THE BIG BEVERAGE PLAYBOOK FOR AVOIDING RESPONSIBILITY

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EXECUTIVE SUMMARY

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Big Beverage companies, including Coca-Cola, PepsiCo, and Nestlé, are driving the global plastic pollution crisis. This is due, in large part, to the single-use plastic containers in which they sell their beverages. While all beverage container sales in the United States have skyrocketed in recent years, single-use plastic bottles have become particularly popular among the beverage industry.

Why? Because virgin plastic is dirt cheap compared to glass and aluminum. And, because corporations are not responsible for the costly impacts pollution has on our communities and environment.

Although it's well known that virgin plastic production is a major contributor to climate change, Big Beverage often distracts us from this reality. The industry does so by running marketing campaigns that target recycling as the solution.

The problem is that our curbside recycling system is failing us. And that's because it wasn't designed to manage all our recyclables. Many of us try to do our part by placing empty bottles and cans in our recycling bins, but most of those containers inevitably end up in landfills and incinerators. Too many containers also end up as litter in our streets and waterways. Photos of plastic-filled oceans and strangled wildlife show only the most visible impacts of this pollution. Sadly, the generation and disposal of these plastic bottles also creates significant environmental and public health risks.

But there is good news. We have a system that can effectively collect, process, and recycle all these containers. Deposit return systems, more commonly known as "Bottle Bills," place a fee on bottles and cans that consumers get back when they return the containers. These programs are free to taxpayers, because the producers pay for any handling fees required to fund the system. Bottle Bills are a highly effective mechanism for collecting and recycling large volumes of empty beverage containers. In fact, since the 1970s, these programs have proven to be the most effective post-consumer recycling systems ever created.

Despite the success of Bottle Bills, Big Beverage has spent years sabotaging attempts to improve recycling through new or expanded Bottle Bills so they can avoid paying handling fees. How? By using a well-known playbook designed to delay, distract, and derail recycling reform using five key tactics:

1. **Blame the consumer**
2. **Lobby to defeat Bottle Bills**
3. **Silence support for systemic change**
4. **Makes promises, then break them**
5. **Play along, then undermine**

Understanding Big Beverage's playbook helps consumers and lawmakers break free from the status quo and modernize or pass new Bottle Bills, despite corporate opposition. But we've determined that, for Bottle Bills to be truly effective, they must include six characteristics:

1. **Standards in the law.** Only state lawmakers and regulators – not the beverage industry – should have ultimate authority to design the deposit system. This includes aspects like the redemption network, the deposit value, and performance targets. Transparency measures and penalties for failing to reach performance targets must also be set in the law, and enforcement must be automatic and immediate.

2. **Explicit performance targets.** The law must set aggressive performance targets for redemption, recycling, post-consumer recycled content, and refill and reuse that start small but ramp up within 10 years. Redemption and recycling targets should be set at 90% as soon as possible. These targets will ensure that the program is operating as effectively as possible while mandating the needed transition from single-use beverage containers to reusable and refillable containers.

3. **Clear definitions.** The law must have clear definitions of all key terms including what qualifies as recycling. The definition of recycling cannot allow for greenwashing and/or downcycling materials for less valuable uses. For instance, burning bottles and cans, or grinding up glass for use as landfill cover or roadbed, should never be included in the definition of "recycling." These definitions must be set in statute, and the beverage industry cannot be allowed to water them down.

4. **Broad list of beverage containers covered.** The beverage containers covered by the program should include almost all aluminum, plastic, and glass bottles and cans of up to three liters. Aseptic packaging, cartons, and pouches should be included only if they can be recycled at rates that meet the recycling targets set in the legislation for bottles and cans.

5. **Deposit value.** The deposit should be set at a minimum of 10 cents per container. The law should include a trigger that automatically raises the value of the deposit if the collection rate drops below the predetermined level of 90%. Additionally, the deposit and handling fee should automatically increase over time to account for inflation so the deposit remains a large enough incentivize for customers to return their bottles and cans.

6. **Universal return to retail.** The law must allow customers to return beverage containers to any store that sells beverages. This consumer-friendly component makes redemption easier, more equitable for those who rely on public transit, more efficient, and cheaper.

If Big Beverage won't support a Bottle Bill with these key elements, then their "support" is simply greenwashing. Their decades-long endeavor to keep our failing recycling systems in place and prevent solutions from materializing is well documented. But now, the jig is up. We know exactly how their playbook operates. Big Beverage should either embrace the single-most effective recycling policy ever created or get out of the way.

INTRODUCTION


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When you walk down your street, what do you see? Whether you live in a city, a suburb, or a rural neighborhood, the answer is always the same: litter. It's gotten so out of hand that many people now pick up plastic and other trash when they're out jogging, hiking, or just taking a walk.

This litter not only detracts from the use and enjoyment of our surrounding environment, but it is also a constant reminder of our failing recycling system. Most of the littered material can and should be recycled.

Case in point: Beverage containers, a prevalent source of litter, could be kept out of our environment and recycled at a much higher rate. That is, if the big beverage companies would just get out of the way.

Companies like Coca-Cola, PepsiCo, and Nestlé – along with their interest groups, including American Beverage (a recent rebranding of the American Beverage Association) and Keep America Beautiful – have pledged to fix U.S. recycling, yet they've spent decades fighting tooth and nail against Bottle Bills. Their opposition is so deep that these companies have created and deployed a carefully crafted playbook designed to undermine efforts to pass new Bottle Bills and expand existing ones.[1]

At the center of this playbook lies a series of broken promises and false initiatives designed to delay, distract, and derail efforts to pass meaningful and comprehensive legislation that would curb plastic pollution.[2] These tactics have been extremely successful. Despite evidence that bottle return systems can double or quadruple recycling rates,[3] since 1987, only one state – Hawaii – has passed a new Bottle Bill. This report dives into the tactics used by Big Beverage and previews their latest tactic in the face of mounting public pressure over the plastic and waste crisis.

PLASTIC POLLUTION HAS REACHED CRISIS LEVEL

Global beverage container sales have skyrocketed in recent years. They doubled just between 1999 and 2019.[4] And single-use plastic bottle sales more than doubled during the same time period, rising from 17% to 41% of all beverage container sales.[5] Throughout the world, consumers purchase around one million single-use plastic beverage containers every single minute.[6]

Coca-Cola sells more than 100 billion throwaway plastic bottles each year.[7] These sales have helped Coca-Cola retain its title as the world's top plastic polluter for the fourth year in a row, according to the 2021 Brand Audit Report from Break Free From Plastic.[8] Beverage giants PepsiCo and Nestlé come in at numbers two and four, respectively.[9]

These companies stand at the forefront of the global plastic pollution crisis, especially in the United States. In 2016, U.S.-based companies generated more plastic waste than businesses in any other country in the world, with a total of more than 46 million tons.[10] The U.S.

generates 286 pounds of plastic waste per person each year; this is about two to eight times more than any other country[11] – despite having only 4.3% of the world's population.

