National Waste & Recycling Association℠
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The National Waste & Recycling Association (NW&RA), formerly the National Solid Wastes Management Association, is a not-for-profit trade association representing private solid waste and recycling collection, processing and management companies that operate in all fifty states. Our members also collect organics for composting throughout the United States. We consider recycling and composting to be essential waste management services. Moreover, as recycling has increased throughout the United States, we consider organics management to be a key focus in increasing the diversion of materials from disposal. We look forward to working with CalRecycle in the implementation of AB 1826 and AB 1594.

We are submitting these comments in response to CalRecycle's draft Packaging Workshop Background Paper: "Increasing collection and recovery of packaging in California". The draft Background Paper contained draft recommendations for further action to meet the goal established by Assembly Bill 341 that not less than 75% of solid waste generated in California be source reduced, recycled, or composted by the year 2020. The draft Background Paper focused on additional recycling of packaging in meeting that goal. Specifically, the draft recommended mandatory initiatives which include extended producer responsibility for package producers along with the possibility of landfill bans on recyclables and minimum content requirements. The draft

also identified seven “priority packaging products” for further action. These include uncoated corrugated cardboard; aseptic containers and cartons; other miscellaneous paper; PVC, LDPE, PP, PS, EPS and mixed resin plastic containers; degradable plastics; pouches and film.

Our industry strongly supports increased recycling. Many of our members, including Recology, Republic Services, Waste Connections and Waste Management, have invested heavily in building California’s existing recycling infrastructure. The draft Background Paper fails to explain how its recommendations will aid California in achieving its legislatively mandated goal of 75% source reduction, recycling and composting. We note the following deficiencies in the draft:

Insufficient indication of the amount of disposed packaging

The draft Background Paper failed to include specific discard tonnages for the seven priority packaging products. The draft estimated that 9.5 million tons of packaging are disposed in California (see Table 7 “Packaging Materials in California’s Disposed Waste Stream”). However, the products found in the material types in that table often included a mishmash of what appeared to be both packaging and printed paper (e.g., “other miscellaneous paper” included cereal and cracker boxes, unused paper plates and cups, goldenrod colored paper, school construction paper, butcher paper, milk cartons, ice cream cartons and other frozen food boxes, pulp paper egg cartons, unused pulp paper plant pots and hard cover and soft cover books.”). As a result, it is impossible to determine how much of the 9.5 million tons is packaging and how much is non-packaging paper or other non-packaging products. Without better data, we find it impossible to directly respond to the specific questions raised by CalRecycle on page 18 of the draft. Moreover, we do not understand how CalRecycle can estimate the contribution of the seven priority products towards achieving the source, reduction, recycling and composting goal without better data on the amount of those products.

Insufficient indication of the ability to increase recovery of these materials

California would be required to source reduce, recycle or compost an additional 22 million tons of solid waste to meet its goal, according to the draft. As noted above, the draft then identifies seven priority products. However, in addition to the lack of data on the available tonnage of these seven products, the draft fails to analzye where the priority products are generated, how they will be recovered, or what is a realistic recovery rate for those products. Furthermore, the draft does not quantify or even estimate how much of the seven priority items is generated in single-family residences, multi-family residences, commercial facilities or elsewhere. The draft does not estimate the current effectiveness of recycling efforts from those sources or how effective future programs will be. Those questions are crucial to the success of meeting an ambitious source reduction, recycling and composting target, yet they are unaddressed.

The draft appears to assume that because the target is state law and because the draft identified potential initiatives, those initiatives will automatically succeed. However, only a very few products have a 75 percent recovery rate or higher. Those successes are based on characteristics unique to each product, including ease of recovery and market value for the recovered material. For instance, the US EPA, in its most recent waste stream characterization study, Municipal Solid Waste Generation, Recycling and Disposal in the United States, 2012, http://www.epa.gov/solidwaste/nonhaz/municipal/msw99.htm, credits lead acid batteries with a 95.9 percent recycling rate, the highest for any product in this country. That rate is the result of an unusually effective recovery system for lead acid batteries. Simply put, consumers only rarely generate dead lead acid batteries. When they do, the seller of a new, replacement battery normally takes back the old battery, free of charge, and then sells it to end markets for its components. None of the seven priority products have these unique characteristics. Yet, somehow, the draft assumes that increased recovery levels are possible without saying how they will be achieved.

