

**Oregon's Bottle Bill:  
A Battle between Conservation and Convenience**

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**Introduction**

In 1971, the Oregon legislature, reflecting the state's growing environmental consciousness, passed the Minimum Deposit Act, more commonly known as the "Bottle Bill." The bill sought to combat litter by eliminating the non-returnable beverage container. It also implemented a deposit on other types of containers. Controversy engulfed the act from its creation. The bottling industry, fearing reduced sales and increased production costs, mobilized against the bill. Labor organizations also opposed it, fearing that jobs in container manufacturing would be lost. Supermarkets worried it would cause overcrowding in their facilities. They argued that they would not be able to maintain an organized and sanitary environment within their stores. Yet, despite all this opposition, the bill was passed because of overwhelming public support. Was the legislature right to pass the bill? In other words, did the bill's benefits outweigh its costs? Despite arguments to the contrary, it is evident that the Bottle Bill had a beneficial effect on the state's environment and was, in the words of Governor Tom McCall, "a rip-roaring success."<sup>1</sup>

**Conditions Prior to the Bill's Passage**

Prior to World War II, legislation similar to the Bottle Bill was not needed, because the common practice was to use returnable bottles. They were preferred over non-returnables because they could be easily washed and re-used.<sup>2</sup> However, World War II was a boon to the American metal industry, as myriad products were needed for the war. Following the war, metal manufacturers shifted their focus to domestic products. As a result, non-returnable cans became more prevalent. The increased use of non-

returnable cans and bottles (which were also more common following the war) reflected the United States' metamorphosis into a "throwaway society."<sup>3</sup> In 1970, 82 percent of the nation's beer and soft drinks came in throwaway packaging.<sup>4</sup>

A major catalyst for this change was the national bottling companies. The use of non-returnable bottles and cans represented a significant cost reduction for the national bottlers and non-returnables allowed them to compete more readily against local bottlers. Using non-returnable bottles and cans meant that the national bottlers did not have to pay to ship used containers back to their facilities to be washed and refilled, which allowed them to compete more effectively in local markets because their production costs were reduced. The national bottlers' ability to compete more easily in local markets adversely affected local bottlers. The number of beer and soft drink manufacturers decreased as throwaways became more common.<sup>5</sup> With the support of big business, the throwaway beverage container entrenched itself in American culture.

The effects of this entrenchment were painfully obvious on Oregon's roadways and public areas. Roads were inundated with litter, a large part of which was composed of beverage containers. A study prior to the Bottle Bill's enactment indicated that approximately 62 percent of litter collected from Oregon's roads was beverage-related.<sup>6</sup> Another study found that between October 1971 and February 1972 an average of 32 pieces of litter per mile that, under the rules enacted by the Bottle Bill would have been returnable, were picked up each month from the state's roadways.<sup>7</sup> The cost of collecting this amount of litter was significant. In 1971, Marion County reported that it spent \$20,000 annually on litter collection and, even so, it was not enough to collect all the litter. The county estimated that the amount would have to be increased to approximately

\$100,000 to do the entire job.<sup>8</sup> This estimate is rather significant because Marion County was (and is) a relatively rural county. It would be safe to assume that a metropolitan county like Portland's Multnomah County would face a significantly higher litter problem and, therefore, significantly higher collection costs. It is quite obvious from these statistics that bottle-related litter was a challenge that had to be dealt with.

The first attempt to legislate against bottle-related litter in Oregon came in 1969. The primary advocate of the legislation was not a politician but an ordinary citizen by the name of Richard Chambers. Chambers, who had a cabin in the small coastal town of Pacific City, was a lover of nature and a frequent user of many of the state's trails. However, he encountered an overwhelming amount of litter on his treks and he commonly returned with several bags of refuse that he personally collected.<sup>9</sup> One day in the summer of 1968, he returned from an early morning hike with an idea. He called his state representative, Paul Hanneman, to discuss a ban on non-returnable bottles that had been developed in British Columbia: "Don't you see? Most of this garbage is bottles and cans. All we have to do is put a deposit on those bottles and cans and people will bring them back to the stores."<sup>10</sup> Hanneman agreed to take the idea to the legislature and it became House Bill 1157. Support for the bill was less than resounding, however, as only two representatives signed on as sponsors. In addition, he faced solid opposition to the bill from the bottling industry. The bill's future was uncertain. Hanneman then realized that he might have had a powerful ally in Governor Tom McCall because of McCall's long tradition of supporting progressive environmental programs.<sup>11</sup>

Hanneman was correct at first. McCall initially supported the bill. However, the Governor's support was short-lived. As the bill made its way through the legislature in

1969, McCall wrote a letter saying that 1969 was not the right time for the bill and that the legislators should hold off, letting their opponents think they were not going to act. The letter effectively killed the bill and it was sent to committee, where it would not emerge.<sup>12</sup> The Bottle Bill was not going to happen in Oregon, at least not in 1969. McCall killed the bill because it was not his idea. He also resented Hanneman because Hanneman voted against McCall's Beach Bill.<sup>13</sup> Two years later, McCall presented the bill as his own and the outcome would be different.

