

ENVIRONMENTAL ROUND TABLE – FUTURE OF RECYCLING AND ACT 101

Hosted by PRC and SBN on June 29, 2017

Opening Remarks from Moderator Dave Hess, Former PA DEP Secretary

The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) is nearly 30 years old – enacted in 1988. The framework for recycling created then is essentially what we have in place today, with some minor changes. At the time it was enacted, Act 101 created the largest mandatory curbside recycling program ever. Since that time, waste management practices and the waste management industry have changed significantly. Discussions and debate are underway in the legislature regarding extending the \$2.00/ton recycling fee and updating Act 101 to reflect the current recycling landscape. Today's round table is intended to add to the discussion about the future of recycling and Act 101.

Key Takeaways and Suggestions Offered by Panelists

John Dernbach, Widener University Law School Professor and Drafter of Act 101

- We need to determine new goals - % recycled, % diverted, etc. We've lacked a goal for 15 years.
- Enthusiasm around recycling has waned. Renewed energy and enthusiasm around recycling is needed but it's not clear how to get this back.

Justin Stockdale, PRC West Regional Director

- The nature of recycling has changed dramatically since 1988. What was originally driven by individual environmentalists has morphed into a complex system involving recycling businesses, the larger recycling industry, various levels of government, and residents, institutions and business owners.
- In scoping out the future of recycling and Act 101, we need to take this systems change into account, be forward-looking and aspirational, and consider where we'd like to be in 10, 20 years.

Nancy Fromnick, Chester County Recycling Coordinator

- To get the most value, a more regional and population approach for funding when 5 counties work cooperatively on education, hazardous waste collection etc.
- More reporting accepted on a county level since many collectors and processors (who won't share customer lists) don't keep records based on municipality only zip codes or post offices and origin cannot be determined.
- Regulations regarding yard waste collection and disposal should be modified to meet the needs of all PA residents.

Fern Gookin, Director of Sustainability, Revolution Recovery

- Revolution Recovery is a privately-held C&D waste management company. It separates and recycles C&D waste (like a materials recovery facility or MRF), and is market driven. Legislative and regulatory changes regarding recycling should be tied more closely to the commodities markets.

- More conversation is needed about how to reduce waste instead of focusing on recycling waste, especially on construction sites. Ways to incentivize and motivate reducing the per capita rate for waste generation should be part of the discussion.

Larry Holley, Manager, PA DEP Division of Waste Minimization and Planning

- Act 101 needs some subtle tweaks, but there's still a lot in the original bill that we haven't achieved. For instance, we haven't met our waste reduction goal.
- We need to educate people better on recycling to make them better recyclers. Through education, we can promote better recycling, help improve our recycling rate and make recycling a truly sustainable practice.
- Recycling industry is critical to PA's economy. 66,000 direct jobs tied to recycling (110,000 indirect jobs).
- Act 101 was a bipartisan effort. It still works and still has room to grow.

John G. Waffenschmidt, Vice President of Environmental Science and Community Affairs, Covanta Energy

- Include tires within the mandated materials to be recycled. Keep America Beautiful identified illegal dumping of tires in PA as a significant issue.
- Promote waste reduction - Consider as an example, the recent Supreme Court decision allowing the refilling and reuse of printer cartridges. For major consumer products consider an ASTM standard for plastics so that the imbedded energy and material is not rendered obsolete due to failure of a plastic part. Where possible electronic chargers should be standardized between manufacturers.
- To address the drug poisonings epidemic, consider pharmaceutical take-back programs. Every pharmacy should be required to have a take-back program. PA could lead on this issue.
- Covanta is trying to make e-waste recycling work as a business, even with the current challenges. It is investigating and developing ways to recover more metals from ash and to reuse the ash fraction of its waste.
- In legislating and regulating recycling, it is important to recognize that once promulgated they tend not to be changed. Unintended consequences can be minimized by attempting to follow science and include provisions that don't hinder the development of new approaches.

Q&A and Further Discussion

Packaging and the Impact of Online Shopping and Delivery. What do we do about the constantly evolving and growing amount of packaging materials? And the growth of online shopping and the packages that come with it?