Before proceeding with its recommendations, CalRecycle must provide sufficient analysis and programmatic support to describe how those recommendations will ensure that California achieves its 75 percent source reduction, recycling and composting goal.

Insufficient recognition of the role already played by source reduction

Table 3, page 10, contains the statement that California must "achieve 75 percent recycling by 2020". This is, no doubt, an inadvertent misstatement of the legislative mandate to reach a source reduction, recycling and composting rate by 2020. Yet it reveals a deeper flaw in the draft, namely that recycling, not source reduction or composting, is what matters. Ironically, the draft has many instances where it notes the importance of source reduction, also known as waste reduction. These include the reference to the need for lifecycle thinking and analysis on page 3, the acknowledgement of the environmental, economic and social benefits of flexible packaging on page 5, and the need to include source reduction in the key considerations on page 14. But these benefits do not seem to matter. As for composting, the draft fails to reference the ability to compost some parts of the paper and packaging waste stream. Instead, it proposes recycling as the ultimate goal even though the law is not limited to recycling.

The failure to include a robust discussion of source reduction is puzzling considering its impact on the size of the waste stream. The US EPA's 1999 publication, "The National Source Reduction Characterization Report for Municipal Solid Waste in the United States", http://www.epa.gov/solidwaste/conserve/pubs/r99034.pdf, showed how source reduction successfully reduced the amount of MSW that local governments had to manage in 1996 by 23 million tons. As EPA noted, 238 million tons of MSW should have been generated in the United States in 1996 based on the growth of the waste stream since 1980. Instead, only 215 million tons were generated. This "shortfall" would not have been possible without source reduction. EPA cited lightweighting, material substitution, wood pallet reuse, backyard composting and grasscycling as the chief tools in reducing waste generation (see pages 16 – 20). NW&RA staff have noted that carrying the EPA's methodology forward, the United States generated 77 million fewer tons of solid waste in 2010 than it should have, based on the increase in each of the two previous decades (see the Waste 360 Circular File column "Less Is Less", by Chaz Miller, at http://waste360.com/blog/circular-file-less-less. Other factors added to the ongoing impact noted by the US EPA in its earlier report. These include the extraordinary decline in the use of printed paper in our

country (down by 19 million tons since 2002 due to the switch to electronic media to distribute knowledge) and the increase in food waste recovery through diversion to edible food and animal food programs and away from disposal. The draft's failure to support source reduction is especially puzzling considering the large number of California companies that manufacture the products that have lead to a smaller and lighter waste stream.

We urge CalRecycle to add source reduction to its plans and to include successful waste reduction, such as the tools highlighted by the US EPA, in its calculations for achieving 75 percent source reduction, recycling and composting.

Extended producer responsibility

The draft proposes extended producer responsibility as its key tool. However, extended producer responsibility as practiced in Europe and Canada is, at best, a flawed funding mechanism. Advocates insist that under extended producer responsibility, producers, not taxpayers, will pay for recycling programs. Yet the reality is that existing extended producer responsibility programs do not cover all of a local government's cost. Instead, producers only pay for what they consider to be the "reasonable" costs of recycling packages. They will not pay a local government its full costs if they do not consider those costs to be reasonable.

Disposal bans

NW&RA's predecessor association along with the National Recycling Coalition and the Solid Waste Association of North America, endorsed the use of disposal bans only if the ban was accompanied with a plan in place to manage the now-banned material. This policy statement is a direct result of state and local governments imposing disposal bans which did not include a plan for the safe management of the banned products. Instead, the ban had the unanticipated consequence of the banned product being shipped to substandard waste facilities in other countries. NW&RA would take the same position on any proposed disposal ban in California. Banning a product from disposal without an infrastructure for its management is an invitation to environmental abuse.

Conclusion

If you have any questions about these comments, please do not hesitate to contact me at 202-364-3742 or cmiller@wasterecycling.org.

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