### **The 1971 Bottle Bill**

In 1971, the idea of eliminating non-returnable beverage containers and implementing a deposit on all returnable containers surfaced again, this time with the unconditional support of Governor McCall. His outspoken support and leadership on the bill were enough to guide it successfully through the legislature. Support was much easier to come by for the 1971 bill, as it was sponsored by Representatives Hanneman, Johnson, MacPherson, Meeker, and Ingalls; and Senators McKay and Groener.<sup>14</sup> The increased support could be attributed to Governor McCall's sponsorship. McCall was a very popular public figure in the state, rivaled only by Senator Mark Hatfield, and the legislators may have sponsored the bill to create a connection with the Governor. It easily passed through both the House and the Senate, receiving 54 of 60 House votes and 22 of 30 Senate votes.<sup>15</sup> It was signed by Governor McCall on July 2, 1971.

The program the bill implemented had several different parts. It first sought to define which beverages the new legislation would be applied to: "Beverage means beer or other malt beverages and mineral waters, soda water and similar carbonated soft drinks in liquid form and intended for human consumption."<sup>16</sup> This definition was utilized to

ensure that milk and juice were not included in the new deposit system, as many legislators expressed concern that citizens would be required to pay more money for beverages that were essential for nutritional purposes. The act applied a five-cent deposit on all beverage containers fitting the above definition. It also included a provision allowing bottlers to use a “certified” container which had no brand-specific markings other than the removable label and could be used by more than one bottler. These containers, which were used principally in the beer industry, would only have a two-cent deposit.<sup>17</sup>

In addition, the bill specified that no distributor or dealer could refuse to accept returned bottles, so long as they were stamped as returnable, addressing the worries of some that consumers would not be able to reclaim the money they paid in deposits when they purchased the beverages.<sup>18</sup> If dealers were to refuse returned containers, the incentive to return the containers rather than throw them away would be eliminated. Without the incentive the deposits provided, the bill would be ineffective.

The third major component of the Bottle Bill program concerned the aluminum cans that became prevalent after World War II. Section Five, Subsection Three mandated that “No person shall sell...in this state any metal beverage container so designed and constructed that a part of the container is detachable in opening the container without the aid of a can opener.”<sup>19</sup> This clause sought to eliminate the littering of removable pull-tabs, thus banning the majority of aluminum cans being used at the time, as the modern style of soft drink can was not yet in widespread use. Obviously, members of the aluminum industry took issue with this provision, as it effectively prevented them from doing business in the state.

The final provision of the bill authorized the creation of independent redemption centers, where consumers could return their empty containers. However, these centers never became prevalent, as it proved to be more convenient for the public to return empty beverage containers to grocery stores.<sup>20</sup> All of these regulations were to commence on October 1, 1972, the 15 month delay being allowed so that the bottling industry could comply.<sup>21</sup>

### **The Supporters**

Although the Bottle Bill passed through the legislature rather easily, it was the subject of intense debate. People of many different backgrounds spoke out on the bill. This diversity was especially true of the bill's supporters. For the most part, those in favor of the bill were average citizens with little in common, apart from their recognition that changes were needed to preserve the state's environment.

Their recognition of the problem was shown in a 1970 survey conducted by Pacific Northwest Bell. One of the questions asked was: "Some people are talking about 'visual pollution.' How much is there in your area and where is it coming from?"<sup>22</sup> The survey group overwhelmingly identified beverage containers as the biggest problem along roadways and public trails. Sixty-five percent of the respondents felt that bottles were the biggest source of "visual pollution."<sup>23</sup> Moreover, when presented with several different ideas to combat the problem, 63 percent indicated that they would be in favor of a deposit program similar to that eventually implemented by the Bottle Bill.<sup>24</sup> This survey came one year before the Bottle Bill was passed and it showed lawmakers that if they took action they would encounter positive public support.

The city of Klamath Falls, representing the collective opinion of its citizens, voiced its support for the Bottle Bill. Klamath Falls adopted a resolution in support of Governor McCall's "campaign against non-returnable containers."<sup>25</sup> To justify its support, the city stated that "Oregon's aesthetic environment is one of its most important and cherished assets and...Oregon's aesthetic environment has become polluted by discarded cans and non-returnable bottles."<sup>26</sup> The city's support was based on its belief that a deposit system would drastically cut the amount of litter found in the state's public areas. Klamath Falls' position was that litter reduction was imperative in maintaining the state's high quality of living.

This viewpoint was shared by many, including Larry Williams, the Executive Director of the Oregon Environmental Council. In his mind, the only way to eliminate litter was to put "a price on [the bottles'] collective heads."<sup>27</sup> His reasoning was based on a series of statistics that his organization had compiled. According to Williams, 126 million cans and 188 million bottles of beer were sold in Oregon in 1969. Fifty percent of these containers were non-returnable, which meant that approximately 157 million beer containers became solid waste.<sup>28</sup> Williams emphasized that these numbers only included beer containers and that the solid waste problem was even more serious when soft drink containers were included. He rejected the common argument of Bottle Bill opponents that education and anti-litter campaigns would be more effective than a deposit program.<sup>29</sup> To him, the Bottle Bill was the best way to sustain Oregon's livability.