PLASTIC POLLUTION HURTS OUR COMMUNITIES, OUR ENVIRONMENT, AND OUR CLIMATE

The generation and disposal of this plastic waste creates significant environmental and public health risks. Many of us have seen photos of plastic-filled oceans and strangled wildlife. These pictures, however, show only the most visible impacts of this pollution. If we peel back the curtain, we see that plastic production and disposal negatively impact everything from the climate to our health. Virgin plastic production is a major contributor to climate change. As of 2020, the U.S. plastics industry is responsible for at least 232 million tons of climate-damaging emissions per year.[12] This is equivalent to the average emissions from 116 average-sized (500-megawatt) coal-fired power plants.[13] Processing, use, and disposal of plastic also creates significant public health concerns ranging from toxic air pollution from incineration to microplastics in our food.

RECYCLING IS BROKEN, BUT BOTTLE BILLS ARE AN EFFECTIVE SOLUTION

Given the widespread and far-reaching harms from plastics, most of us try to do our part by placing our empty bottles and cans into our curbside recycling bins. Yet, despite this good faith effort, most of these containers still end up in landfills or incinerators. The material that isn't landfilled or incinerated often gets downcycled. For example, most glass containers collected through curbside recycling get crushed for use as landfill cover or for road improvement projects instead of being used to manufacture new glass bottles.[14] Similarly, polyethylene terephthalate (PET, or #1) plastic collected curbside is mostly downcycled into park benches or textiles – which does nothing to disrupt the demand for virgin plastic to make new bottles.[15]

To make matters worse, many people – particularly those living in rural communities or multi-family apartment buildings – don't have access to curbside recycling programs. Their beverage containers typically end up in the trash. Most businesses also do not offer recycling, and, with too few public recycling receptacles, many "on the go" bottles and cans consumed away from home end up as litter. The Container Recycling Institute estimates that 50% of the beverage containers consumed in Vermont are consumed away from home – and the lack of recycling receptacles means they likely end up in the trash.[16]

The truth is that curbside recycling is inadequate and was never designed to manage all our recyclables. But the good news is that a system already exists to effectively collect, process, and recycle large volumes of empty beverage containers: deposit return systems ("DRS"), more commonly known as "Bottle Bills." Today, more than 40 countries and 10 U.S. states have implemented a Bottle Bill. Since the 1970s, these programs have proven the most effective post-consumer recycling systems ever created.

BIG BEVERAGE'S PLASTIC PLAYBOOK

Yet, despite the documented success of Bottle Bills, they still face fierce opposition from those that created this problem in the first place – the beverage industry. The opposition is so deep that these companies have created and deployed a carefully crafted playbook designed to undermine efforts to pass new Bottle Bills and expand existing ones.

That playbook involves five basic, yet effective, tactics:

1. Blame the consumer
2. Lobby to defeat Bottle Bills
3. Silence support for systemic change
4. Make promises, then break them
5. Play along, then undermine

By exposing the beverage industry's playbook, we can avoid the pitfalls that have derailed effective Bottle Bill legislation in the past. We can also counter their false promises by ensuring that any proposed Bottle Bill moving forward includes six core elements, from a set deposit value to standard definitions of the bottles covered under the law.

There's no question that plastic pollution is out of control and the beverage industry stands in the way of solutions. They have a choice to make: to finally embrace Bottle Bills – the single-most effective recycling policy ever created – or to stick with an increasingly obstructionist playbook that clings to the status quo. Regardless of the decision these companies make, their history of holding us back cannot be ignored, and we need to move forward now.

PART I

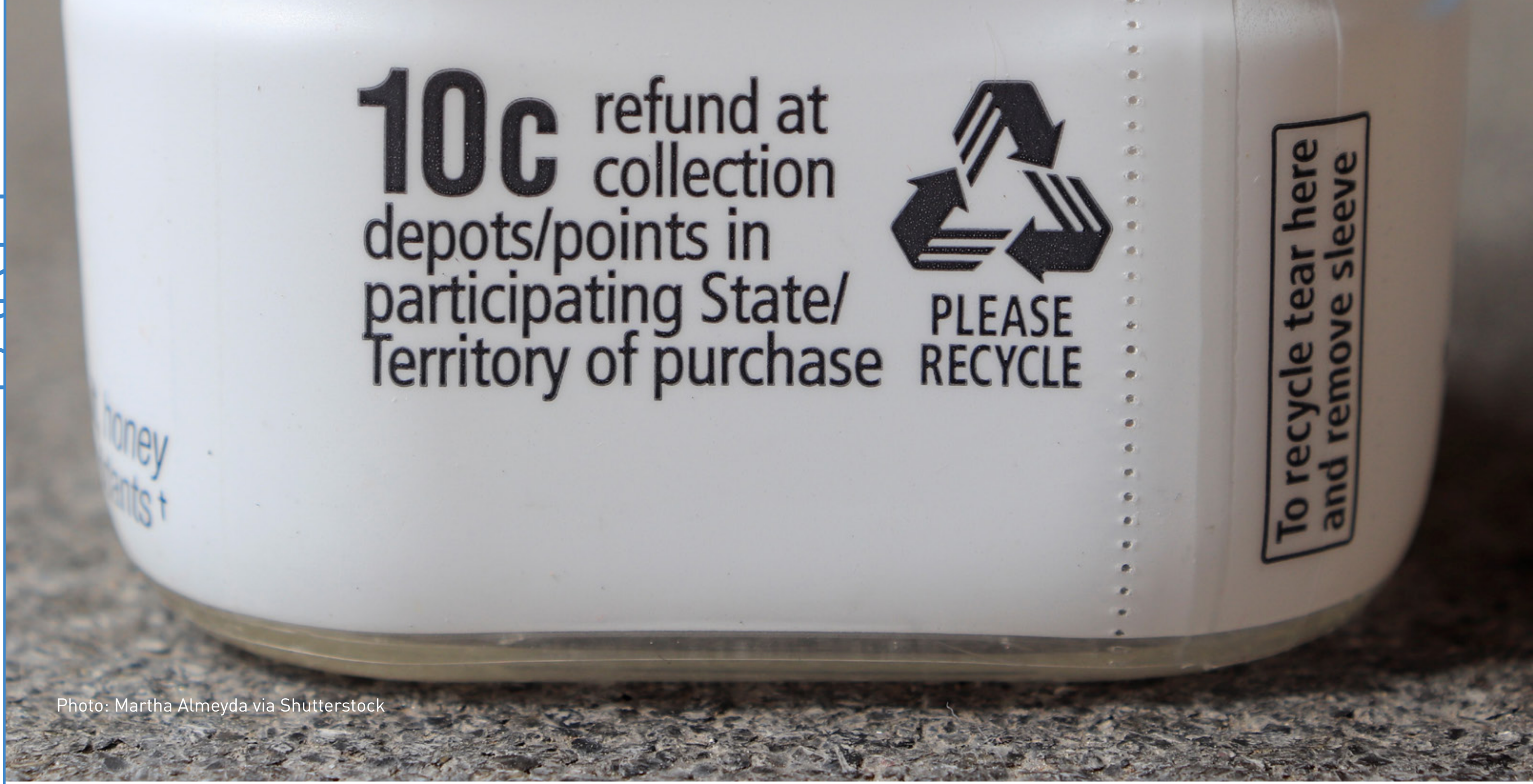


Photo: Martha Almeyda via Shutterstock

The Bottle Bill – The Effective Recycling System the Beverage Industry Doesn't Want to See

Bottle Bills are legislation designed to increase recycling and reduce litter. Here is how they work:

A customer pays a small deposit on each beverage container they purchase. This deposit usually ranges from five to fifteen cents per container. When the customer brings back their empty container to participating retailers and certified redemption centers, they get that deposit back. Essentially, the system functions like a rebate.

