



Northern Virginia Waste Management Board (NVWMB) 2020 Legislative Positions

Waste Management and Recycling in the Commonwealth

Waste management and recycling are statewide issues that cross rural and urban areas and deserve state leadership to strengthen and create resiliency in this infrastructure and manufacturing sector. NVWMB supports developing a coalition of manufacturers, local governments, industry representatives, and other stakeholder to transition to a circular economy that would improve reuse, reduce waste, and eliminate marine debris and litter. According to the Institute of Scrap Recycling Industries, the scrap recycling industry's total economic impact in Virginia is \$1.86 billion. If you factor in the economic activities for all scrap materials, the scrap industry accounts for nearly 40% of Virginia's total economic activity. Much of the scrap recycling industry has been in a crisis since January of 2018, when new waste import restrictions imposed by China on certain plastic and paper recycling commodities took effect. The waste import restrictions affected 20 types of post-consumer plastic waste, prohibited five types of unsorted waste paper and raised the quality standards for cardboard and sorted waste paper. These waste import restrictions have had a catastrophic impact on local government and private-sector recycling programs alike across the Commonwealth and several local governments have been forced to cancel their recycling programs due to high processing cost and/or the inability to find local markets for recyclable commodities. Virginia needs to restructure recycling programs in the Commonwealth to make these programs more effective and financially sustainable.

It has been more than 30 years since the passage of the Waste Management Act of 1988 that led to the growth of local government recycling efforts. The Act initially required each county, city, town or regional planning unit (referred to as Solid Waste Planning Units or SWPUs) to establish recycling programs that would meet or exceed certain recycling goals. At the time, Virginia localities were required to recycle 10% of their waste by 1991; 15% by 1993, and; 25% by 1995. The statutory recycling requirement continues, but due to legislation passed in 2006 Virginia now has a two-tiered system which only applies to a portion of the state. Thus, recycling rates in the Commonwealth have been relatively flat for the past several years and for Calendar Year 2017 (the most recent year for which data is available) the rate was 42.8%.

Much has changed since the Waste Management Act of 1988 was passed and the current market crisis offers an opportunity to make impactful changes that will help local governments, private waste collectors, recycling processors, scrap recycling industry and manufactures move from a linear economy to more of a circular economy. In a circular economy model, reuse and recycling are incentivized through extended producer responsibility (EPR) legislation which would set performance standards for the return of certain materials (e.g., clothes, packaging, electronics, etc.) which would be returned to the

*Prepared by the Northern Virginia Waste Management Board, a collection of local government solid waste and recycling management programs in Planning District 8. More about NVWMB:
<https://www.novaregion.org/204/Solid-Waste-and-Recycling>*

economy to be used more efficiently. By using materials to the highest and best use, it protects the environment, uses natural resources more wisely, develop new sectors, creates jobs, and develops new capabilities. By incentivizing reuse, repurposing and recycling, it is thought that a circular economy could reduce the carbon dioxide emissions embedded in products by as much as one-third. Lastly, moving to a circular economy model would also yield significant material cost savings opportunities while at the same time setting up for future growth and innovation for Virginians.

Because of the complexity of the issue and that it touches so many industries, the NVWMB recommends that Virginia use a collaborative process that would involve state and local government agencies, private waste collectors, material recovery facility operators, retail, distribution, manufacturing, Virginia Recycling Association, SWANA Old Dominion, Keep Virginia Beautiful, Litter Free Virginia, Alice Ferguson Foundation, universities, etc.). Transition to a circular economy that would improve reuse and reduce waste and eliminate marine debris and litter would support local innovation and markets working to design product for longevity and reuse, capturing value from recycling resources in new ways including innovative business models, and creating jobs in manufacturing, service and resource recovery sectors associated with recycling and reuse.

