

# Offbeat Oregon: Stubbornness led to Oregon's 'Bottle Bill'

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For The Sentinel

Longtime Oregonians may remember a time, in the mid-1970s, when the "Welcome to Oregon" signs at the state's southern border were superfluous. One could tell the difference between Oregon and California by the amount of litter on the side of the road.

The difference had mostly vanished by the mid-1980s; by then California litter levels had dropped to match. But during the time it existed, the phenomenon was — according to those old enough to remember it — stark and startling.

Social scientists never studied this, of course. But its

most likely explanation will be found in Richard Thaler and Cass Sunstein's book, "Nudge." In it, Heath points out that when an authority wants to encourage different behavior, it can change the "choice architecture" so that although people still have just as many choices as before, the "right" choice is easier to make, or more obviously better, or fits in with established habits.

Their example is making organ donation an "opt-out" rather than an "opt-in" choice when people apply for drivers' licenses. It's still your choice; but if you don't much care one way or the other, you're a donor rather than a non-donor.

Most likely, Oregonians in 1978 littered less than Californians because they had been

nudged, and Californians had not (yet). The default behavior for the average Oregonian was to stick that empty beer or pop can into the back seat to dispose of it later; the default for the average Californian was to toss it out a window — just as it had been for the average Oregonian before the nudge. And with the habit of hanging onto pop cans came the habit of hanging onto other litter as well, reinforced by the same public-service advertising campaigns that had been largely ineffective before that nudge came.

This nudge had been delivered in 1971, when the Oregon State Legislature overcame the ferocious resistance of the beverage and beverage-container industries and passed the nation's first bottle-deposit law. It was virtually bulldozed into the Legislature by a laconic square-jawed logging-equipment salesman named Richard Chambers; and despite the resistance, its supporters managed to keep it alive long enough to be noticed and adopted by legendary Oregon governor Tom McCall.

No multi-billion-dollar industry stood a chance against those two.

Richard Chambers was a near-perfect example of a classic sort of mid-century Oregon man: independent, stoic, unostentatious, and utterly unimpressed with things like prestige and status. He grew up in Salem, then

dropped out of college after one year to join the Navy.

That didn't last long; one day an officer dressed him down for some silly violation, and Chambers cold-cocked him with one punch. The Navy decided it was better off without him, so he went into the Merchant Marine service.

By the mid-1960s he was back in Salem, working as a salesman for a logging-equipment company and diving into the wilderness with his family — he was married by now, with three kids — every chance he could.

Always he would come back from these hiking and kayaking adventures with bags and bags of garbage that he'd picked up along the trails.

"Litter drove him wild," his daughter, Victoria Berger, told writer Brent Walth. "He'd come back with these bags and wave them and say, 'Why do people have to do this?'"

Then one day, while staying at the family's beach cabin in Pacific City and just back from his customary early-morning walk on Nestucca Spit, Chambers opened a newspaper and learned that activists in British Columbia were pushing a law that would ban non-returnable bottles and cans. He immediately bounded to the telephone and called State Rep. Paul Hanneman, who happened to be a friend of his.

Hanneman promised to introduce a bill in the next Legislative session. That would be 1969.

Chambers didn't wait. He

knew the bill would have plenty of competition for House members' attention — nearly 2,000 were introduced, as it turned out — and he also knew that most legislators' first response to his bill would be to think it trivial. So he got busy coordinating and financing a sort of "Grassroots Campaign of One."

First he educated himself by requesting information from the bottlers and manufacturers who would, he knew, be his main opponents — and who would never talk to him once they learned what he was up to. Once he had all the information he needed, he launched his campaign.

Letters from Rich Chambers, typed on different colored paper with different typewriters and stamped with odd combinations of postage and always hand-addressed, poured forth.

The bill did not survive its baptism of fire. But it came close enough to leave the industrial concerns badly rattled. Indeed, it might have worked out — but when Hanneman reached out at the eleventh hour to McCall to ask for support, McCall responded by squashing it with a letter sent to all parties that simply said he wanted no bottle legislation "in the current session."

Boom: The bill was dead.

But Hanneman did not at first realize why McCall did it. McCall knew that if he threw his support behind the bill now, it might not fly. Its

momentum was all downward; lawmakers would have to weasel out of freshly made promises to constituents and contributors; it was far from a sure thing. And if it died now, it would be very hard to revive.

So with an eye on 1971, McCall coyly threw the project into the freezer and set about convincing the opposition that it was actually dead.

He seems to have been pretty successful at this. When, two years later, it roared back to life with McCall's name emblazoned all over it, it took the opposition very much by surprise. This would be a signature piece of legislation for him, a follow-up to his success with 1967's Beach Bill.

The industries that opposed the bottle bill now made some very significant mistakes — mostly in the form of hiring decisions. The lobbyists and political operatives they hired to represent their interests in Salem seemed to regard the Beaver State as a cultural backwater peopled with ignorant hicks, and behaved accordingly.

"They did the most awful job," Sen. Betty Roberts told Brent Walth. "It was like, 'Here we are from back in the East, and this is little dinky Oregon.' That was their attitude: 'You don't understand this bill. Trust us.'"

Apparently working on the theory that these rubes were too ignorant to know better or too poor to be able to resist the temptation, several lobbyists actually offered to straight-up pay legislators for "no" votes. One called Roberts the night before the vote and promised "plenty of money for Democratic candidates" if the bill died. Roberts, shocked, simply hung up on him.

The same night, Sen. Ted Hallock got a phone call from a lobbyist who actually named a figure: \$5,000 for each "no" vote. Hallock, doubtless both offended by the attempt and insulted by its diminutive size, cussed the caller out and slammed down the phone.

After word of that got around, there could be no doubts about the outcome. And the next day, Oregon became the first state in the country to require a deposit on beverage containers — and to experience the "halo effect" of this little nudge on its citizens' attitude toward litter in general.

As for Richard Chambers, he refused all requests for interviews or other forms of media attention. He just wanted to live in a less-litter-strewn state, and he'd gotten what he wanted, so he was done. People urged him to campaign for bottle bills in other states; Chambers replied that he didn't care what other states did — he'd mind his own business and they could mind theirs.

Several years later, McCall heard he was dying of cancer, and recognized him with the state's new Clean Up Pollution Award. He must have been pleased to receive it; but, stoic to the end, all he would say on the subject was, "I am in no way qualified to receive this award."

He was almost certainly the only person alive to hold that opinion.

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