The system is usually funded through a handling fee that covers administrative costs associated with recycling the containers. This fee, paid by beverage companies or their distributors to retailers and redemption centers, pays for collecting, sorting, and packaging the empty beverage containers for recycling. This means that the companies who make the drink are the ones paying to process and recycle the empty containers. This is a concept known as "extended producer responsibility" whereby a manufacturer takes responsibility for the end of life of their products.

BOTTLE BILLS INCREASE RECYCLING RATES

Years of data demonstrate that Bottle Bills are the most cost-effective and reliable way to achieve high collection and recycling rates for beverage containers. Many systems capture and recycle 90% or more of beverage containers with a deposit. These high return rates are tied to the financial incentive created by the deposit.[17] On average, the recycling rate for containers with a deposit is 77% for aluminum cans, 64% for glass bottles, and 62% for PET bottles.[18] The average recycling rate for containers without deposits is significantly lower with only 41% for aluminum cans, 13% for PET bottles, and 12% for glass bottles.[19]

CLEAN STREAM OF MARKETABLE RECYCLABLES

Not only do these programs create extremely high return rates, but they also create a clean stream of high-quality recyclables. In single-stream curbside recycling systems, residents combine different types of recyclables like paper, cardboard, plastic food containers and packaging, aluminum, and glass in a single bin. The convenience of this system comes with a cost: contamination.

TEN STATES WITH BOTTLE BILLS

The data in this graphic can be found at: www.bottlebill.org

IMPLEMENTED	BEVERAGES COVERED	DEPOSIT	REDEMPTION RATE
1987 CALIFORNIA	All beverages except: Dairy products, Some juices, Spirits, Wine	5-10¢	67% [as of 2019]
1980 CONNECTICUT	Beer, Soda, Water	5¢	44% [as of 2020]
2005 HAWAII	All beverages except: Dairy products, Liquor, Wine	5¢	62% [as of 2019]
1979 IOWA	Beer, Water, Wine coolers, Wine and liquor, Carbonated soft drinks, Carbonated mineral water	5¢	65% [as of 2016]
1978 MAINE	All beverages except: Dairy products	5-15¢	84% [as of 2017]
1983 MASSACHUSETTS	Beer, Water, Malt, Carbonated mineral, Carbonated soft drinks	5¢	50% [as of 2019]
1978 MICHIGAN	All beverages except: Dairy Products, Liquor	10¢	89% [as of 2019]
1983 NEW YORK	Beer and malt beverages, Wine products, Water that doesn't contain sugar, Soda water, Carbonated soft drinks	5¢	64% [as of 2020]
1972 OREGON	All beverages except: Dairy Products, Liquor, Wine	10¢	77% [as of 2020]
1973 VERMONT	Beer, Malt, Liquor over 50 mL, Mixed wine drinks, Sparkling water, Carbonated soft drinks	5¢	77% [as of 2020]

Single-stream recycling depends primarily on educated consumers making the right choice about what can and cannot go into their recycling bin. From there, the burden falls on material recovery facilities to remove any unrecyclable materials that made their way into the recycling stream. They must do this at the same time they are processing and sorting remaining commingled recyclables into separate streams for sale.

These sorting processes are imperfect and expensive. When commingled, recyclables cannot be sorted. They then lose their value and end up not being recycled. According to the National Waste and Recycling Association, 25% of what gets placed into the single-stream recycling system is too contaminated to go anywhere other than a landfill or incinerator.[20]

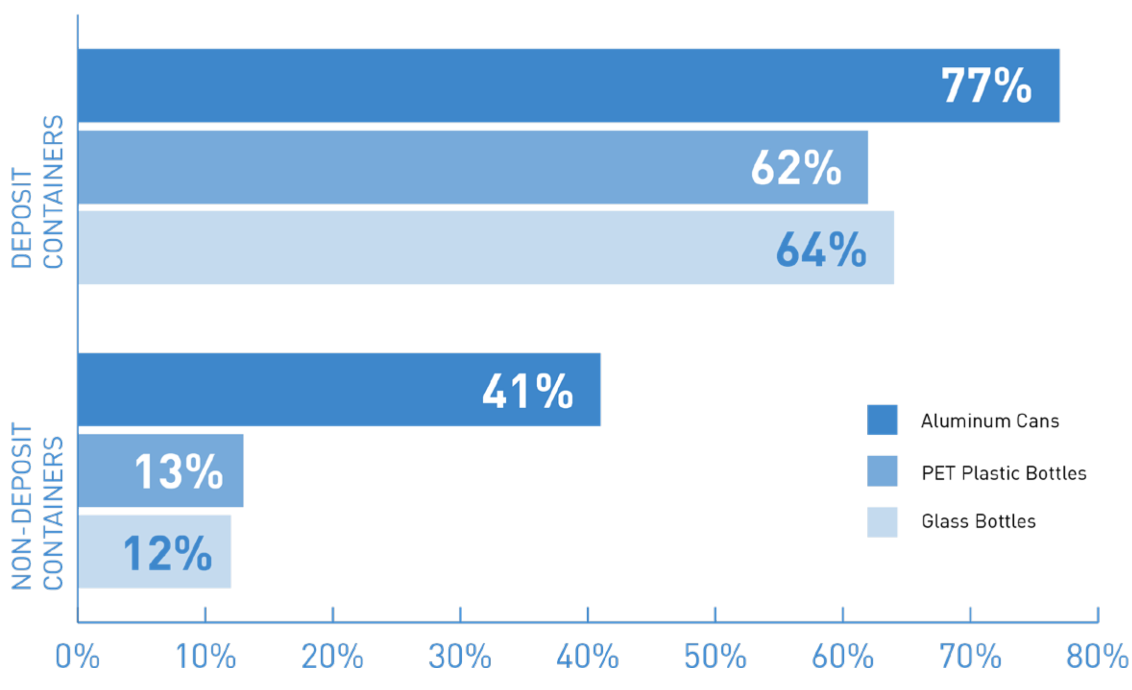
Bottle Bills keep materials separated and free from contaminants. This creates a steady stream of clean, high-quality materials that are more easily recycled into new beverage containers. This, in turn, reduces the need to use virgin plastic, aluminum, or glass to make new containers, which further lowers energy and raw material consumption.