Another group that supported the bill was Citizens Against Litter, an organization of citizens led by Oregon Attorney General Lee Johnson. Johnson, who indicated in his testimony to the Senate Consumer Affairs Committee that he was testifying not as



Attorney General but as a private citizen, pledged support for the bill. His support was based on the fact that the bill “create[d] an economic motivation on the part of the consumer to return used containers.”<sup>30</sup> Citizens Against Litter did not support the bill as unconditionally as the Oregon Environmental Council, as they acknowledged that the bill would not fix all of the state’s litter problems because many other sources of litter remained unregulated. Nevertheless, the group urged that the bill be passed.

Students also supported the Bottle Bill’s passage. Ron Keleman, an Associated Students of Lewis and Clark University (ASLC) senator and chairman of the Lewis and Clark Environmental Activists Coalition, wrote in favor of the bill. He described what the students of Lewis and Clark had been doing to show their support. On January 11, 1971 the ASLC voted unanimously to mandate that only returnable bottles be sold on their campus.<sup>31</sup> This policy reflected the views of the college’s student body. A survey of dormitory residents showed that 85 percent of students supported using only returnable bottles and that 80 percent were willing to pay a higher price for beverages if it meant that the container was returnable.<sup>32</sup>

Many government officials shared the stance of students and other private citizens. Leaders of Marion County were especially vocal on the situation. Pat McCarthy, a Marion County commissioner, wrote to a state representative, announcing his support of the deposit program. His reasons for supporting the bill were similar to the other proponents: he realized that litter was a problem and that a deposit could help reduce litter’s degenerative effect on the environment.<sup>33</sup>

One other Marion County official held an opinion similar to McCarthy’s. This official was John A. Anderson, Director of Marion County Public Works. He detailed

the costs of litter collection in his county, saying that they were quite high and continually increasing.<sup>34</sup> The Bottle Bill combated this problem by providing an incentive not to litter. Anderson pledged his support to help bring about the bill's passage because he thought it would successfully reduce costs in his county.

McCarthy and Anderson, while undoubtedly influencing some citizens, did not have the widespread political clout to get the bill passed on their own. Fortunately for them and the other promoters of the bill, they had a powerful political ally—Republican Governor Tom McCall. Known for his progressive environmentalist policies, McCall was one of the most popular politicians in the state's history. A University of Oregon graduate, he gained significant experience as Executive Assistant to Governor Douglas McKay. Prior to becoming Governor, McCall worked for KGW News in Portland, where he gained attention for his documentary “Pollution in Paradise,” exposing the adverse effects of pollution in the state. He was elected Governor in 1966 and reelected in 1970.<sup>35</sup> At this time he emerged as the leading figure in the fight for the Bottle Bill. In a statement to the legislature on February 2, 1971, McCall contended that “many programs, some of them now underway and successful, will be needed to accomplish the clean up of our state in the continuing battle against litter. An essential catalyst in this is to put a price on the head of every beverage container.”<sup>36</sup>

McCall took this position for a number of reasons. He was a self-proclaimed “pollution fighter,” committed to “mak[ing] a special effort not to litter.”<sup>37</sup> His goal in supporting the Bottle Bill was to “keep our state uniquely Oregon.”<sup>38</sup> To McCall, keeping Oregon unique meant keeping the state's public areas free of litter. It also meant ensuring that the interests of citizens took precedence over the interests of corporations.

He detested the methods that these corporations used to fight the bill, referring to the methods as the “Four-‘D’ s—Distortion, Deceit and Dollars equaling Defeat.”<sup>39</sup> His correspondence show that, in his mind, the corporations’ “distortion” and “deceit” came in the form of their support for anti-litter campaigns and increased collection. According to McCall, “Hiring more people to pick up litter...is not really getting to the root of the problem. We must provide [an] incentive for the average citizen to hang on to his containers and turn them in. People *should* do this because they want to keep their state clean, but unfortunately many require a more tangible incentive.”<sup>40</sup> McCall also realized the larger implications of the bill’s passage: “[The Bottle Bill] can also be a most visible move to start us generally along a path of managing materials for continued use instead of our curious idea of ‘throw it away and get a new one’.”<sup>41</sup> This statement was quite prescient, as the bill indeed was one of the opening salvos in the battle to eradicate the culture of wastefulness.

### **The Opposition**

Governor McCall’s support was essential to the bill’s passage because the bill faced significant opposition from many different groups. The bottling industry, which played a major role in the defeat of the 1969 bill, was joined in 1971 by labor unions concerned over job losses. In addition to these two groups, some citizens and small businesses opposed the bill, desiring to continue using disposable containers.

A pamphlet sent to Governor McCall by Anheuser Busch illustrates the argument of many bottlers. The company asserted that the number of returnable bottles sold each year had steadily decreased because consumers did not want to return bottles. According to their data, the number of trips a returnable bottle made had been reduced from a high

of 50 to only 20 trips in 1970.<sup>42</sup> However, a major problem with this argument is that the number of returnable bottles on the market had steadily decreased over the years. The number of returnable bottles being purchased decreased because their availability decreased. The company also asserted that, even if every bottle was returned and reused as many times as possible, the amount of solid waste would only be reduced slightly because worn out bottles would still have to be thrown away.<sup>43</sup> This argument was myopic, as it is quite obvious that each time a bottle was reused the result was one less bottle being manufactured and thrown away. Arguments like the one put forth by Anheuser Busch were poorly thought out.