Plastic Bags

The NVWMB supports legislation that would impose a fee on all bags or a ban/fee hybrid approach. Plastic bags are a major source of litter. They are also a problem for Virginia farmers because they degrade the soil and become entangled in crops. According to the Center for Biological Diversity, Americans use 10 billion plastic bags per year, with the average family bringing home 1,500 bags a year. Plastic bags, on average, are used for about 12 minutes and only 1% of the bags are recycled. Plastic bags can easily become airborne and which is a concern because of Virginia's extensive shoreline and the fact that most ocean plastics originated on land. According to the Clean Virginia Waterways of Longwood University plastic bags are the 4th most common article of marine debris found in Virginia, making up nearly 8% of all marine debris. The Virginia General Assembly has considered legislation to tax and or prohibit the use of plastic bags at grocery stores and other businesses to reduce the occurrence of plastic bags in the environment. Nationally, from 2017 to 2018, about 73 bills were introduced in state houses regarding the use of plastic bags in retail settings. The majority of these bills propose a ban or fee on bags, or sought to improve recycling programs, but best practice is to include a fee for all carry-out bags which stays with the retailer or a hybrid ban on thin plastic bags and a bag fee for all carryout bags. However, in recent years most bag legislation has been "preemptive" type legislation aimed at preventing local government action on plastic bags (currently 11 states have preemption legislation for plastic bags). Virginia farmers support a ban on plastic bags.

Glass Recycling

The NVWMB supports any efforts to increase the recovery of source-separated glass food and beverage containers in the Commonwealth. While glass can be infinitely recycled, most glass processed at single-stream recycling plants in Virginia winds up being disposed at landfills because it is too contaminated for the glass container or fiberglass industry. During the collection and recycling process, glass is broken and becomes mixed with other materials (e.g., paper, metal, food waste, etc.). The resulting material can be as much as 60% non-glass and requires further processing to make it usable by the container glass industry. This clean-up of glass takes place at glass beneficiation facilities, which currently do not exist in Virginia. The nearest beneficiation facilities, located in North Carolina and Pennsylvania, are too far to ship to economically. There are two glass container manufacturers in Virginia who source their glass from out of state.

Single Use Plastics

The NVWMB supports legislation that would authorize localities to prohibit single use plastics or impose a local disposable tax. Single use plastics such as plastic bags, straws, drink stirrers, utensils, and foam packaging are a major source of litter and are a challenge to recycle in the traditional municipal recycling programs. When these materials are collected and sent to recycling facilities in Virginia, they are categorized as residue or contamination and disposed at landfills or waste-to-energy facilities. Some customers in Virginia, local municipalities or commercial haulers, are also facing fees or penalties for having these “contaminant” materials in the recycling streams as there are no end markets. According to a study undertaken by the World Economic Forum, 32% of the 78 million tons of plastic packaging produced annually is left to flow into our oceans. Various states have adopted restrictions on single use plastics in the form of bans or fees. In cases for plastic straws, provisions should be made to allow straws to be made available to customers on request, to exempt people requiring straws for medical conditions or disabilities from the law.

Electronic Waste

NVWMB supports study of the Computer Recovery and Recycling Act and its success in reducing the improper distribution of computer components (§§ [10.1-1425.27](#) et al, HB 344, 2008). The Act, which was originally drafted by Dell Computer and passed in 2008, requires manufactures of laptops, desktops and monitors to establish take-back programs. However, according to the Electronics TakeBack Coalition which promotes green design and responsible recycling in the electronics industry, Virginia has one of the lowest per-capita collection volumes for recycled electronics waste in the country (of the 25 states that have electronics recycling laws). While the Computer Recovery and Recycling Act creates a system for Virginia residents to recycle electronics, the current law does not cover televisions, printers and other electronics. In addition, the current law does not specify any level of performance and does not include a convenience standard. As a result, actual

participation is limited and offers little relief to local jurisdictions. The Electronics TakeBack Coalition studied the 25 states that have electronics laws and developed a list of 10 lessons learned about state e-waste laws which could be used to modify Virginia's existing law. The coalition also had developed model e-waste legislation which could be used to replace Virginia's existing law.