According to the Glass Packaging Institute, nearly 60% of all the glass recycled into new bottles in the United States comes from the 10 Bottle Bill states.[21] Similarly, the Can Manufacturers Institute found that while the 10 Bottle Bill states use only about a quarter of all aluminum beverage cans, they generate more than a third of all cans that are recycled.[22] For similar reasons, Darrel Collier, the executive director of the National Association for PET Container Resources, has asserted that "beverage container deposit programs are essential to preserve the supply of postconsumer recycled PET."[23] Recyclers rely on Bottle Bill PET plastic for the quality material needed to make new containers.

A substantial amount of cans and bottles placed in curbside bins end up in a landfill or part of a roadbed rather than recycled. Even those containers that do get recycled are unlikely to be repurposed for new beverage containers. Instead, most of them will be "downcycled" for inferior uses. For instance, nationwide, only 60% of glass from single-stream curbside recycling is used to create new containers or manufacture fiberglass – both considered high-end uses based on their ability to limit the need for new glass in manufacturing processes.[24]

U.S. RECYCLING RATES BY DEPOSIT STATUS, 2018

Adapted with permission from: "2018 Beverage Market Data Analysis," Container Recycling Institute, 2020



PART I

The remaining 40% either ends up in a landfill (21%) or is used as a substitute for asphalt for highway construction projects (19%).[25] In comparison, 98% of the glass collected through Bottle Bill systems is used to make new containers or manufacture fiberglass, with only 2% used for road construction.[26]

BOTTLE BILLS CREATE A PATHWAY TO REFILL AND REUSE SYSTEMS

Perhaps more importantly, Bottle Bills can provide a platform for refillable beverage systems. Although recycling can save natural resources and limit the environmental footprint of creating new products, it is still not ideal. Collecting, transporting, processing, and reassembling recycled materials into new products requires copious amounts of energy. Reusing and refilling glass bottles is far preferable to recycling them. Refill systems require significantly less energy than recycling, and most glass bottles can be reused anywhere from 25 to 50 times, if not more.[27]

Bottle Bills establish and maintain the infrastructure and consumer practices needed to transition from throwaway containers toward reusable and refillable ones. In fact, Bottle Bills were designed to mirror the refill system first used by the beverage companies. Before the introduction of single-use disposable containers, beverage companies relied on consumers to return bottles for refilling. Glass bottles were expensive to manufacture, and refilling existing bottles saved money. To incentivize customers to refill their empties, the beverage companies used a deposit-refund system. Prior to the 1960s and the explosion of aluminum – and, eventually, plastic beverage containers – consumers returned 96% of refillable bottles that carried a deposit.[28]

It is time to reverse course and use the redemption infrastructure created by Bottle Bills to implement refill and reuse systems. Oregon is championing this return, partnering in 2018 with several breweries to launch a statewide refillable bottle system.[29] The program uses approximately 245,000 refillable beer bottles made of recycled glass that can be refilled up to 40 times.[30] The refillable bottles still have a deposit on them that consumers pay and can redeem after returning their empties. However, when the consumer brings back the empty, the refillable glass bottles are separated out by their distinctive triangular shape and brought to a cleaning facility. Once cleaned, the bottles are distributed to participating breweries where they are refilled and placed back into circulation. Since 2019, 410,155 bottles have been diverted from recycling to reuse.[31] Currently 9 beer, cider, and wine brands are utilizing the reuse system.[32]

Photo: Andrej Lišakov via Unsplash

PART II

Photo: Shutterstock

The Beverage Industry's Playbook: Delay, Distract, Derail

Despite the history of success of Bottle Bills, the beverage industry has adamantly opposed these programs since their inception because these programs eat into their profits. William Coors, president of the Coors Brewing Company, testified in the mid-1970s – when Bottle Bills were beginning to gain public attention – that the industry spent a "minimum of $20 million a year fighting container deposit legislation."[33] Between 1991 and 2011, the beverage industry outspent proponents of Bottle Bills by as much as 30 to 1, according to the U.S. Public Interest Research Group.[34]

Along the way, the beverage industry developed a systematic playbook designed to undermine any attempt to improve recycling through new or expanded Bottle Bills. At the heart of this playbook is their most valued tactic: shifting the focus away from Bottle Bills and onto voluntary commitments that the industry will never meet. Through this tactic, these companies have set and abandoned a series of "green" promises and goals – all of which they never intended to achieve.

Collectively, Coca-Cola, PepsiCo, Nestlé, and the rest of the beverage industry have spent millions of dollars publicizing ad campaigns posing as recycling programs. Meanwhile, in the U.S., most bottles and cans still end up getting buried in landfills, burned in incinerators, or littering our streets, rivers, beaches, and oceans – all because we are not holding the producers responsible for the mess they create.

Let's break down their playbook – tactic by tactic.

TACTIC ONE: BLAME THE CONSUMER

One of the industry's oldest, and perpetually effective, tactics is to frame litter as the fault of consumer misbehavior. The most blatant example is the nonprofit Keep America Beautiful (KAB). Formed in 1953, KAB is

Photo: Brian Yurasits via Unsplash

an industry-created organization funded by Coca-Cola, PepsiCo, Nestlé, and other industry giants.[35]

On Earth Day in 1971, KAB launched a now iconic advertising campaign featuring a person of Italian descent posing as a Native American. As he cries at the sight of litter, the tagline, "People start pollution. People can stop it"[36] appears on the screen.

Fifty years later, KAB and the beverage industry still perpetuate this consumer-responsibility myth to avoid the obvious truth: plastic and other beverage container pollution starts with the companies that manufacture and distribute these containers.

Today, KAB and its local affiliates fund local clean-up efforts and recycling programs without addressing where the litter originates. KAB also touts the importance of recycling and the work the beverage industry does to lower their carbon footprint. All the while, the beverage industry works hard to keep Bottle Bills at bay.

In 2020, for the first time, KAB compared litter in states with and without Bottle Bills. Unsurprisingly, non-Bottle Bill states suffered from significantly more beverage container litter than Bottle Bill states.[37] KAB estimated that non-Bottle Bill states had double the amount of container litter as Bottle Bill states.[38] What's more, the study found that non-Bottle Bill states also had more non-container litter.[39] Despite this, KAB did not recommend or acknowledge the logical course of action – that the states and federal government should adopt Bottle Bills to decrease litter.

TACTIC TWO: LOBBY TO DEFEAT BOTTLE BILLS

While the beverage industry's network of nonprofits hosts litter clean-ups to deflect public criticism, their army of lobbyists descend on state houses across the country to make sure their message is heard – and that their political funding gets delivered.

A 2004 New York Public Interest Group report found that proponents of expanding the state's Bottle Bill spent less than 1% of what industry opponents spent on lobbying. Among the top five lobbying spenders during that time: Coca-Cola and the New York State Beverage Bottlers Association (representing the soft drink industry).[40] The public messaging is carefully coordinated to ensure that the trade associations are the face of the opposition, not the brands. This is a tactic designed to help keep the brands' reputations unsullied and their opposition hidden from the public.