Fortunately for the opposition, some of their arguments were more reasonable. One was presented by Gene R. Lindholm, Vice President of the Glass Blowers Association. According to Lindholm, one of the reasons that the Bottle Bill was being passed was that people were under the impression that recycling programs were not working.<sup>44</sup> He offered evidence to the contrary. At the Portland plant of the Owens-Illinois Glass Company, 2,500,000 pounds of glass were reclaimed from July 1970 to March 1971.<sup>45</sup> All of this glass was recycled and made into new beverage containers. In Lindholm's view, implementation of the Bottle Bill was unnecessary because recycling programs were effective. Moreover, the bill would cause unnecessary job losses. Recycling programs, not deposit programs, were the answer.

Lindholm's argument was reiterated by the Glass Blowers Association's President, Gordon J. Bronk. He too noted that recycling was a better solution than returnable bottles because crushed glass could be returned to nature in nearly the same form from which it came.<sup>46</sup> He also emphasized a potentially negative economic impact

the Bottle Bill might have: “Should non-returnable glass bottles be taxed out of existence or knocked out because of forced deposits, our membership clearly would suffer economically. So would the communities in which they live and work and so would many thousands of other workers in the beverage industry.”<sup>47</sup> Such arguments made people question whether or not the Bottle Bill would do more harm than good. Everyone agreed that the environment was important, but a large number asserted that jobs were more important.

Kenneth H. Lemke, manager of the Portland Owens-Illinois plant would have agreed with this assessment. He believed that the bill would be ineffective because it did not limit any other type of litter: “We are convinced that a deposit will not deter the potential litterer from throwing the container or a gum wrapper or a newspaper or any other potential piece of litter out the car window.”<sup>48</sup> In his opinion, the Bottle Bill would not effectively reduce litter—only education and enforcement of litter policies would solve the problems. It was obvious to him that the public did not want to use returnables because non-returnables outsold returnables by a ratio of 11 to one in 1970.<sup>49</sup> While this argument has already been shown to be flawed, his point about other types of litter was a valid criticism of the bill. However, the bill never claimed to fix all solid waste problems. It only tried to deal with the biggest problem—beverage-related litter.

Aluminum can manufacturers were just as vocal as their counterparts in glass bottle manufacturing. Several different groups in the aluminum can industry made their opinions known. One was Darrell Beerbower, the leader of a chapter of the United Steelworkers of America. In a telegram sent to a member of the Oregon House of Representatives, Beerbower wrote: “On behalf of our members and family, [I] request

you vote against HB 1036. Too much unemployment in our membership already.”<sup>50</sup> In this message he was expressing concern over the job losses he believed would occur if the Bottle Bill were implemented. As previously indicated, many people supported environmental conservation but few would put conservation before jobs. For this reason, Beerbower’s argument was shared by many in the opposition.

Another member of the aluminum can industry was Elgin D. Sallee, the corporate director of environmental control for the American Can Company. He questioned whether banning non-returnables would reduce waste. His assertion was that it would not. According to Sallee, in 1970 beer cans comprised 0.3 percent of solid waste; soft drink cans comprised 0.2 percent; and non-returnable bottles comprised 0.8 percent, for a total of 1.3 percent.<sup>51</sup> Since 360 million tons of solid waste was collected in 1970, the elimination of throwaway containers would have a negligible effect on the overall waste problem. In addition, he predicted that problems would arise concerning collection and separation of bottles, because supermarkets would be unable to handle the collection responsibilities.<sup>52</sup>

This belief was also held by many in the grocery industry. Lou Norris, director of the Oregon Retail Council, illustrated his concern that the Bottle Bill would cause supermarkets problems. He presented a hypothetical situation: “Suppose the Boy Scouts are going door-to-door asking for bottles rather than money and they end up with 5,000 containers. Does a food retailer have to buy them?”<sup>53</sup> Norris worried that the Bottle Bill would inflict financial hardship on retailers because some would be forced to pay out much more money in deposits than they received. This scenario would undoubtedly result in some supermarket failures. He also questioned whether the bill would be

effective. He pointed out that many different products came in non-returnable aluminum cans; fruits and vegetables came in throwaway containers. Norris wondered “why it is any more wrong to put a malt beverage or soft drink in a non-reusable container than it is a green bean.”<sup>54</sup> This argument fails to consider that the primary purpose of the Bottle Bill was to reduce litter in public areas, principally litter thrown out of vehicles. It is common for a person to drink a beverage and throw the container out a car window. It seems less likely that a person will consume a can of vegetables and throw the container out a car window. The argument nonetheless presented a reasonable criticism of the bill because the bill did not address other types of litter.

Another valid objection to the bill was presented by Ed Poyfair of Safeway Stores. He did not see an issue with the deposit system. However, he did see problems with the collection of the returned containers. He asserted that stores would not have enough space to store all the returned containers. Moreover, returned containers would cause sanitation issues because of left over liquids and other debris in the containers.<sup>55</sup> Several other small retailers agreed with Poyfair that litter was a problem that needed to be addressed. Yet, they felt that forcing supermarkets to assume significant burdens was not the answer.

