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Vermont House Committee on Natural Resources, Fish and Wildlife

H.105 & H.88 – Single-use carryout bags

April 6, 2017

Chairman Deen and Committee Members,

CSWD background

CSWD is one of 16 solid waste planning entities in the State. We serve Chittenden County which represents approximately 25% of the population of the State. CSWD's mission is to reduce and manage the solid waste generated by our members in an environmentally sound, efficient, effective and economical manner. We turn 30 years old this year and I am happy to say that we are moving in the right direction in achieving our mission with a 26% decrease in material going to the landfill today compared to 30 years ago.

To help us achieve this mission we provide a variety of programs and services to our members (see CSWD informational handout). Our facilities include seven drop-off centers throughout the county, a hazardous waste collection depot, a special waste facility, a single-stream materials recovery facility (MRF) and a compost facility, Green Mountain Compost (GMC).

I will give a quick summary on how plastic bags impact some of our facilities and then some additional ideas to consider.

Plastic bags at CSWD's MRF

There are two MRFs in the state where the majority of the blue bin recyclables are processed and marketed; Casella's MRF in Rutland and CSWD's MRF in Williston. The Williston MRF processes approximately 55% of the State's recyclables. We have a partnership with Casella, who operates our MRF. The MRF manager estimates that they spend 3-4 hours per day detangling material from the screens which includes plastic bags. This supports Cathy Jamieson's statement that we spend approximately 780 hours a year cleaning film (and other material) off machinery at the MRF. Plastic bags are a known problem in the solid waste industry for MRFs as is a lot of other material that can get wrapped around the equipment.

Compostable bags at compost facilities

H.105 encourages the use of compostable bags by retailers with a ban on other single-use carryout bags. So I thought it would be helpful to share some information concerning compostable bags at our compost facility, Green Mountain Compost (GMC).

GMC is the only large compost facility permitted in the State with no other large compost facilities being planned or permitted at this time. A large compost facility is permitted to accept more than 5,000 tons of material annually. We currently process about 5,000 tons of food residuals and a total of 13,000 tons of all organic material combined. We estimate that we currently process over 50% of the food scraps that are currently collected for permitted composting in the State.

GMC is the only compost facility that we are aware of that accepts compostable bags and tableware. Although we accept compostable bags, they are problematic. We do not support compostable bags being an alternative to plastic carry-out bags. Here are some of the issues:

- Compostable bags blow and create litter at our compost facility.
- Similarly to the MRF, bags get tangled in our process at GMC.
- Material that comes in with compostable bags and tableware have to be kept separate from our “organic approved” compost process.
- Our aerated static pile process for composting doesn’t fully break down compostable bags due to the short time before the compost is screened and cured. It takes 6-7 weeks before the compost is ready for screening which is not enough time for the compostable bags to break down. The “overs” that are screened, which includes the bags that don’t break down, go in the trash.

Those are just the problems with the compostable bags. Then there is the problem with greenwashing where products are not compostable but are sold as such. There are bags that are green or brown and have the words “eco” or “bio” on them or are labeled degradable or biodegradable to make the consumer believe it is an environmentally friendly product that can go to our program. These products are made from petroleum and end up at our facility as a contaminant that do not break down in our process. A push for retailers to use compostable bags (which is what H.105 does), will result in more of these non-compostable bags ending up in our process and plastic contamination in our compost.

These non-compostable bags were such a problem in the City of Seattle with their local compost facility that the City passed an ordinance in 2016 requiring all compostable bags provided to customers by retailers to be tinted green or brown and labeled compostable. Furthermore, all plastic bags provided that are not compostable may not be tinted green or brown. Confusing or misleading terms such as “degradable” is not allowed on bags provided to customers.

With the implementation of the Universal Recycling Law which requires all food scraps kept out of the landfill by 2020 in Vermont, the type of legislation that the City of Seattle passed would be a welcome tool to help keep non-compostable bags out of organic collection programs state-wide. CSWD would appreciate the committee to consider this as you tangle with the bag issue.