The beverage industry's funding power isn't limited to the state level. Between 1989 and 1994, they spent about $14 million in campaign contributions aimed at defeating a national Bottle Bill.[41] Members of a Senate Committee who voted against the national Bottle Bill in 1992 received, on average, 75 times more in anti-Bottle Bill PAC money than those who voted in the Bill's favor.[42]

Advertising and Media Campaigns to Mislead the Public

These lobbying efforts are complemented by deep-pocketed public relations and media strategies. When Massachusetts considered a ballot measure to expand the Commonwealth's aging Bottle Bill in 2014, public polling several months ahead of the vote showed most of the public supported the measure. This prompted a swift response from the industry's public relations machine.

The beverage and waste industry spent over $9 million to defeat the measure.[43] This effort included a series of omnipresent TV and radio ads that attacked the Bottle Bill.

Astroturfing to Empower Their Messaging

In recent years, the beverage industry has adopted a new approach: astroturfing. Astroturfing involves disguising the sponsor or backer of a message or organization to give it the appearance of originating from, and being supported by, concerned residents – not corporate interests with a financial stake in the issue. This practice is designed to give the message a false appearance of grassroots authenticity.

The industry used this tactic successfully in New York. In response to a proposal to expand that state's Bottle Bill to include juices, sports drinks, and other beverages, the American Beverage Association launched a group named "New Yorkers for Affordable Recycling." It claimed to be "a group of concerned citizens, businesses, and community organizations actively opposing Bottle Bill expansion."[44]

In 2021, the industry repeated this tactic in Vermont. Amid growing support to modernize and expand the state's Bottle Bill, a group called Vermonters for Recycling appeared on Facebook. The group posted unsubstantiated claims about the impact that expansion would have on Vermonters. It claimed that an expanded Bottle Bill is "a solution in search of a problem." The group claimed to be a "community organization" that "advocates for smart, reasonable, and effective solutions for the reuse of waste materials in Vermont." Yet, it was created by a Boston-based lobbying firm on the behalf of the beverage and waste industries.[45]

TACTIC THREE: SILENCE SUPPORT FOR SYSTEMATIC CHANGE

A third tactic the beverage industry employs to halt meaningful recycling reforms is to provide just enough money to local recycling programs to forestall calls for more comprehensive reform. Coca-Cola and PepsiCo have developed a sophisticated network of organizations and nonprofits designed to distribute small grants to distressed communities struggling to pay for recycling. City and town leaders stand on the front lines of the recycling crisis in the U.S., and the beverage companies know this. To make sure pioneering local mayors or recycling directors don't advocate for Bottle Bills, Coca-Cola and PepsiCo dispense grants with strings attached. Funding from known opponents of Bottle Bills sends a clear message to recipients that advocating for these programs will risk losing the funding.

Think of it as hush money. Keep America Beautiful, The Recycling Partnership, and The Closed Loop Fund receive money from their corporate sponsors. They, in turn, distribute that money to local governments to improve recycling programs. But they provide just enough funding for communities to make minimal improvements while defraying the risk that policymakers will push for a more comprehensive deposit return system.

This hush money is increasingly important for cities and towns struggling to keep up with the costs of recycling and waste management. In Massachusetts, 57 of 62 towns contacted by CLF reported increases in recycling prices between 2017 and 2020.[46] Half of those communities have seen prices rise by more than 50%.[47] Boston, for example, paid $89,000 for recycling in 2017, but more than $5 million in 2020.[48]

Journalist Sharon Lerner's investigative report, Leaked Audio Reveals How Coca-Cola Undermines Plastic Recycling Efforts, captured just how Coca-Cola uses its funding to hold cities and towns hostage.[49] During a stakeholder meeting about the future of waste management in the city of Atlanta, the Director of the Mayor's Office of Resilience said, "I think it's been a very long time since the State of Georgia has even considered something like a Bottle Bill. I do think that's something worth looking at."[50] Gloria Hardegree, executive director of Georgia Recycling Coalition – an organization that receives funding from Coca-Cola – replied, "I'll tell you that the answer is a big no."[51] Ms. Hardegree went on to say that a Bottle Bill "is not going to be a part of [the] conversation." She then explained that Coca-Cola would pull their funding for Atlanta's recycling programs if deposit return were pursued.[52]

TACTIC FOUR: MAKES PROMISES, THEN BREAK THEM

The first three tactics are the most direct strategies Big Beverage companies use to shoot down efforts to hold them accountable for the waste they create. However, these strategies are not always enough.

Every time public pressure reaches the point of over-whelming support to implement or expand a Bottle Bill, the beverage industry rolls out and publicizes a new voluntary initiative or goal designed to deflect public outrage. At first glance, many of these goals sound like good-faith efforts to tackle waste, litter, and pollution. But underneath the slick presentations and ad campaigns lie unenforceable voluntary commitments that will never come to fruition. Here are four cases that show this tactic in action.

Raising the Recycling Rate

In 2007, Coca-Cola announced it would commit to "recycle or reuse 100% of the company's PET plastic bottles in the U.S."[53] This occurred during the run-up to a national Bottle Bill proposal[54] and amid a wave of heightened concerns over climate change following the release of the documentary, "An Inconvenient Truth." The company also agreed to invest $60 million in a South Carolina recycling facility.[55]

However, in 2014, Coca-Cola closed the recycling plant after refusing to accept bottles from states with Bottle Bills.[56] In 2019, the company reported that it had managed to collect only 52% of its single-use PET plastic bottles.[57] Importantly, this collection rate is based on international data, which is inflated with high recycling rates from Canada and Europe. According to the National Association for PET Container Resources, the U.S. recycling rate for all single-use PET bottles was only 27.9% in 2019.[58]

Nestlé used this same strategy in 2008 when New York and Connecticut stood on the verge of adding bottled water to their deposit programs. Nestlé set an "industry recycling goal of 60% for its PET plastic bottles by 2018."[59] In 2018, the company's PET bottle collection rate languished at just 31%.[60]

"Eco-Friendly, Plant-Based Plastic"

For decades, both Coca-Cola and PepsiCo have issued media releases declaring goals to use "plant-based plastic" sourced from plant waste and sugar cane.[61] In 2009, Coca-Cola finally unveiled and began using a bottle that contains up to 30% plant-based material.[62] PepsiCo followed in 2011, announcing that it planned to begin using "plant-based plastic" in its beverage containers.[63] Now, over two decades after their original pledges, these companies are once again making identical claims. Coca-Cola is leaning the heaviest into this marketing tactic. In October 2021, the company revealed a prototype bottle "made from 100% plant-based plastic, excluding the cap and label."[64]

Photo: Pexels

Both companies claim that using this material will reduce the need for virgin plastic.[65] Unfortunately, plant-based plastic has zero effect on limiting plastic pollution or increasing recycling. In 2013, Danish consumer protection officials published a report finding that Coca-Cola had significantly exaggerated the environmental benefits of its PlantBottle™.[66] The report concluded that Coca-Cola's claims were unsubstantiated.[67]

Incorporating plastic made from plants also does not make beverage containers any more recyclable. In fact, these practices may even increase confusion over how to dispose of these new bottles, because consumers may mistakenly think the bottles can be placed in their compost bin instead of the recycling bin. Yet plant-based plastics like the ones Coca-Cola and PepsiCo are beginning to roll are not compostable. They are identical to plastics made from petroleum. Plant-based bottles will only create challenges for composters and increase contamination in compost.