Beer and soft drink companies also understood the litter problem but they too thought that the Bottle Bill was not the answer. William Moore of the Oregon Soft Drink Association maintained that beer and soft drink litter was the “tip of the iceberg.”<sup>56</sup> Beverage-related litter made up a relatively small amount of litter as a whole, he argued. Moreover, the Bottle Bill unfairly targeted these two groups but did nothing to regulate other beverages like Gatorade and Kool-Aid. According to him, these beverage

containers were thrown away just as frequently as beer and soft drink containers.<sup>57</sup> Why should these beverages not face similar restrictions? To single out certain types of beverages but not others was unfair in Moore's view.

Other bottlers were more concerned with increased costs than unfair restrictions. Both local bottlers of Coca-Cola and Pepsi, as well as Oregon's only brewery, Blitz-Weinhard, indicated that one of their main concerns was the increased cost of bottling their products. William W. Wessinger, Chairman of Blitz-Weinhard, estimated that it would cost his company \$2.5 million to set up new production lines.<sup>58</sup> The three bottlers emphasized that any increased production costs would have to be passed onto the consumer. While they would comply with the new program, they would likely have to charge more for their products to do so.

While most of the opposition to the Bottle Bill came from groups like those illustrated previously, some individual citizens expressed their dissatisfaction. For example, Mrs. Fred R. Stinnett of Sherwood sent Governor McCall her "Ode to Bill 1036:"

Before you approve and pass 1036  
 Consider the problems it cannot fix.  
 To tax the bottle to ban the can  
 Will not stop bad habits of your fellowman.  
 Our country prospered on the disposable item  
 And so did our firms, so now we should fight them?  
 It would ruin economy and raise the costs  
 Not to mention the hundreds of jobs to be lost.  
 I have a right to worry, a right for concern  
 So enforce the laws to make people learn.  
 Now let it be known that we're not content  
 To settle this bill by tax dollar and cent.  
 From this you can guess there's one way to go  
 By making your vote a resounding N O.<sup>59</sup>



Besides illustrating the major arguments that were made against the Bottle Bill, the poem demonstrates how important the bill was to some people. Citizens would not spend time to write something like that poem and then send it to a public official if they were not passionately committed to their viewpoint.

### **The Legal Challenge**

Despite all of the arguments against it, the Bottle Bill was enacted. However, the opposition's efforts did not end with its passage. Some of the opponents were convinced that the bill was unconstitutional and so they challenged it in the courts. The opinion in *American Can Company v. Oregon Liquor Control Commission* was handed down by the Oregon Circuit Court on September 1, 1972. The plaintiffs, a group comprised of bottlers and can manufacturers, listed a series of reasons why they felt the bill was unconstitutional. They claimed that it created an "undue burden on interstate commerce," that it violated the equal protection provisions of the U.S. Constitution, that it violated the "privileges and immunities" clause of the U.S. Constitution, and that it violated the due process provisions of both the U.S. and Oregon Constitutions.<sup>60</sup>

After considering these claims, the court determined that they were not sufficient to overturn the law. In the court's opinion, the Bottle Bill was an appropriate use of the legislature's police powers. What this meant was that the legislature had the right to regulate the way beverages were packaged because regulation was in the best interest of the general public.<sup>61</sup> In conclusion, Judge Val D. Sloper wrote:

This bold and forceful action taken by the Fifty-Sixth Legislative Assembly in 1971 reflects and is, I believe, a major response to the concern that the citizens in Oregon feel and have demonstrated concerning their environment and its pollution and the problems presented by roadside litter and disposal of solid waste and the Court would be ill-advised to interfere in any manner in this timely and necessary endeavor.<sup>62</sup>

The bottling industry disagreed with this ruling and appealed the decision to the Oregon Court of Appeals. However, this court affirmed the lower court's ruling. Faced with the choice of either applying for a writ of certiorari to the U.S. Supreme Court or dropping the case, the petitioners decided to end their challenge, realizing that they would simply have to accept the fact that the Bottle Bill was a part of Oregon law.<sup>63</sup>

## **Results**

The Bottle Bill's constitutionality was affirmed by the courts because its purpose did not violate the U.S. or Oregon Constitutions. It did not take into consideration whether or not the bill worked because court rulings are based on precedent. If the courts could have based their opinions on the bill's effectiveness then it still would have been affirmed, because it proved to be exceedingly successful. The same Highway Department Survey that found 32 pieces of returnable litter per mile from October 1971 to February 1972 found only 12 pieces of returnable litter per mile from November 1972 to February 1973. That was a 62.5 percent decrease.<sup>64</sup> Two years later, litter had decreased by 83 percent.<sup>65</sup> It is clear that beverage-related litter had been curtailed. Its curtailment is best illustrated by the fact that, in 1974, 95 percent of all beer bottles and 96 percent of all soft drink bottles were returned.<sup>66</sup>

Only bottles were included in the previous statistic because cans were virtually eliminated in the state. A study found that in December 1972, two months after enforcement began, 99.5 percent of beverages affected by the Bottle Bill came in refillable containers, while only 0.5 percent came in cans.<sup>67</sup> Aluminum cans would make a comeback later, as cans without detachable parts became more common, but their use decreased dramatically in the months immediately following the bill's enactment.

