

Northern Virginia Waste Management Board (NVWMB) 2021 - 2022 Policy Positions



Extended Producer Responsibility

The Northern Virginia Waste Management Board supports reviewing and updating the [Virginia Waste Management Act](#), and moving the Commonwealth's towards a framework extended producer responsibility (EPR) approach to dealing with difficult products and packaging generated in the Commonwealth. EPR is a type of legislation that extends a producer's responsibility beyond the point of sale and includes end-of-life management for product and/or packaging. The concept is that the producer has the most influence over the design of products and packaging and, if they are partially responsible for the cost of recycling or disposal, they will design their products to be more easily recovered and/or disposed. A framework EPR approach establishes a common legislative or regulatory process for determining which products and/or packaging are included in an EPR law, treats all products equally with respect to sales, stewardship plans, reporting and promotes transparency and accountability.

The Issue:

Manufacturers and retailers distribute a variety of products to Virginians. Many of these products such as food and beverage container packaging, batteries, computers, Cathode ray tube monitors, tires, motor oil, oil filters, paint, pesticides and pharmaceuticals can create recycling or disposal challenges at the end of their life. These products may contain toxic or dangerous substances which, under Federal and Commonwealth regulations, require safe and environmentally responsible recycling or disposal or the packaging material which they are distributed in are difficult to recycle. In addition, some products pose a particular hazard to the solid waste management infrastructure (e.g., sanitary landfills, material recovery facilities, etc.) because they can cause fires or be released into the environment. Finally, the burden for the management of these products and packaging disproportionately falls on local governments, which often do not have the resources or programs in place to handle.

In 2017, the Northern Virginia Waste Management Board (NVWMB) initiated a statewide survey to determine how Virginia jurisdictions manage household hazardous waste (HHW) and other difficult-to handle materials. The survey found that localities are spending \$3.6 million annually to safely recycle or dispose of hard-to-handle materials. More than 84% of localities surveyed wanted to see manufacturers, distributors, and retailers take more responsibility for recycling or disposing of the difficult-to-handle materials that they sell. In the past the Commonwealth has taken a more haphazard approach toward legislation addressing specific products and packaging (e.g., computers, Mercury switches, lead-acid batteries, tires, "6-pack" rings, etc.), however many of these current laws are outdated and need updating. A framework EPR approach would treat all products equally and make it easier to add or drop material as necessary.

Proposed Solution:

- Review and update the Waste Management Act, especially Article 2 (regional solid waste management plans and waste information and assessment program), Article 3 (litter control and recycling), Article 3.1 (lead-acid batteries), Article 3.5 (cathode ray tubes and mercury thermostats recycling), Article 3.6 (Computer Recovery and Recycling Act) and Article 3.7 (rechargeable battery recycling).
- Move toward a framework EPR legislation approach similar to the State of Maine to address difficult-to-handle products and packaging in the Commonwealth. This would establish legislative or regulatory criteria for the inclusion of specific products and/or packaging in the Commonwealth's EPR program. A framework EPR approach would better keep pace with the

evolving products and packaging in the marketplace in Virginia and reduces waste, supports a recovery and circular economy, and distributes the burden of disposal and recycling on those responsible for the manufacture, distribution and use of these products.

For Further Reading:

<https://www.maine.gov/dep/waste/productstewardship/index.html>

NVWMB has a more information and fact sheets on specific materials:

<https://www.novaregion.org/211/Solid-Waste-Policy-and-Legislative-Initi>

**Virginia Department of Environmental Quality (VDEQ)
Statewide and Regional Planning and Leadership**

The Northern Virginia Waste Management Board (NVWMB) supports any efforts by the Commonwealth to expand the mission, scope and resources (e.g., funding, staffing, etc.) of the Virginia Department of Environmental Quality's waste reduction and recycling programs especially those that encourage regional planning, recyclable and organics market development and that result in DEQ being more actively engaged in waste reduction matters in the Commonwealth.

The Issue:

VDEQ currently has less funding and staffing than it did when the agency was founded in 1993. The NVWMB recognizes that the capacity of VDEQ to plan, manage, and regulate solid waste has not kept pace with the growing demands of our population and emerging environmental challenges. Local governing bodies have only those powers that have been intentionally granted to them and are thus limited in their ability to manage the growing burden on the solid waste infrastructure, a condition further exacerbated by the impact on solid waste management being caused by the COVID-19 pandemic. For instance, stay-at-home orders have resulted in a 40% increase in solid waste generation throughout Northern Virginia, pushing operations and facilities to their full capacity.

The Commonwealth, and DEQ, need to take a more active role in the development for markets for certain commodities around the state where such markets are limited or non-existent. In addition, DEQ needs to do more to incentivize regional solid waste planning to encourage localities to work together to solve regional solid waste challenges (e.g., reuse, waste reduction, and management infrastructure and coordination). For example, there are few material recycling facilities in many regions of the state, and the continued verticalization of waste and recycling industry limit competition for services and contracts, effectively shutting out smaller hauling and processing companies in the state. Regional authorities or a DEQ operating agency could dramatically improve the collection and marketing of recycling and/or composting in these overlooked markets.

Lastly, DEQ needs to be engaged in national dialog on waste reduction and recycling solutions. State solid waste regulators in California, Washington, Minnesota, New York, Connecticut, New Hampshire, Vermont and Maine are much more actively involved in developing solutions to waste reduction challenges in their states.

Proposed Solutions:

1. Expand DEQ mission, funding and staffing for solid waste reduction programs;
2. Encourage development of regional solid waste management agencies or authorities to collect, process and market recyclable and compostable materials in areas where such markets are poor to nonexistent;
3. Expand incentives to promote more regional (e.g., Planning District Commissions) and statewide solid waste management planning;
4. Provide more incentives to support recycling and organics market development and innovation for solid waste management challenges in the Commonwealth; and
5. Be engaged in the national dialogue on waste reduction and recycling.