Ultimately, plant-based bottles, like petroleum-based bottles, are likely to wind up in a landfill or incinerator.

Additionally, the use of plant-based material in plastic bottles does nothing to increase public access to recycling systems or incentivize consumers to recycle. Instead, this is just another greenwashing tactic designed to grab headlines while shifting the conversation away from the billions of single-use containers these companies produce each year that are littered, landfilled, and burned instead of recycled.

Investments in Recycling

The beverage industry frequently unveils promises to invest what seems like significant amounts of money toward recycling systems. However, the money is not nearly enough to improve curbside systems in a meaningful way. This tactic allows companies to appear like they are using their immense wealth to fund solutions. But, really, they are just using part of their advertising budget to prop up a system they know does not work.

Over the years, the beverage industry has promised to invest in recycling plants,[68] distribute thousands of recycling bins,[69] launch education programs, and commission studies to understand why recycling hasn't taken hold. While these commitments sound good, beverage companies deploy them on too small a scale to make a real difference.

Here's one of their most recent ploys: In late 2019, the American Beverage Association and "large soft drink makers" announced the "Every Bottle Back Initiative," a $100 million investment to boost PET recycling in the U.S. and reduce the industry's use of virgin plastic.[70] These companies claim the initiative will capture an additional 80 million pounds of recycled PET bottles each year.[71] While $100 million sounds like a lot of money, it is a drop in the bucket compared to the cost of a national curbside recycling overhaul. According to The Recycling Partnership, $17 billion would be required to upgrade our curbside recycling system and create equitable access, solidify strong recycling behavior, and improve existing infrastructure.[72]

And, that 80 million pounds the American Beverage Association claims they'll capture? It is woefully inadequate compared to the almost six billion pounds of PET plastic bottles sold in the U.S. each year.[73] If the initiative succeeds, it will amount to the collection of only 1.3% of all PET plastic bottles sold in the country annually.

What's more, any investments in recycling get undercut by money spent partnering with fossil fuel companies and waste incinerators. For instance, Coca-Cola and Nestlé have partnered with cement companies to use their plastic packaging and bottles as a fuel feedstock for cement kilns.[74] These projects span the world, including facilities in Costa Rica, the Philippines, El Salvador, and India.[75] This process adds the toxic air emissions associated with burning plastic to the already dangerous air emissions released from producing cement.[76] When burned, plastic releases harmful substances like dioxins and furans, harmful chemicals that are hazardous to humans.[77]

Voluntary Recycled Content Commitments

Another common way these companies deflect public pressure is to claim that they are working to increase the amount of recycled content in their beverage containers. Incorporating recycled content into new beverage containers should help to limit the need for virgin raw materials in the manufacturing processes. This saves natural resources and limits the energy needed

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for production. When implemented, recycled content requirements also increase the value of recyclable material by creating a market for it.

However, the commitments made by the Big Beverage corporations are always voluntary and never come to pass.

For example, Coca-Cola set a voluntary goal of using an average of 25% recycled PET in all their beverage containers in 1990. Three decades later, their bottles contain just 10% recycled PET.[78]

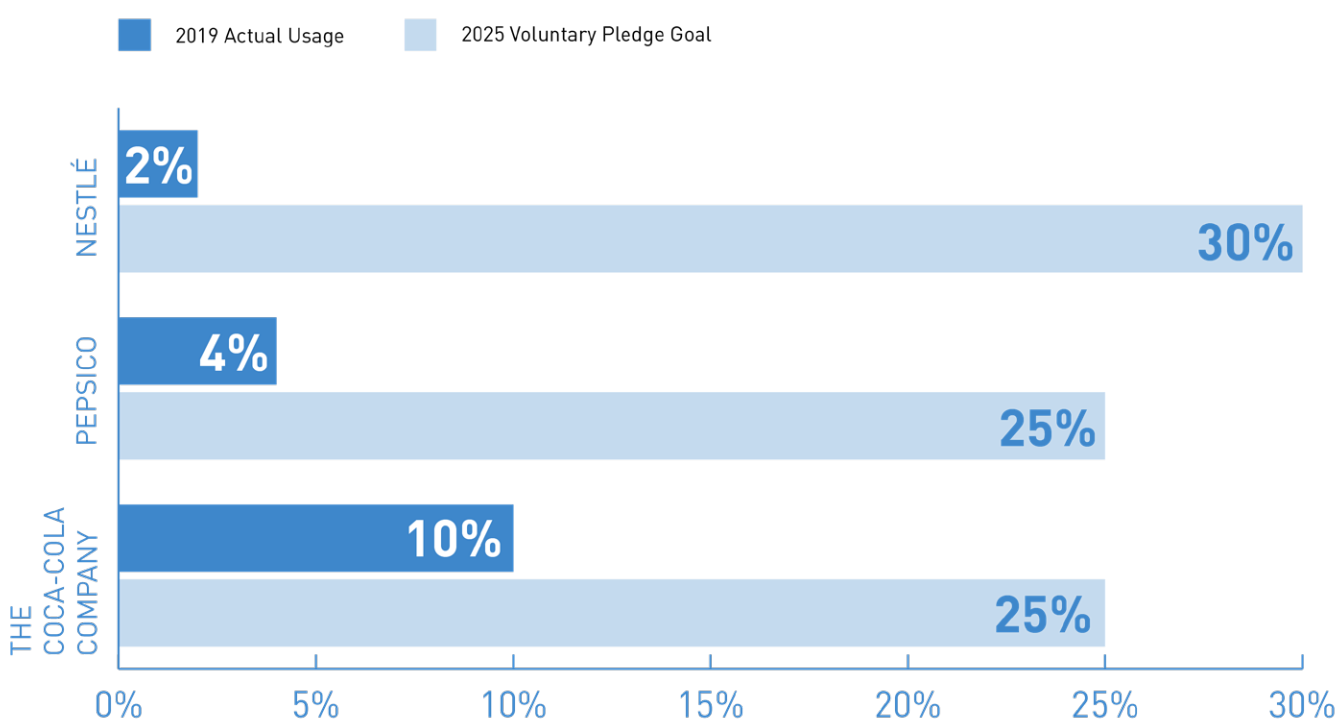
In 2018, Coca-Cola, PepsiCo, and Nestlé all unveiled a slew of new voluntary commitments. Coca-Cola promised to make bottles with an average of 50% recycled content by 2030.[79] PepsiCo committed to making plastic bottles with at least 33% recycled content by 2025.[80] Nestlé agreed to make bottles with at least 25% recycled content by 2025.[81] As the chart below shows, none of them are on track to meet these voluntary standards.

This new wave of voluntary recycled content goals is just a revamp of the same old tricks. In fact, without Bottle Bills, these commitments are not even realistic. David Cornell, the former technical director of the Association of Plastic Recyclers, estimates that to meet future demand for recycled plastic, the U.S. recycling rate for PET beverage bottles will need to jump to at least 70%.[82] This rate is not achievable without a national Bottle Bill or new and expanded Bottle Bills in every state.

