to extract, from the massive volumes of solid waste our economy will generate in the next decade, significant quantities of useful raw materials. We support recycling as an important source of such materials as opposed to disposal. With this in mind, the steel industry has established a nationwide system of container collection stations for use by the general public and is recycling recovered containers in its steel-making facilities.

The problem of litter, in contrast to the overall problem of solid waste handling, calls for specific measures directed at the practice of littering. There appear to be three feasible ways to attack the litter problem:

- (1) Enactment of effective anti-litter laws and initiation of strict enforcement procedures. In contrast to restrictive container legislation, such laws would pinpoint penalties and enforcement upon those who are the offenders.
- (2) Wide dissemination of information to discourage littering practices. Education should be directed toward all age groups of the general public with particular emphasis at the elementary and secondary school levels.
- (3) Development, with the support of the Federal government and the cooperation of state and local governments, of projects which have as their objective the rapid collection by mechanical means of highway and other forms of litter. A rapid mechanical collection system would be a vital adjunct to the measures described above.

Bethlehem Steel Corporation strongly urges that the legislature:

- (1) Defeat restrictive legislation to outlaw or generally penalize use of steel cans.
- (2) Enact an effective anti-litter law and make provision for its strict enforcement.
- (3) Encourage development of education and information programs to discourage littering, directed at all age groups of the general public with particular emphasis on the schools.
- (4) Support the initiation of projects designed to develop systems of rapid mechanical collection of highway and other forms of litter.
- (5) Promote research to develop an economical system for municipalities to collect, handle and dispose of solid waste in order to recover the greatest volume of raw materials.

September 22, 1971

Committee on Air and Water Pollution
and Public Health
New Jersey General Assembly
State House
Trenton, New Jersey

Gentlemen:

On behalf of the Conservation Coalition of Princeton, I am writing to urge the passage of Assembly Bill No. 2212, which would ban the sale of certain non-returnable beverage containers and at the same time, put a 5¢ deposit on returnable beverage containers.

As Chairman of the Coalition's Recycling Program, I can speak with some knowledge of the fantastic volume of non-returnable beverage containers saved by some 900 - 1000 families every month. The containers saved make up a great percentage of our total intake of glass.

To the uninformed, recycling is the answer to alleviate much of our solid waste problem. After all, it is material not burned or dumped into land fill sites but is reused (to a degree). But what the public does not realize is that because of the rapidly growing beverage container industry, re-use, which is recycling in its purest form, is actually the most efficient and economical answer. This situation is achieved by banning the one-way beverage container and requiring a 5¢ deposit on all returnable beverage containers. Recycling programs, such as the Coalition's in Princeton, cannot possibly make an impact on the thousands of containers thrown away in Princeton every day. Furthermore, close to a thousand volunteer man hours go into each month's recycling program and for all the effort expended, we make enough money just to clear our expenses. Recycling programs in their infancy are easily controllable (glass can be collected, shipped in barrels to industries that recycle, etc.), but when 50-60,000 pounds of glass is collected in a single three hour period, the time has come to evaluate the entire system of "throwaways," "non-returnables," etc., for although these items are only a part of the whole solid waste problem, they represent a definite percentage of the whole and are easily identifiable. Glass recycling centers have all the cullet they need to make new glass and it has been proved that the need for recycled materials will have to rise and new industries created before the industry can absorb any more of these goods.

Recycling is not the answer in the case of beverage containers, but re-use is. This will be possible in New Jersey if the Assembly will pass Bill No. 2212.

Dr. Barry Commoner, well known biologist and spokesman for ecological concerns was quoted this week in the New York Times: "We now know the problem stems from the development of new production technologies which ignore ecology, and which are driven by profit. . . The problem is fundamentally economic, and it's not going to get cured simply by calling for recycling and cleaning up." (9/20/71, p. 27).

Sincerely yours,

Mrs. Thomas C. Southerland, Jr.
Conservation Coalition of Princeton
Recycling Chairman

Twin Rivers Ecology Committee
178 Bennington Drive
East Windsor, N. J. 08520

September 16, 1971

Statement to be read at the Public Hearing on September 22, 1971
for New Jersey Assembly Bill 2212 (calling for a ban on
nonreturnable beverage containers and a mandatory deposit
on all such containers.)

Submitted by the Twin Rivers Ecology Committee in the
Twin Rivers Planned Unit Development, East Windsor Township,
New Jersey.

The Twin Rivers Ecology Committee strongly urges
passage of New Jersey Assembly Bill 2212 to ban the sale
on non-returnables- no-deposit beverage containers. Forty nine
of the fifty states have introduced such bills. Oregon
has already enacted legislation. New Jersey must continue
to be a leader in the passage of legislation designed to
protect the environment.

The use of disposable beverage containers and their
consequent disposal is producing an adverse effect upon
the environment which is injurious to the health, safety,
comfort and welfare of the residents of the state of
New Jersey.

Recent public opinion polls have found that a majority
of citizens favor a ban on "throwaway bottles and cans
and a mandatory minimum deposit on all beverage bottles
and cans as a method to induce consumers to redeem such
containers.

Recent tests conducted by various beverage companies

showed that shoppers referred returnables if given a choice.

Recycling Programs operating in the Twin Rivers Development and in a large number of municipalities in this state have proven our citizens' concern for the environment and their willingness in voluntary efforts to reuse the valuable resources of glass, metal, and ^{through recycling} that we are rapidly depleting by our consumption of disposables.

Americans discard 48 billion cans and 26 billion bottles annually. Passage of Bill 2212 could help reduce this incredible load of one-way beverage containers in our trash. There **MUST** be a continuing effort to reduce the amount of solid waste and litter in our state. Passing these containers around the consumption chain again and again will contribute to a fuller use of natural resources. Also, a greater responsibility to improve our environment will now lie with commerce and industry.

It is hereby strongly urges by the Twin Rivers Ecology Committee that the State legislature of New Jersey enact a law prohibiting the use of "No- Deposit No-Return" beverage bottles and cans in the state of New Jersey.

The Twin Rivers Ecology Committee further urges enact a minimum deposit of 10¢ as a greater inducement to return these containers and future legislation establishing mandatory deposits on ALL bottles to promote re-usable bottles that would not have to be reprocessed for use again.

Thank you for this opportunity to express the feelings of my community.

Princeton University OFFICE OF RESEARCH AND PROJECT ADMINISTRATION
FIFTH FLOOR, NEW SOUTH BUILDING
POST OFFICE BOX 36, PRINCETON, NEW JERSEY 08540

September 20, 1971

Committee on Air and Water Pollution
and Public Health
New Jersey General Assembly
State House
Trenton, New Jersey

Gentlemen:

On behalf of the Princeton University Environmental
Advisory Committee, I am writing to urge the passage of Assembly
Bill No. 2212. This concerns the banning of certain non-returnable
or disposable beverage containers within the State of New Jersey
and requires a 5 cents deposit on returnable containers.

Thank you.

Sincerely yours,



Thomas C. Southerland, Jr.
Chairman

TCS:ls

cc: Mr. W.H. Weathersby, Vice President
for Public Affairs