Processing of Recyclables

Material Recovery Facilities (MRFs) separate recyclables by material type through a combined employee and automated sorting systems. Recyclables are then packaged for resale and reuse. MRFs are not permitted for siting, design or operation, nor are they required to report any information to the DEQ. While the NVWMB seeks to limit regulation without merit, there is value to requiring MRFs to (1) monitor for and prevent illegal disposal of hazardous wastes, such as lithium batteries, (2) support best practices for fire prevention, (3) prevent unwise management practices in proper waste disposal, and (4) improve and report to DEQ data on the total amount of materials delivered to facilities, its source, the proportion recycled, and quantities of material disposed of other than by recycling. The DEQs current Solid Waste Information and Assessment (SWIA) form is currently voluntarily reported, leaving a gap in data available to support appropriate solid waste management and industry development.

Paint Stewardship

NVWMB supports legislation that would include Virginia in the PaintCare national paint stewardship program. An estimated 65,000,000 gallons of paint sold in the U.S. goes unused each year. Much of this unused paint is dropped off at local government operated household hazardous waste collection programs, which cost Virginia localities (and taxpayers) millions of dollars each year to operate. In addition, many commercial painters dispose of paint at household hazardous waste facilities (which are typically for residents only) due to the high cost of proper disposal. Paint is recyclable and the American Coatings Association, which represents a portion of the paint industry, has established a national stewardship program or take-back program for paint called PaintCare. PaintCare reduces the amount of leftover consumer paint, promotes paint reuse, establishes a network of paint collection sites, recycles and/or properly manages leftover paint, and educates the consumer on paint disposal and recycling. Inclusion in the PaintCare stewardship program requires legislation and currently, nine states including California, Colorado, Connecticut, Maine, Minnesota, Oregon, Rhode Island, Vermont, and Washington and the District of Columbia have passed paint stewardship legislation. Model PaintCare legislation is available and would need to be passed in Virginia for Virginia to be included in the program. If there is sufficient interest in the Commonwealth, the American Coatings Association will provide lobbying assistance to support PaintCare legislative efforts in Virginia.

Virginia Tire Recycling Fee

The NVWMB opposes any effort to eliminate the Virginia Tire Recycling Fee as well as any redirection in the use of funds. Environmental protection is a value of the Commonwealth and eliminating this fund will disrupt the work of jurisdictions to promote responsible used tire disposal.

Effective July 1, 2011, the fee included with the sale of each tire was reduced from \$1 to \$0.50 (SB 1431). Local jurisdictions provide responsible recycling and disposal options for used tires. Without this funding source for end user reimbursements, there will be no financial support for local jurisdiction to continue.

Disposal of Expired Medications

The NVWMB supports take-back legislation that assures access to available resources for the proper disposal of left-over or unused medications.

Each year, more than \$1 billion worth of prescription drugs go unused in the U.S. These drugs are often left in home medicine cabinets making them easily accessible to addicts, curious teens, innocent children, and pets. Drug take-back programs (e.g., collection receptacles, mail-back envelopes, and special events, etc.) provide residents with a convenient and safe way to dispose of expired or unwanted prescription drugs. Currently, most Virginians do not have access to convenient drug take-back programs. Under existing laws, the establishment of a drug take-back event or permanent collection center requires law enforcement or pharmacist sponsorship. Many law enforcement agencies and pharmacist are unwilling to take the risk of hosting drug take-back events or collection centers which leaves Virginians to utilize one of the few Drug Enforcement Agency sponsored drug take-back events held in the Commonwealth each year. Removing prescription drugs from the home reduces their availability to family members or others who might come across or be seeking them. Furthermore, drug take-back programs also provide an alternative to trash or drain disposal, which allows pharmaceutical compounds to enter the environment where they cause serious, documented damage to fish and other aquatic populations.

Virginia Litter Control & Recycling Fund

NVWMB supports the Virginia Litter Control & Recycling Fund as an important self-funded program that enhances recycling across the state. Fees are collected from every wholesale or distributor of carbonated soft drinks and were originally set in 1981. Virginia imports 6 to 7 million tons of waste from outside the state each year. To retain disposal capacity for waste, Virginia should consider enhancing the Litter Control and Recycling Fund to support recycling and litter prevention by an increased annual fee for companies that do not pay on time, requiring businesses to provide litter and recycling containers for use by the public, or a bottle fee to fund waste management in Virginia.