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MassRecycle

is the 501(c)3 nonprofit organization dedicated to promoting and realizing the vital environmental, social and economic benefits created by reducing, reusing, and recycling waste materials, and by increasing the utilization of recycled products.

October 23rd 2017

Chair Anne M. Gobi
24 Beacon Street, Room 513
Boston, MA 02133

Chair Smitty Pignatelli
24 Beacon Street, Room 473F
Boston, MA 02133

To the Joint Committee on Environment, Natural Resources and Agriculture:

Thank you for prioritizing recycling and waste reduction in the Commonwealth of Massachusetts and for the opportunity to provide comment on the important initiatives under consideration this session.

MASSRECYCLE is the only statewide 501c3 coalition of individuals, all 351 municipalities, recycling and green businesses, and other organizations dedicated to increasing recycling and waste reduction in the Commonwealth. **We urge the Joint Committee to move favorably only on bills that are pragmatic and do not undermine the existing collaborative waste and recycling infrastructure that is vital to both our environment and economy.**

Due to the breadth of bills being considered, **MASSRECYCLE** will divide commentary into three categories:

- Product-specific bills
- Public space recycling bills, and
- Universal and comprehensive recycling bills.

In addition, we have also included information about significant shifts in the recycling markets that threaten the stability of existing recycling systems, which need to be considered by the Joint Committee when developing any recycling policies and regulations.

Mattress Recycling and Other Product-Specific Bills

In 2016, **MASSRECYCLE** launched the Massachusetts Product Stewardship Council (**MASSPSC**) to bring together municipalities, manufacturers and other stakeholders to work on shifting the economic and environmental burden of managing end-of-life materials away from municipalities. The Officers of **MASSPSC** are excited to see several product-specific bills under consideration.

1. **MASSPSC and Board of MASSRECYCLE urge the Joint Committee to move favorably on Bill S.2174, *Resolve Providing for an Investigation and Study by a Special Commission Relative to Mattress Recycling.*** This bill is a result of collaboration between **MASSPSC**; Senator Donoghue; the International Sleep Products Association (ISPA), the mattress manufacturers

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association; United Teen Equality Center (UTEC) Lowell; and other stakeholders.

Bill S.2174 does not request any new regulations, policies or funding. It establishes a study commission of diverse stakeholders to determine the best plan to increase mattress recycling in the Commonwealth. Increasing mattress recycling is important in the Commonwealth because:

- Only 5% of the over 600,000 mattresses disposed of annually in MA are recycled.
- Mattresses are bulky and expensive for municipalities to manage.
- Other states that have focused on mattress recycling have enjoyed significant municipal cost savings, with **Connecticut reporting an estimated \$1.6 million saved annually by increasing mattress recycling.**
- For every 10,000 tons of mattresses recycled, 40 to 50 new jobs are created.

Establishment of this Commission is an important step to increasing mattress recycling in Massachusetts. **We urge the Joint Committee to move favorably on S.2174.**

1. **MASSPSC supports bill H.447 on product packaging.** Like plastic bags, plastic film is problematic for the recycling industry as it wraps around sorting equipment leading to downtime. **MASSRECYCLE** has been collaborating with the Massachusetts Food Association (MFA) and EPA Region 1 via a committee focused on this very complex issue. We hope that the Joint Committee will collaborate with us on product packaging moving forward.
2. **MASSRECYCLE conceptually supports the plastic bag ban proposed by bills H.2121 and S.424, as long as the bills provide the proper incentive against paper bags and for reusable bags.** As mentioned, plastic bags, like plastic film, causes problems for recyclers. While more conveniently recycled than plastic bags, the cradle-to-grave carbon footprint of a paper bag is surprisingly bad. Reusable bags should be incentivized as the preferred solution, so the proposed fee on reusable bags in the bills should be reduced relative to the fee on paper bags, or outright removed.

Public Space Recycling

MASSRECYCLE urges the Joint Committee to move favorably on H.2910 and S.436, *An Act Relative to Public Space Recycling*. Over the last year, **MASSRECYCLE** has focused on the two keys to increasing recycling and waste reduction in the Commonwealth – convenience and education. We are particularly proud of our MBTA Public Space Pilot Project, which provides both.