These results got the attention of citizens of other states and countries. In the months following the bill's passage, Governor McCall received information requests from nearly every state and several foreign countries. Each letter applauded the state for its progressive actions. The state also received a significant amount of positive national press. A 1974 *New York Times* article discussing throwaways praised the Oregon program: "The State of Oregon has a successful mandatory deposit law that has effectively eliminated throwaway containers for carbonated beverages. Studies indicate that Oregon's deposit law has caused an increase in sales and employment, a saving of energy and resources, and a dramatic decrease in the amount of roadside litter."<sup>68</sup>

Statements like this one were quite common in the nation's newspapers in the months and years following the bill's passage. It seemed as if the Bottle Bill was going to spread across the country. Oregon Senator Mark Hatfield even introduced a national Bottle Bill, but it was never enacted.<sup>69</sup> By the summer of 1973, less than a year after the bill went into effect, 28 states had considered bills similar to the Oregon version. However, the bottling industry's opposition was more effective in these states, as it killed every single one of them.<sup>70</sup> By March 1974 only Vermont had joined Oregon in passing a bottle bill.<sup>71</sup> Despite evidence that it significantly reduced litter, other states did not feel that a deposit program was right for them.

Other states may not have adopted the Bottle Bill because they feared it would cost them jobs. Threats of job loss were commonly used to oppose the bill. The argument could best be described as a myth—a distortion of the facts—that industry used to hinder the bill's passage. A 1977 study showed that, in industries affected by the Bottle Bill, production labor jobs decreased by 350. However, truck driving positions

increased by 140 and warehouse positions increased by 575. Taking all of these jobs into consideration, 365 new jobs were created as a result of the Bottle Bill.<sup>72</sup> None of this information made it to the other states when they were considering their own versions of the bill, as the study was not completed until 1977. Had the job statistics been available to refute the bottling industry's arguments, more states might conceivably have implemented deposit programs in the months immediately following the creation of Oregon's program.

Other states might have been concerned about potential price increases as well. Price increases did occur in Oregon. However, beverage prices increased in Washington and California as well. These price increases were caused by inflation and increased sugar prices, and it is reasonable to infer that Oregon's higher prices were caused by the same influences.<sup>73</sup> The Bottle Bill did not cause any price increases other than the refundable five-cent deposit—the shifting American economy did.

Nor did the Bottle Bill adversely affect beverage sales rates. An Oregon Liquor Control Commission study found that beer sales increased 5.12 percent in the year after the bill's passage, from 1,429,446 barrels sold between October 1971 and September 1972 to 1,502,584 barrels sold between October 1972 and September 1973.<sup>74</sup> Statistics indicate that beer sales rates in Oregon and Washington remained nearly the same between 1970 and 1974. Beer sales rates increased 19.69 percent in Oregon, while Washington's sales rates increased 19.25 percent.<sup>75</sup> It was incorrect for bottlers to assert that their sales were harmed.

## **Conclusion**

Considering the statistical information provided above, it is apparent that the Bottle Bill was, in the words of Governor McCall, “one of the most significant legislative acts of any state legislature in the nation to turn us away from use and waste to a positive program of reuse and save.”<sup>76</sup> Even though the bill did not catch on nationally, it was one of the first steps away from a throwaway society. Around the same time as the Bottle Bill’s passage, the federal government enacted several pieces of legislation reflecting this movement toward environmentalism. In 1970, the National Environmental Policy Act and the Clean Air Act were passed, and the Environmental Protection Agency was created.<sup>77</sup> Membership in environmental organizations also increased during this period, from a national membership of 500,000 in 1970 to 2.5 million in 1985.<sup>78</sup> America was gradually becoming more environmentally conscious and Oregon was a leader in this movement.

Also worth noting is the bill’s symbolic significance. The bill’s passage and success showed that the best interest of the public could overpower the interests of big business. Corporate America vehemently opposed the bill, yet it was passed because the public demanded its passage. The extent of public support was shown in a survey conducted by the Applied Decision Systems organization. In measuring people’s awareness of the Bottle Bill, it was found that 46 percent of respondents indicated that they “Care A Lot” about the bill. Another 34 percent noted that they “Care Mildly” about the bill and 17 percent noted that they had spoken with other people about the bill. Two percent of the group indicated that they wrote letters to public officials concerning the bill.<sup>79</sup> The survey did not distinguish whether people supported or opposed the bill. However, widespread participation in the deposit program was an indicator that most

people supported the bill. Had they not supported it, the general public could have easily sacrificed the five-cent refund and continued to throw containers away. Corporate America would have liked for people to continue throwing away containers because such noncompliance could have been used to get the bill repealed.