Perspective on H.88 or H.105 being a waste reduction tool

Based on the State waste composition study in 2012 0.4% of the weight of the material sorted was retail plastic bags or 1,800 tons.

Bag ban perspective from our members

CSWD surveys its members every other year to gauge how we can improve what we do. Occasionally we will ask about proposed legislation or have questions on existing laws. In our 2015 survey we asked, “Would you support or oppose a 5-cent tax on disposable grocer takeout and retail store bags?” Of the 402 CSWD residents surveyed, 48% of the respondents supported a 5-cent tax and 45% opposed a tax.

Side note of interest: 74% of those surveyed supported a ban on expanded polystyrene (EPS) takeout containers.

Other considerations to solving the problem

H.105 and H.88 are intended to prevent litter and the unnecessary waste of resources. Through the CSWD lens, reduction and recovery are the primary goals when it comes to single-use bags. In our ideal world, everyone would use reusable bags and wouldn't need single-use bags when shopping. We encourage, educate and have even given away reusable bags to our members to help them reduce their use of single-use bags. But not everyone remembers or wants to use a reusable shopping bag and we all end up with single-use bags to reuse, recycle or dispose in our homes. If we could capture all of those bags for recycling, the problem, at least through the CSWD lens, would be minimal. Paper bags are required by the Universal Recycling Act to be collected and recycled so those are managed. However, the requirement to recycle and the infrastructure for collection is not there for plastic bags. The primary barriers with capturing the used single-use plastic bags is the lack of consistent and convenient infrastructure for collection and consumer education.

The committee could consider a model where the retailer gets to choose to distribute single-use carryout plastic bags or not (like they can do today), but if they choose to provide the single-use plastic bags to their customer, they would be required to take plastic bags back. As many of you know we advocate for extended producer responsibility initiatives and this "take back" program is a form of EPR. If all retailers that provide single-use plastic bags to its customers were required to have a visible and convenient container to collect them, this increase in infrastructure, convenience and education would result in a much higher capture and recycling rate. Not only would it provide a greater level of convenience to recycle plastic bags, but other film plastics could be recycled with them such as dry cleaning wrap, paper towel wrappers, bread bags, baggies and produce bags. This would result in larger recovery rates of film plastic and less bags in our woods, waterways and landfill which I believe is the intent of this committee.

Note: if bags are banned, it is possible that some of the existing infrastructure provided by retailers today would go away which would also eliminate the ability to recycle the other films mentioned.

Rhode Island has required plastic bag collection by retailers for almost 10 years. The law is simple. The section below is most of that law.

§ 23-18.11-3.1 Recycling containers for plastic bags.

Every retail establishment that sells or conveys goods or food directly to the ultimate consumer within the state, shall provide within the retail establishment, at a location convenient for its customers, receptacles in which customers may place any used clean and dry plastic film bags for recycling as defined in § 23-18.11-2, which includes, but shall not be limited to plastic film grocery sacks, plastic film shopping bags, dry cleaner film, fresh produce bags, and newspaper sleeves; provided that this provision shall apply only to those retail establishments where the aggregate conveyance of goods or food is in excess of eight million dollars (\$8,000,000) annually at locations within Rhode Island, or where the retail establishment has over ten thousand (10,000 sq. ft.) square feet of retail or wholesale space at one location within Rhode Island. The retail establishment, at its own expense, shall be responsible for the cost, maintenance, and emptying of these receptacles and the delivery of the bags collected to a suitable recycling facility, or to an intermediary company or vendor whose business includes the recycling of plastics. Every retail establishment shall maintain records indicating where the plastic bags that are collected by such retail establishments are transported for recycling and report such information to the Rhode Island resource recovery corporation no later than January 31, 2009 and no later than every January 31 thereafter.

Thank you for your concern and interest in solid waste issues.