The MBTA Pilot custom kiosks, currently installed in Red Line stations at no cost to the MBTA due to donations from the Cambridge Redevelopment Authority, Casella Recycling, Mass. Beverage Association, and the Thermostat Recycling Corp., give riders a simple way to recycle properly on-the-go and help **MASSRECYCLE** directly educate over 250,000 riders daily about recycling. Third-party audits show that giving riders both convenience and education is working. The Interim General Manager of the MBTA, Steve Poftak, recently recognized the success of the Pilot in the attached letter.

While implementing public space recycling statewide may seem daunting, the Pilot is a prime example of how successful public space recycling can be implemented and directly demonstrates the feasibility of bills H.2910 and S.436. Bills H.2910 and S.436 take a practical approach to public space recycling by:

- **Focusing on a relatively cost-neutral approach by requiring implementation of public space recycling in public spaces only if waste removal services are already offered in those spaces.** If

waste receptacles already exist and are serviced regularly, there should be an existing trash removal budget that can be partially converted to cover the ongoing maintenance and management costs for recycling.

Public spaces that do not offer waste removal services will not be impacted. Those areas may not have sufficient budget or may have opted to emphasize carry-in, carry-out like at Department of Conservation and Recreation (DCR) State Parks.

- **Setting distinct tiers for implementation for municipalities, public agencies, and private owners of high-traffic public spaces.** Recognizing that organizations have different budgets and challenges, the bills have tiered levels of implementation requirements. State agencies are held to the most stringent standards, as they should lead by example. Municipalities must simply collaborate with MassDEP.

Last session, this bill, as S.1653, moved favorably out of the Joint Committee and was passed by the Senate with amendments. **MASSRECYCLE urges the Joint Committee to again support increasing public space recycling in the Commonwealth and move favorably on H.2910 and S.436.**

Universal Recycling and Comprehensive Recycling Bills

MASSRECYCLE would like to comment on the many comprehensive recycling and study bills being considered – bills H.430, H.2916, H.2917, H.2944, S.416, S.439, S.449, and S.475. We are ecstatic with the focus being placed on increasing recycling on the state level. However, the majority of these bills primarily enforce against municipalities or hauler/processors. **These bills fail to address the real crux of our waste problems in the Commonwealth – generator responsibility.**

Haulers, processors and municipalities must play their part and should be regulated. Currently, MassDEP is doing an excellent job of both collaborating with and regulating these entities. **However, the State is generally not regulating generators, especially down to the individual level, despite implicit wherewithal in the waste ban rules. Additionally, there is no explicit rule at the state level requiring all generators, private and public, to recycle that would explicitly enable municipalities to regulate generators down to the individual level.**

For too long, the public has been allowed to believe that waste removal is this mystical entitlement; you put waste out at your curb, and it magically disappears from sight and mind – it goes “away.” **Instead, trash and recycling should be treated like a utility. Users of the utility, in this case waste generators, should pay for use and should be held accountable for proper use.**

Recycling is only as good as the stream coming into the system. To keep the waste stream clean, enforcement should happen similarly to enforcement when dealing with utilities like storm water and sewage service. The authority collaborates with the utility to trace back to the contaminant point source to penalize the generator because once a contaminant has left the generator, the utility can only mitigate. **In the case of waste, the generator is the resident or business, not the municipality or hauler/processor. The problem is only solved by remedying problems at the point source.**

Other municipalities, like San Francisco and Toronto, which are touted by many environmental advocates as paragons of recycling, recognize this need to pursue the generator. On top of highly transparent service fees for both recycling and waste removal, Toronto actively fines individual citizens \$125 per incidence for improperly sorting waste materials. San Francisco similarly enforces fines on

individuals which can be up to \$100 per week and explicitly warns multi-family property owners that they are liable if their tenants fail to follow waste and recycling regulations.

Enforcement on generators alone is not sufficient. There needs to be more broad education about proper recycling. The growing body of behavioral psychology research confirms our belief and hope that most people want to do the right thing and recycle properly. Unfortunately, many just do not know how.

There are just too many different materials and outlets for the average citizen to keep straight without proper information. The industry has also been dealing with “optimistic recycling,” where a citizen thinks they are doing the right thing and tosses a recyclable material into the wrong bin. Currently, **MASSRECYCLE** administers a state-mandated Materials Separation Program (MSP) surveys on behalf of Covanta SEMASS, a municipal waste combustor, and as part of that plan we conduct a survey in the region that confirms these issues – **the average resident does not know how to properly sort and recycle even traditional materials. They have no idea what a waste ban is, but want to recycle properly!**

Some local municipalities that successfully enforce against generators, like the City of Lowell, have worked with MassDEP to produce educational materials for generators that violate, and they have seen improvements as a result. However, this education needs to happen consistently and continuously on a statewide basis and be coupled with consistent enforcement to guarantee success. Not every municipality has the budget or political ability to pass an enforcement ordinance.