- We need to work with manufacturers/companies to design for recyclability. This will be a gradual change, but we need to start now. (Larry Holley)
- We should apply pressure upstream to have manufacturers design for recyclability and reuse with conservation in mind. (Justin Stockdale)
- DEP should approach on-line merchandisers like Amazon not as regulators, but rather to start a conversation about designing packaging for recycling and reuse. (John Dernbach)

Access to Recycling.

- Act 101 should be adapted to make it easier to give access to recycling multiple materials to everyone in Pennsylvania, even the rural communities. The goal should be equal access to recycling opportunities.
- Consider requiring municipalities to provide recycling services where trash services are provided.

Materials to be Recycled.

- More education is needed on the materials to be recycled. Haulers, local and county governments, DEP and others should all be involved. Rural communities are especially in need of this education.
- It's not clear what the top items are for recycling. We should consider narrowing the list of materials to be recycled based on the commodities markets for recyclables. Economics and market conditions should be factored in somehow.
- Some materials lose their value when commingled and interfere with processing equipment. E.g. stretch wrap has value when separated, but when mixed in with other materials it jams the MRF equipment. Some materials are trash (whether the consumer puts it in the trash or sorters at MRF put it in the trash). The key is to recycle often and recycle right.
- We should collect everything on the list because the commodities market is constantly changing. But we should educate the public regarding how many times a material may be recycled – e.g. plastics – once; cardboard – seven times; metals – many times; and glass – it depends. (Nancy Fromnick).
- The need for infrastructure to handle the recycled materials and their subsequent reuse impacts the ability to easily expand the scope of materials to be recycled.

Measuring Impact. What should our ultimate goal be? Should Act 101 work to reduce the volume of waste, rather than weight? How should we measure performance?

- Rather than specify materials to be recycled, what if we said to the counties – you need to come up with a plan to reduce x amount of waste? (David Hess)
- We should include information about recycling in terms of greenhouse gas emissions and other environmental factors. (John Waffenschmidt)
- We need better reporting from businesses regarding recycling. We're not capturing everything in the current system of reporting.
- It would be easier and more practical if data could be reported at the county level and not the municipality level. Businesses often don't respond to requests for data. (Nancy Fromnick)
- Municipalities should pass ordinances to make it mandatory for companies to report. DEP doesn't have the capacity to enforce the reporting requirements, must leave it to the local governments. (Larry Holley)

Infrastructure. Should we create the infrastructure before we create the goals?

- We need to think about other ways to do things – it doesn't make sense for NYC to ship their single stream to Virginia. We do need to have an infrastructure – perhaps public/private

partnerships. We have to consider what works for every community (including rural communities) when discussing recycling infrastructure. (Larry Holley)

- To do that, we need to have flexible long term investments that won't blow up if we don't get funding immediately from grants or the markets – having government perhaps be a little bit of a support system for the private market. (Larry Holley)
- The Pennsylvania Recycling Markets Center was formed to help create the above mentioned in-state recycling demand and support development of the infrastructure. (Bob Bylone, PRMC)
- Philadelphia said that it will be zero waste by 2030...and doesn't know how. We should encourage a local circular economy – recycle bottles and turn them into plastic pellets and process them into materials within the state. The government should encourage this system through grants and support.

Improving the system.

- We need to be proactive and keep materials out of the waste stream in the first place. Look at the industry and see where we can improve now instead of reacting to what is in the recycling bin/landfill. It would be beneficial to develop best management practices for each recyclable material.
- There is risk in opening up Act 101 to amendments. It could lead to changes that not everyone wants. For example, some folks want to eliminate glass from the materials to be recycled and some argue that county plans should be eliminated.

Next Steps

- PRC plans to continue this conversation with additional round table discussions in other parts of the state, with one of the goals being to build consensus on ways to improve Act 101.
- The PA Joint Legislative Air and Water Pollution Control and Conservation Committee held a hearing on Act 101 on June 13, 2017. The Committee is accepting comments on Act 101 and Pennsylvania's recycling program for 90 days following the hearing (September 11, 2017). Comments should be sent to Tony Guerrieri, Executive Director of the Committee, by email to: tguerrieri@jcc.legis.state.pa.us. PRC will share this summary document with the Committee and encourages round table participants to submit comments to the Committee.