Within the state, many people questioned whether the bill should have been enacted. Understandably, those in the glass and aluminum industry who lost their jobs because of the bill would argue that it was terrible. To them, making a living was far more important than improving the environment. Their argument was rational. However, litter was a significant problem in this state and something had to be done. The Bottle Bill succeeded in solving the problem. Immediately following the bill's passage, litter in Oregon's public areas dropped off considerably. Beverage prices did not increase because of the bill and beverage sales did not decrease. It resulted in an increased number of jobs, contrary to the arguments of big business. Simply put, the deposit system worked and continues to be quite effective throughout the state. All Oregonians are indebted to Governor McCall, Richard Chambers, and all the other political actors who fought for what they knew was right for Oregon—environmental quality through litter prevention.

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## Notes

<sup>1</sup> Don Waggoner, *Oregon's Bottle Bill: Two Years Later* (Portland: Columbia Group, 1974), viii.

<sup>2</sup> Brent Walth, *Fire at Eden's Gate* (Portland: Oregon Historical Society Press, 1994), 257.

<sup>3</sup> Ted Steinberg, *Down to Earth: Nature's Role in American History* (New York: Oxford UP, 2002), 229.

<sup>4</sup> Richard Chambers, "Memo to Legislators," March 3, 1971, 56<sup>th</sup> Congress, Oregon House Bill 1036 Exhibit File, Oregon State Archives, Salem, 1.

<sup>5</sup> Walth, *Fire at*, 258.

<sup>6</sup> Eileen Claussen, *Oregon's Bottle Bill: The First Six Months* (Washington D.C.: Environmental Protection Agency, 1973), 4.

<sup>7</sup> Claussen, *Oregon's*, 6.

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- <sup>8</sup> John A. Anderson, "Littering in Marion County," March 3, 1971, 56<sup>th</sup> Congress, Oregon House Bill 1036 Exhibit File, Oregon State Archives, Salem, 1.
- <sup>9</sup> Walth, *Fire at*, 256.
- <sup>10</sup> Walth, *Fire at*, 257.
- <sup>11</sup> Walth, *Fire at*, 262.
- <sup>12</sup> Walth, *Fire at*, 262.
- <sup>13</sup> Walth, *Fire at*, 262.
- <sup>14</sup> Oregon House, 56<sup>th</sup> Congress, HB 1036, 1971.
- <sup>15</sup> "Beverage Deposit Passed in Oregon," *New York Times*, June 6, 1971, 57, consulted on microfilm.
- <sup>16</sup> Waggoner, *Oregon's Bottle*, Appendix A-1.
- <sup>17</sup> Waggoner, *Oregon's Bottle*, Appendix A-2.
- <sup>18</sup> Waggoner, *Oregon's Bottle*, Appendix A-2.
- <sup>19</sup> Waggoner, *Oregon's Bottle*, Appendix A-2.
- <sup>20</sup> Waggoner, *Oregon's Bottle*, Appendix A-3.
- <sup>21</sup> Waggoner, *Oregon's Bottle*, Appendix A-5.
- <sup>22</sup> Pacific Northwest Bell, "Some people are talking about visual pollution," 1970, box 10, "Governor Tom McCall Papers," Oregon State Archives, Salem, 1.
- <sup>23</sup> Pacific Northwest Bell, "Some people," 1.
- <sup>24</sup> Pacific Northwest Bell, "Some people," 1.
- <sup>25</sup> Lawrence C. Casey to Governor Tom McCall, March 3, 1970, box 16, "Governor Tom McCall Papers," Oregon State Archives, Salem.
- <sup>26</sup> *Ibid.*
- <sup>27</sup> Larry Williams, Testimony on Bottle Bill, March 11, 1971, 56<sup>th</sup> Congress, Oregon House Bill 1036 Exhibit File, Oregon State Archives, Salem, 1.
- <sup>28</sup> Williams, Testimony, 1.
- <sup>29</sup> Williams, Testimony, 1.
- <sup>30</sup> Lee Johnson, Testimony on Bottle Bill, March 1, 1971, 56<sup>th</sup> Congress, Oregon House Bill 1036 Exhibit File, Oregon State Archives, Salem, 1.
- <sup>31</sup> Ron Keleman, Testimony on Bottle Bill, April, 1971, 56<sup>th</sup> Congress, Oregon House Bill 1036 Exhibit File, Oregon State Archives, Salem, 1.
- <sup>32</sup> Keleman, Testimony, 1.
- <sup>33</sup> Pat McCarthy to Representative Martin, March 10, 1971, box 19, "Governor Tom McCall Papers," Oregon State Archives, Salem.
- <sup>34</sup> Anderson, "Littering," 1.
- <sup>35</sup> Wallace Turner, "An Outspoken Governor," *New York Times*, July 13, 1971, 14, consulted on microfilm.
- <sup>36</sup> Governor Tom McCall, Speech to Senate Consumer Affairs Committee, March 1, 1971.
- <sup>37</sup> Governor Tom McCall to Robyn Deboard, December 12, 1970, box 9, "Governor Tom McCall Papers," Oregon State Archives, Salem.
- <sup>38</sup> Governor Tom McCall to F.W. Considine, April 30, 1971, box 2, "Governor Tom McCall Papers," Oregon State Archives, Salem.
- <sup>39</sup> Tom McCall and Steve Neal, *Tom McCall: Maverick* (Portland: Binford and Mort, 1977), 207.
- <sup>40</sup> Governor Tom McCall to S.R. Davis, Jr., April 28, 1971, box 2, "Governor Tom McCall Papers," Oregon State Archives, Salem.
- <sup>41</sup> Governor Tom McCall to Elmer F. Frazier, February 17, 1970, box 16, "Governor Tom McCall Papers," Oregon State Archives, Salem.
- <sup>42</sup> Anheuser Busch, "Are Returnable Bottles the Answer?," 1970, box 16, "Governor Tom McCall Papers," 1.
- <sup>43</sup> Anheuser Busch, "Are Returnable," 1.
- <sup>44</sup> Gene R. Lindholm, Testimony on Bottle Bill, March 9, 1971, 56<sup>th</sup> Congress, Oregon House Bill 1036 Exhibit File, Oregon State Archives, Salem, 2.
- <sup>45</sup> Lindholm, Testimony, 2.
- <sup>46</sup> Gordon J. Bronk, "A Position for Progress," 1971, 56<sup>th</sup> Congress, Oregon House Bill 1036 Exhibit File, Oregon State Archives, Salem, 5.
- <sup>47</sup> Bronk "A Position", 6.