The requirement for all generators, private or public, single-family home or multi-family, to recycle needs to be codified on the state level. This will make it easier for municipal officials to craft regulations and local ordinances to properly enforce and educate. The aforementioned bills do not directly require recycling on a state level and do not explicitly establish regulations on generators.

MASSRECYCLE believes that bills H.414 and H.448, unlike the aforementioned bills, do clearly establish the requirement to recycle on a statewide basis. However, H.448 more clearly:

- **Establishes generator responsibility to recycle and source separate materials**
- **Requires all generators to subscribe to recycling services**
- **Requires MassDEP to develop a standardized statewide educational notice to be distributed by haulers to all generators**
- **Grants MassDEP the explicit wherewithal to enforce against generators, as well as haulers and processors**

Bill H.448 is the result of the collaboration of various stakeholders during 2015, including **MASSRECYCLE**, the National Waste and Recycling Association (NWRA), Massachusetts Municipal Association (MMA), the South Shore Recycling Cooperative (SSRC), and the Massachusetts Health Officers Association (MHOA). **MASSRECYCLE** believes that bill H.448 will provide that important missing component from state-level recycling laws and regulations, whether as a standalone bill or as part of a bigger omnibus bill.

MASSRECYCLE urges the Joint Committee to move favorably on bill H.448. We would also welcome the opportunity to collaborate with the Joint Committee on a comprehensive bill.

The State of Recycling and China’s National Sword

If the Joint Committee does opt to push forward on a more comprehensive bill, MASSRECYCLE urges the Joint Committee to consider the current state of the industry and the realities of practical recycling before putting into place any further surcharges on haulers and processors or performance goals on municipalities. Recycling works best when there is a commodity value in the marketplace for collected materials. Otherwise, municipalities are forced to choose between the cost to recycle and the cost to dispose. Right now, there are major economic and political challenges hurting those markets, and everyone is suffering.

China has enacted a new policy, called National Sword, which is anticipated to effectively cut off 20% of the former commodities market. The value of plastic and mixed fiber, two of the cornerstones of the market that keep recycling economically viable, are severely plummeting due to market uncertainty. Processors were already operating on thin or even negative margins since the last commodities crash less than three years ago; many smaller local recyclers were forced to close or were absorbed. Now, they are bracing for this new dip. **Municipalities are already feeling the effects, with some reporting that their recycling bills may double as early as November.**

Everyone who understands the practical reality of making recycling work, not just the activist rhetoric that implies that the industry simply is not trying hard enough, is gearing up to deal with the looming negative economic realities. One of our member organizations, the Solid Waste Association of North America (SWANA), submitted comments to the World Trade Organization (WTO) on National Sword. National recycling nonprofits are running emergency webinars to help municipalities adjust.

While most experts believe that this dip will really only damage the system in the short term and that the markets will eventually rebound, this crisis highlights that recycling only works when markets exist. **Placing any further stress on the local recycling system, via surcharges or target goals, must be done judiciously, following extensive analysis.**

MASSRECYCLE would appreciate the opportunity to work with the Joint Committee to develop a bill or regulation that would help increase recycling in Massachusetts while addressing these challenges. A great first step towards collaboration would be coming to MASSRECYCLE's annual R3 Recycling & Organics Conference & Trade Show on March 26th 2018 at the Sheraton Framingham. We will be again co-locating our R3 Conference with Southern New England SWANA, and that local SWANA chapter has invited SWANA National CEO and Executive Director, David Biderman, to discuss China National Sword. We invite all members of the Joint Committee to join us for our focused keynote discussions that day.

Thank you, again, for allowing MASSRECYCLE to testify on the recycling and waste reduction bills being considered by the Joint Committee this session. We appreciate your patience and understanding in considering all of our testimony. We hope to collaborate with the Joint Committee further as we move forward together to increase recycling and waste reduction in the Commonwealth.

Please do not hesitate to contact me if you have any specific questions about our testimony or about recycling and waste reduction in general.

Sincerely,



Edward Hsieh

Executive Director, on behalf of the Board of Directors, MASSRECYCLE
and on behalf of the Officers of MASSPSC