All of these examples have one thing in common: Each and every promise or goal was broken. In fact, each promise was made with the knowledge that it would never be fulfilled. When push comes to shove, the industry always backs away and avoids responsibility. Their goals and promises are always voluntary and never carry a penalty for missing the mark. When the deadline looms and they fall drastically short, they simply argue that the goal was impossible – usually due to factors outside their control, like consumers not recycling enough. For instance, in 2020, in response to criticism that it failed to meet its goal to incorporate recycled plastic in its bottles, Nestlé deflected. The company argued that it didn't meet the goal due to a lack of "groundswell of industry and policymaker support needed."[83]

Corporate Promises to Use Recycled Materials: Promises vs. Reality

Adapted from: Beyond Plastics Oct. 2021. Source: Ellen MacArthur Foundation's The Global Commitment 2020 Progress Report, pp 15-16.



These voluntary goals perpetuate a cycle: Every time a community gets close to a new or expanded Bottle Bill, the beverage industry proposes a seemingly bold, headline-stealing initiative that mollifies everyone just long enough for them to slip away again.

TACTIC FIVE: PLAY ALONG, THEN UNDERMINE

The old industry playbook has kept new Bottle Bills at bay in the U.S. for decades. However, public concern over waste and plastic pollution has risen to an all-time high. As a result, Bottle Bills have regained support and attention. In 2021, California, Connecticut, Iowa, Massachusetts, Michigan, and Vermont all considered expanding their existing Bottle Bill programs. Meanwhile, legislators in Illinois, Rhode Island, and West Virginia, among others, considered proposals to adopt a new Bottle Bill. The passage of any of those proposals would mark the first new Bottle Bill in the United States since 2002.

In an effort to appear responsive to public outcry and the overwhelming consensus that Bottle Bills are a key component of addressing the plastic crisis, Big Beverage wants to make it look like they've finally come around. According to William Dermody, Vice President of Media and Public Affairs for American Beverage,* the industry is now "open to discussion on any kinds of systems that will get our bottles back, including Bottle Bills."[84] However, this newfound support should be met with extreme skepticism.

After all, the beverage industry has fought Bottle Bills for decades. And we have already seen evidence that the industry's "support" for Bottle Bills is just a new tactic in their playbook – another way to cater to public outrage while blocking any meaningful progress.

Connecticut – A Cautionary Tale

For years, environmental organizations pushed lawmakers to modernize Connecticut's Bottle Bill. In June 2021, those lawmakers finally acted – but with mixed results. Connecticut enacted a Bottle Bill modernization law that included important upgrades including a 10-cent deposit, increased handling fee, and expansion of container types included in the program. But it also handed control of the program over to the beverage industry.

Once in charge of the program, the industry could potentially ignore redemption/recycling targets, push to change the redemption value, or do away with the requirement that retailers accept bottles and cans for return. This is like letting the fox guard the proverbial henhouse.

The beverage industry had worked to undermine Connecticut's bottle return program for decades using predictable tactics like creating an astroturf organization[85] to mislead consumers. Only after Big Beverage realized that the 2021 Bill would pass despite their lobbying efforts did they move to support the legislation – but only if written the way they wanted. They succeeded by getting a law passed that hands over the keys to the very industry that has worked for so long to destroy the program.

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* Recently the American Beverage Association changed its name to "American Beverage."

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Pretending to Support Extended Producer Responsibility to Dismantle Bottle Bills

Another emerging tactic is to deflect attention from Bottle Bills by promoting Extended Producer Responsibility for Packaging (EPR for Packaging) proposals. EPR for Packaging is a policy that provides stable funding for curbside recycling by shifting the burden of paying for these programs from local governments and taxpayers to the companies that actually create this waste.

Under this policy, large companies pay fees based on the amount and types of packaging they use for their products. The more packaging they make, the more money they pay. The fees are higher for packaging that is not recyclable. The money from these fees goes to local governments to reimburse them for recycling costs and to use for investments in new recycling infrastructure.

While EPR for Packaging systems have existed for decades in Europe and Canada, this policy is just beginning to take hold in the U.S. In 2021, Maine and Oregon passed the first EPR for Packaging laws in the nation, and more states are expected to follow.

The interest in this policy has prompted the beverage industry to weigh in. They argue that beverage containers should be regulated under EPR for Packaging laws and not Bottle Bills. This makes it seem like the Big Beverage companies are committed to recycling by aligning with an exciting "new" policy solution. But this is just another insincere ploy.

First, Bottle Bills are already a form of extended producer responsibility. Bottle return requires the producers of beverage containers to pay for the collection and recycling of their products through a handling fee. Essentially, Bottle Bills are just a more targeted form of EPR for Packaging that addresses one of the largest sources of litter and waste. Of course, the beverage industry would rather feign support for a bill that has not, and might never, pass, than pay handling fees for an existing system. Even in the two states that have passed EPR for Packaging laws, it will be some years before they go into effect. (Fortunately, both of those states also have strong Bottle Bills.) Classic delay tactic.

Second, dismantling existing Bottle Bills or derailing efforts to pass new ones will only see beverage containers re-enter inefficient curbside recycling systems, where the value of empty containers will plummet due to contamination. As we discussed above, the incentive to return containers created by Bottle Bills yields higher redemption and recycling rates than curbside systems. This incentive also helps reduce litter, something EPR for Packaging programs cannot accomplish.

Third, because Bottle Bills focus solely on beverage containers, they can be extremely effective. Beverage containers are primarily homogeneous, with most containers limited to aluminum cans, glass bottles, and PET bottles. Having a dedicated system to manage these materials results in high returns and recycling rates. Packaging, on the other hand, is complex and diverse. The everyday products we buy come in very different types of packaging, from plastic film to polystyrene containers. As a result, EPR for Packaging needs to be flexible and adaptive. It focuses on improving the curbside recycling system by giving money to towns and cities to keep their programs operational. Bottle Bills are straightforward and highly efficient in comparison.

For instance, Ontario operates both a Bottle Bill system and an EPR for Packaging program, called the Blue Box Program. The Bottle Bill system covers all alcoholic beverages, while the Blue Box Program covers all residential packaging material, including non-alcoholic beverage containers. In 2019, Ontario's Bottle Bill had a recycling rate of 82%.[86] In the same year, the Blue Box Program had a recycling rate of 57.3%.[87] Importantly, this is not only significantly lower than the Bottle Bill recycling rate, but it is also lower even though it is propped up by consistently high recycling rates for printed paper and cardboard. The Blue Box managed only a 45% recycling rate for beverage containers in 2016 (the most recent year for which data is available).[88] Importantly, the Blue Box rate is likely inflated as it doesn't factor in contamination. Deposit return systems are the rock stars of the recycling world – why would you mess with perfection?

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Strengthening Our Front Line: Elements of a Successful Bottle Bill

After what happened in Connecticut, it is more important than ever that proposals for new and expanded Bottle Bills avoid pitfalls that make them less effective. We have identified six characteristics necessary for any successful Bottle Bill:

1. **Standards in the law.** Only state lawmakers and regulators – not the beverage industry – have ultimate authority to design the deposit system. This includes aspects like the redemption network, the deposit value, and performance targets. Transparency measures and penalties for failing to reach performance targets must also be set in the law, and enforcement must be automatic and immediate.

