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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.

June 23, 2015

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

Thank you for the opportunity to provide comment on important waste reduction and recycling initiatives under consideration this legislative session.

MassRecycle is the 501c3 statewide coalition of individuals, all 351 municipalities, recycling and green businesses, and organizations dedicated to increasing recycling and waste diversion in the Commonwealth of Massachusetts. Due to our membership, we are uniquely positioned to draw from the expertise of all stakeholders involved in waste diversion – generators, haulers and processors. As we did in the last legislative session, **MassRecycle urges the Joint Committee to move favorably on bills only if the bills are pragmatic and do not undermine the existing waste and recycling infrastructure that is so vital to both our environment and our state economy.**

MassRecycle believes that several of the bills this session could work in concert to form a statewide framework for solid waste management. In particular, we would like to voice support for H.671, H.3420, S.399, S.454 and S.1653.

In addition, we would like to voice support for S.408 and S.410 and will also provide some minor commentary on a few of the other bills under consideration.

MassRecycle has been meeting with various stakeholders, including the National Waste and Recycling Association (NWRA), Massachusetts Municipal Association (MMA), South Shore Recycling Cooperative (SSRC), and the Massachusetts Health Officers Association (MHOA), to discuss higher level waste diversion policy needs. Those meetings resulted in H.3420, which features the following key points:

**1. Explicitly states that it is the generator’s responsibility to source separate materials -**

*Explanation* – Waste Ban enforcement generally occurs at the point of processing with the expectation that the haulers and processors pass the fines and penalties upstream to their own clients. However, to increase recycling in Massachusetts, all generators must be responsible.

Materials must be properly source separated to reduce contamination and keep valuable recyclables out of the waste stream. Once materials are sorted incorrectly curbside or drop-off, there is little the hauler and processor can do. When you deal with a pollutant, you go straight to the source, not solely downstream.

Haulers and processors still have a major role to play. Plus, this bill does not count municipalities as generators, as like haulers and processors, they are middle men. It is up to the individual, property manager, and business owner to close the gap.

**2. Requires all generators to subscribe to recycling to ensure universal access**

*Explanation* – The keys to increasing recycling and recovery rates are convenience and education. To increase convenience, every citizen of the state must at minimum have access to recycling at home.

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3. Currently, most municipalities do not service their local commercial streams, which often include multifamily homes, apartments, condominiums, as well as small businesses and retail. Massachusetts Department of Environmental Protection (MassDEP) data shows that those commercial streams make up about 60% of the solid waste streams, and many of those entities do not recycle.

In addition, some municipalities do not offer any residential waste services. Residents and local businesses rely on private subscription waste removal. Unless the local municipality specifically has an ordinance requiring it, private subscriptions can solely be for trash removal.

Unlike other states, Massachusetts does not have a state-level law or regulation that requires recycling. The Waste Bans restrict disposal of certain items, but they do not dictate a method of proper diversion.

4. **Requires MassDEP to develop a standardized statewide notice to be distributed by haulers**

*Explanation* – In addition to convenience, generators must have access to education. The layman does not have the knowledgebase to understand recycling contamination. For example, most people do not realize that plastic bags in the curbside recycling bin can actually be quite detrimental to the screens of the machines at a material recovery facility (MRF).

Behavioral psychology studies from groups like Keep America Beautiful (KAB) show that the layman has minimal time to unravel the complexities of recycling. He or she needs a brief, simple message that can be applicable equally at home, work, and in public. This necessitates having standardized colors and familiar messaging across an entire region.

5. **Grants MassDEP the wherewithal to enforce on generators**

*Explanation* - To ensure the success of this bill, MassDEP must have the wherewithal to enforce directly against generators. San Francisco is recognized as a model for municipal recycling because, in addition to a recycling education and enforcement budget magnitude times larger than that of Massachusetts, the San Francisco Department of the Environment can and aggressively does fine and ticket individuals. 310 CMR 19.017 does imply that MassDEP can enforce on generators, but it is not explicit.

MassRecycle believes that H.3420 can greatly improve recycling in the Commonwealth of Massachusetts. This bill can be the overarching bill that finally makes recycling required in the state. As such, ***MassRecycle urges the Joint Committee to vote favorable action on H.3420.***

MassRecycle believes that H.3420 can synergize with bills H.671 and S.454. H.671 and S.454 can be the proverbial stick to drive adoption of recycling as set forth in H.3420. However, if the Joint Committee opts to pass H.671 and S.454 separately from H.3420 and other synergistic bills, it is important to recognize that funding for MassDEP and municipalities is necessary for H.671 and S.454 to succeed. ***MassRecycle urges the Joint Committee to vote favorable action on H.671 and S.454 with the caveat that independent passage of the bills is contingent on identification and appropriation of dedicated funding for MassDEP and municipalities.***