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- <sup>48</sup> Kenneth H. Lemke, Statement on Bottle Bill, 56<sup>th</sup> Congress, Oregon House Bill 1036 Exhibit File, Oregon State Archives, Salem, 2.
- <sup>49</sup> Lemke, Statement, 2.
- <sup>50</sup> Darrell Beerbower, Telegram to Representative G. Cole, April 3, 1971, 56<sup>th</sup> Congress, Oregon House Bill 1036 Exhibit File, Oregon State Archives, Salem, 1.
- <sup>51</sup> Elgin D. Sallee, Statement on Bottle Bill, September 29, 1970, 56<sup>th</sup> Congress, Oregon House Bill 1036 Exhibit File, Oregon State Archives, Salem, 1.
- <sup>52</sup> Sallee, Statement, 5.
- <sup>53</sup> Lou Norris, Statement on Bottle Bill, March 10, 1971, 56<sup>th</sup> Congress, Oregon House Bill 1036 Exhibit File, Oregon State Archives, Salem, 5.
- <sup>54</sup> Norris, Statement, 2.
- <sup>55</sup> Ed Poyfair, Testimony on Bottle Bill, April 28, 1971, 56<sup>th</sup> Congress, Oregon House Bill 1036 Exhibit File, Oregon State Archives, Salem, 3.
- <sup>56</sup> William Moore, Statement on Bottle Bill, 1971, 56<sup>th</sup> Congress, Oregon House Bill 1036 Exhibit File, Oregon State Archives, Salem, 1.
- <sup>57</sup> Moore, Statement, 1.
- <sup>58</sup> William Wessinger, Testimony on Bottle Bill, April 28, 1971, 56<sup>th</sup> Congress, Oregon House Bill 1036 Exhibit File, Oregon State Archives, Salem, 5.
- <sup>59</sup> Mrs. Fred R. Stinnett, "Ode to Bill 1036," 1971, 1.
- <sup>60</sup> Val D. Sloper, Holding in *American Can Company v. Oregon Liquor Control Commission*, (Oregon Circuit Court, 1972), 1.
- <sup>61</sup> Sloper, Holding, 1.
- <sup>62</sup> Sloper, Holding, 13.
- <sup>63</sup> Waggoner, *Oregon's Bottle*, vii.
- <sup>64</sup> Claussen, *Oregon's*, 6.
- <sup>65</sup> Waggoner, *Oregon's Bottle*, 7.
- <sup>66</sup> Waggoner, *Oregon's Bottle*, ix.
- <sup>67</sup> Claussen, *Oregon's*, 8.
- <sup>68</sup> Priscilla W. Laws, "The Energy Crisis: Oil's Role, and the Great Container Throwaway," *New York Times*, February 25, 1974, 27, consulted on microfilm.
- <sup>69</sup> Laws, "The Energy Crisis," 27.
- <sup>70</sup> David Bird, "U.S. Aide Opposes Restrictions on Nonreturnable Containers," *New York Times*, October 28, 1971, 29, consulted on microfilm.
- <sup>71</sup> John F. McGoldrick, "Save the One-Way Bottle," *New York Times*, March 11, 1974, 28, consulted on microfilm .
- <sup>72</sup> "Oregon's Bottle Bill—The 1977 Report" (Oregon: Department of Environmental Quality, 1977), 6.
- <sup>73</sup> "Oregon's Bottle," 1.
- <sup>74</sup> Kenneth T. Underdahl, "Wholesale Beer Sales Up 5% Despite Bottle Bill," November 2, 1973, 1.
- <sup>75</sup> Waggoner, *Oregon's Bottle*, 29.
- <sup>76</sup> McCall and Neal, *Tom McCall*, 205.
- <sup>77</sup> Steinberg, *Down to*, 251.
- <sup>78</sup> Steinberg, *Down to*, 253.
- <sup>79</sup> Applied Decision Systems, "Study of the Effectiveness and Impact of the Oregon Minimum Deposit Law," 1974, III-28.