2. **Explicit performance targets.** The law must set aggressive performance targets for redemption, recycling, post-consumer recycled content, and refill and reuse that start small but ramp up within 10 years. Redemption and recycling targets should be set at 90% as soon as possible. These targets will ensure that the program is operating as effectively as possible while mandating the needed transition from single-use beverage containers to reusable and refillable containers.

3. **Clear definitions.** The law must have clear definitions of all key terms including what qualifies as recycling. The definition of recycling cannot allow for greenwashing and/or downcycling materials for less valuable uses. For instance, burning bottles and cans or grinding up glass for use as landfill cover or roadbed should never be included in the definition of "recycling." These definitions must be set in statute, and the beverage industry cannot be allowed to water them down.

4. **Broad list of beverage containers covered.** The beverage containers covered by the program should include almost all aluminum, plastic, and glass bottles and cans of up to three liters.

Aseptic packaging, cartons, and pouches should be included only if they can be recycled at rates that meet the recycling targets set in the legislation for bottles and cans.

5. **Deposit value.** The deposit should be set at a minimum of 10 cents per container. The law should include a trigger that automatically raises the value of the deposit if the collection rate drops below the predetermined level of 90%. Additionally, the deposit and handling fee should automatically increase over time to account for inflation so the deposit remains a large enough incentive for customers to return their bottles and cans.

6. **Universal return to retail.** The law must allow customers to return containers to any store that sells beverages. This consumer-friendly component makes redemption easier, cheaper, more efficient, and more equitable for those who rely on public transit.

Any support from the beverage industry for Bottle Bills that excludes all six of these key features is an attempt to create an ineffective and weak system that will undermine the law's true impact – in other words, more greenwashing. If the industry's support is genuine, they should support Bottle Bills with these best-in-class principles that are proven to create the most convenient, reliable, and effective recycling system.

Photo: NavinTar via Shutterstock

CONCLUSION

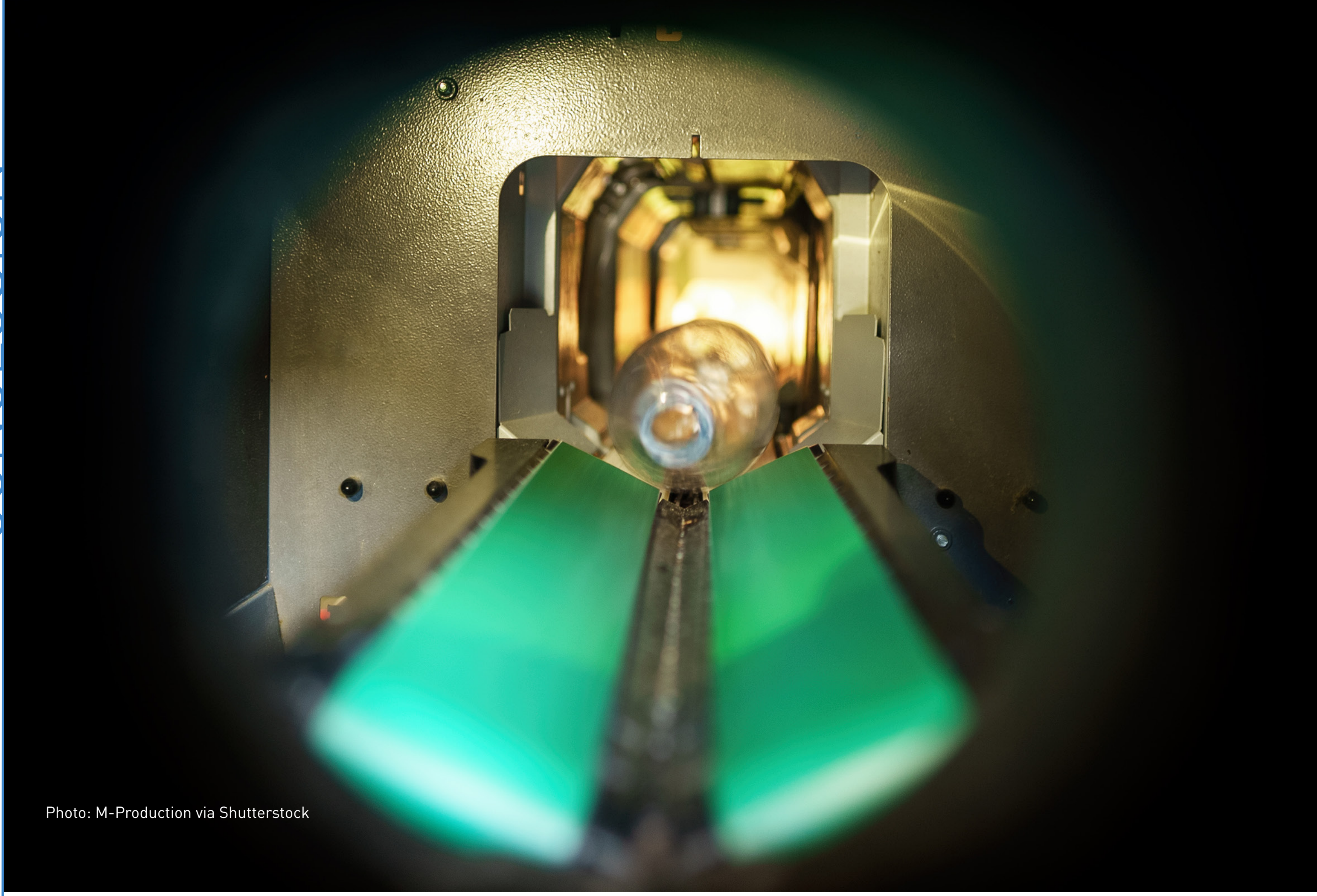

Photo: M-Production via Shutterstock

The evidence is clear: Bottle Bills work. Yet, history has shown that the beverage industry doesn't care. For decades, relentless pressure from the beverage industry has stalled attempts to pass Bottle Bills. These companies are not interested in meaningful solutions that require them to take responsibility for the

Although public pressure may have finally gotten the industry closer to supporting Bottle Bills, we should be skeptical about the sincerity of this support. After all, these same companies founded Keep America Beautiful to blame the consumer for littering in the 1970s, lobbied against a national Bottle Bill in the 1980s, promoted single-stream recycling as the silver bullet in the 1990s, promoted "plant-based plastics" in the 2000s, and continue to fund astroturf organizations today – all while feigning commitment to progress by rolling out meaningless voluntary goals along the way.

Their decades-long endeavor to keep our failing recycling systems in place and prevent solutions from materializing is well documented. But now, the jig is up.

We know exactly how their playbook operates. Big Beverage should either embrace the single-most effective recycling policy ever created, or get out of the way.

Either way, the future is a modern Bottle Bill with refillable containers, and we need to move towards that future, with or without Big Beverage.

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