

ENVIRONMENTAL ROUND TABLE – FUTURE OF RECYCLING AND ACT 101

Hosted by PRC on October 11, 2017

Act 101 Background Information

The Pennsylvania Municipal Waste Planning, Recycling, and Waste Reduction Act (Act 101) is nearly 30 years old, having been enacted in 1988. In Western Pennsylvania, recycling was originally run through volunteers for the Group for Recycling in Pennsylvania (GRIP), who created source separated recycling drop-off centers throughout the region. When Act 101 was passed, GRIP merged with PRC. At the time Act 101 was enacted Act 101 was the most innovating recycling legislation in the nation, creating the largest mandatory curbside recycling program ever.

However, much has changed since 1988 regarding the recycling industry and the current policy is no longer as effective. Discussions and debate are underway in the state legislature regarding extending the \$2.00/ton landfill fee, which funds recycling programs across the Commonwealth, and updating Act 101 to reflect the current recycling landscape. Currently the Pennsylvania Department of Environmental Protection (PADEP) is not accepting any new recycling related grants and projects. Recently, the legislature proposed utilizing the Commonwealth's recycling funds to balance the budget, which would leave the PADEP unable to reimburse Counties for existing programs. 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

- Act 101 has become rudderless in recent years. We need to determine ambitious long-term goals as well as progressive achievable goals. Achieving zero waste should be a long-term goal.
- Act 101 will be amended in the next 2-3 years, and stakeholders and Pennsylvanians must communicate the necessary revisions and suggestions to legislators. He also reiterated that these revisions will not be quick or easy and that Act 101 has been successful in the past, but that it must be updated to meet current needs and market demands.

Justin Stockdale, PRC West Regional Director

- Recycling is largely a market-driven business, therefore Act 101 must reflect and be flexible as the regional and global recycling markets change over time. This fact is especially true regarding contamination and single stream recycling.
- In scoping out the future of recycling and Act 101, we need to look at what business practices and programs Act 101 is currently incentivizing and evaluate the success of those programs, and make changes to incentivize local governments, residents, institutions, and stakeholders in the recycling industry to recycle more effectively and efficiently.

Joy Smallwood, Allegheny County Recycling Coordinator

- Education is critical to the success of recycling programs. Educational messaging and materials from and for local governments, residents, businesses, MRFs (materials recovery facilities) need to be simple, consistent, and streamlined.
- Local governments will respond to public demands, residents and businesses must communicate with their municipalities for better recycling programs and educational materials.

- As proof, only 50 percent of Allegheny County municipalities are required to recycled in accordance with Act 101. Almost all municipalities do offer recycling programs due to public pressure.
- Act 101 and future recycling goals need to be obtainable to be successful, especially as current government officials who manage recycling programs also manage other programs and/or departments.

David Hess, Former Pennsylvania Department of Environmental Protection Secretary

- Act 101 institutionalized a revolution in Pennsylvania, kicking off a recycling is a \$2.6 billion industry that now is largely privately owned, directly employing 66,000 individuals. Private industry should not be viewed as the enemy, and public-private partnerships will help make recycling and Act 101 more successful.
- To successfully create a better version of Act 101, we must look at the recycling industry more holistically instead of getting stuck on small issues.

Q&A and General Discussion

- **Quantity vs. Quality.** Is it better to have source separated recycling programs or single stream? It's difficult to know what to recycle as different communities recycle different materials. Should the state intervene and streamline every recycling program? Should we let communities determine what to recycle locally?
 - Recycling can only work if there is economic demand for the end products produced from the MRF. In the last several years, contamination has significantly increased, resulting in the closure of domestic mills, and issues with exporting recycling bales abroad. Single stream recycling (placing all recyclable materials into the same bin) has been adopted by the majority of municipalities to increase participation rates and total recycling quantity. However, this trend may be tied to the increased contamination rates. A return to source separated recycling systems may be a solution to the contamination issues. (Justin Stockdale)
 - Single stream systems can only be successful with robust and streamlined educational systems, which have been lacking in previous years. (Joy Smallwood)
 - The creators of Act 101 understood that the policy only works if there is a solid and consistent education effort – in recent years this effort has decreased significantly. (John Dernbach)
 - We could consider narrowing the list of materials that are accepted for recycling based on commodities markets for recycling. This would help reduce contamination while increasing market value for recycling bales.
- **Access to Recycling & Waste Diversion.** What about rural communities who often don't have access to Act 101 funding or programs? What about composting? Currently, Act 101 doesn't support how communities and municipalities actually compost.
 - There needs to be increased access to resources for rural communities – currently Act 101 prioritizes some municipalities over others which is an issue. (Justin Stockdale)
 - State standards in regards to composting are not strong enough or accessible enough to create the most successful waste diversion programs – the policy needs to incentivize the best and most effective forms of recycling, composting, and other waste diversion.

- **Improving the System.** Should we look at what other state recycling programs look like? How can residents know that materials are even making it to the MRFs?
 - We need to look at the recycling system and industry more holistically to create the best legislation moving forward. This includes working with private industry and creating more public-private partnerships to create the most successful programs. (David Hess)
 - We need to look at the way we measure and track waste in the state, without fully understanding our data.
 - The new version of Act 101 must focus on education, especially in Pennsylvania where MRFs and landfills are out of sight of most residents, and where recycling is different in different areas (David Hess, Joy Smallwood, Justin Stockdale)
 - More education is needed on the materials to be recycled.

- **Working with Manufacturers** Can we work with manufacturers to ensure they produce products that can be recycled? Is Expanded Producer Responsibility the solution?
 - Large corporations do not want to be seen as the “bad guy” leading some companies like Wal-Mart and Target to push their manufacturers to produce products and packaging that are recyclable. However this process is a slow one. Consumers should communicate their desires to manufacturers. (Justin Stockdale)
 - The Covered Devices Recycling Act attempted to have manufacturers take on the cost of end of life disposal of their products (Expanded Producer Responsibility) though ultimately failed.
 - Expanded Producer Responsibility laws can work, and does work in a number of places (Europe, Canada, many US states) and for a number of targeted products (thermometers). This could be a good solution or part of a more integrated recycling program in Pennsylvania.

Next Steps

- PRC plans to continue this conversation with additional round table discussions in other parts of the state.
- PRC will launch act101@prc.org to accept public comments about Act 101 and will also launch a webpage about Act 101 and current activity surrounding the legislature in Harrisburg and across the state.