While H.3420, H.671, and S.454 primarily deal with at home or office recycling, i.e. private recycling, MassRecycle urges the Joint Committee to also address public space recycling. According to KAB research, even among avid recyclers, only about 40% recycle in public and 19% in parks. S.399 addresses public space recycling, and MassRecycle supports the bill. However, MassRecycle believes that S.1653, which the Joint Committee is scheduled to consider at a later date, offers slightly more pragmatic terms. S.1653 sets forth the following points:

1. **Focuses on establishing a cost-neutral approach to public space recycling**

*Explanation* – Requiring implementation of public space recycling only if waste removal services are already offered in that public space ensures low to cost-neutral public space recycling programs. If waste receptacles already exist in a space, there should be an existing trash removal budget that can be partially converted to cover ongoing maintenance and removal costs for recycling.

Public spaces that do not offer waste services lack the budget to cover the ongoing maintenance and removal for recycling. Implementing public space recycling without some clear funding mechanism would not be reasonable.

For example, many conservation spaces managed by the Department of Conservation and Recreation (DCR) are

carry-in, carryout so do not offer trash receptacles. DCR would have to buy new receptacles, hire a hauler, and potentially hire new staff. Parks that already offer trash service should already have these logistics covered.

**2. Sets distinct tiers for implementation for municipalities, public agencies, and private owners of high-traffic public spaces**

*Explanation* – Like S.399, S.1653 has different tiers for implementation. Unlike S.399, S.1653 instead allows municipalities to file a plan with MassDEP and work with MassDEP to implement at appropriate thresholds for the unique circumstances of the municipality. This takes into account the variance in available budgets, plus other potential challenges faced by a given municipality.

MassRecycle believes that a comprehensive approach to recycling in Massachusetts will include public space recycling. In fact, MassRecycle has been collaborating with the Massachusetts Bay Transit Authority (MBTA) and the Massachusetts Beverage Association (MBA) to launch a pilot project to demonstrate that the cost-neutral approach set forth in S.1653 in a real world setting. We hope that the Joint Committee joins us in September 2015 for the unveiling of this pilot at Alewife Station. ***MassRecycle urges the Joint Committee to move favorably on a public space recycling bill with preference for S.1653.***

MassRecycle would like to voice support for S.408 and S.410. S.408 establishes a statewide paint collection and recycling program for all Massachusetts residents and businesses that is operated and financed by the paint industry. Establishing a paint stewardship program in Massachusetts will save municipalities and ensure safe management of leftover paint for our residents. ***MassRecycle urges the Joint Committee to move favorably on S.408.***

S.410 resolves that MassDEP should adopt the waste management hierarchy that prioritizes reduce, reuse, recycle, recover energy, and then landfill as a last resort. MassRecycle believes that residuals should be managed in the highest, best way possible. Even if MA reaches zero waste, there will be residuals to manage, as zero waste is not truly 0% and can still result in up to 9% residuals. ***MassRecycle urges the Joint Committee to move favorably on S.410.***

MassRecycle would also like to comment on H.687 and S.438. While both bills strive to establish a comprehensive framework and have multiple key points that could be viable if tweaked, MassRecycle does not support zero tolerance Waste Ban thresholds. Zero tolerance Waste Bans are unrealistic. Zero tolerance thresholds and effectively suspending the hauler after five failed loads will totally cripple the existing waste management infrastructure in the Commonwealth.

Waste Bans should continue to be regulated by MassDEP. Tightening thresholds on Waste Bans will not get us over the hump to zero waste; increasing convenience and properly educating the populace are the keys. As such, ***MassRecycle regretfully urges the Joint Committee not to move on H.687 or S.438.***

Finally, MassRecycle would like to comment on the various plastic bag and Styrofoam™ bans proposed. MassRecycle supports efforts to minimize littering and contamination of recycling streams. As mentioned, plastic bags are the bane of MRF operators.

However, MassRecycle urges the Joint Committee to carefully consider the specifics of such bans, if the Joint Committee opts to move on any of the bans. For example, if plastic bags are banned statewide, required fees for replacement bags should be set to most incentivize those bags with the lowest carbon footprint. Some studies, such as one put forth by Northwestern University, actually demonstrate that recyclable paper bags have a slightly worse overall carbon footprint than plastic bags. Plus, paper bags cost retailers a lot more to stock.

If the Joint Committee opts to put together a working group to study these alternatives, MassRecycle strongly urges the Joint Committee to assign a representative from an organization that works directly with the recycling industry and understands all the intricacies of materials management, such as MassRecycle, NWRA, or the Solid Waste Association of North America (SWANA).

Thank you for considering our testimony. If you have any specific questions, do not hesitate to contact Edward Hsieh at 617-338-0244 or [director@massrecycle.org](mailto:director@massrecycle.org).

Sincerely,



Edward Hsieh  
Executive Director, on behalf of the Board of Directors