

Single Use Plastics suggestions 10/18/2019

Jim McCullough

Not necessarily by order of preference...

- Ban single use plastic eating utensils and plates/bowls
- Establish EPR for film plastics
- Discontinue bottle redemption & replace with EPR for plastic & glass containers; includes deposits and escheats managed by industry

Single Use Products Working Group
Vermont General Assembly
Kimberly A. Crosby
Casella Waste Systems, Inc.
October 18, 2019

Act 69 Single Use Products – Top Priorities

Based on our longstanding commitment to advancing sustainable resource renewal innovations, Casella has invested millions of dollars in Vermont’s public recycling infrastructure dating back to the seventies when we opened one of the first public recycling facilities in the state. We continue to invest in these facilities to provide Vermonters with the great recycling services they have come to expect, processing over 100,000 tons of recycling each year in Vermont.

Notwithstanding the state’s progress, the necessary combination of processing infrastructure and markets for recovered commodities does not exist for some post-consumer materials. In these cases, policy interventions such as EPR, bans, or other measures may be warranted.

1) Glass

Because there are no economic local markets for glass recycled in Vermont’s public recycling system, we believe the Working Group should evaluate and/or recommend an EPR program covering all glass beverage and food containers. Funds collected through the program could potentially support both infrastructure to clean up glass from MRFs, and the development of more local/regional markets for recycled glass.

2) Hard-to-recycle plastics

Few markets exist for plastics numbered 3, 6 & 7. We would be supportive of an EPR on these items that would either incentivize manufacturers to produce their products in PET, HDPE & PP (1, 2 & 5); or be invested to develop the requisite local/regional processing infrastructure and market outlets for recycled 3, 6 & 7 commodities.

3) Contaminants of Emerging Concern

Many common household items including textiles, furniture, cleaning products, etc. contain chemicals that are being revealed to pose threats to human health and the environment. For example, a recent focus has been on PFAS. The cost associated with the proper handling and treatment of these substances should be borne by the producers who designed and/or selected them for use in their products. Going forward, such a mechanism might also provide an incentive for manufacturers to address and eliminate such substances in the design of their products.

4) Batteries

Vermont has a primary battery stewardship program; however, the current program does not include lithium batteries that continue to show up in the curbside trash and recycling stream, putting workers and the environment at risk. We believe the state should enhance the existing program to improve its effectiveness in keeping these items out of the disposal and recycling systems.

Vermonters continue to unnecessarily subsidize redundant recycling infrastructure for materials that are perfectly suited for blue bin recycling. The deposit program for aluminum cans and PET bottles should be discontinued, so the associated energy, attention, and resources can be focused on materials that require separate infrastructure.

Sigrist priorities and issues for Single Use Products Working Group

1. Avoid increases in consumer prices and maintain access to products
Vermont's landscape is not capable of handling increased consumer costs or a reduction in access to consumer packaged goods. Consumers and retailers are already facing increased costs and competitive pressures.
2. Identify opportunities to increase consumer motivation to recycle
Expanding consumer outreach and education on recycling best practices, consider potential incentives, standardizing recycling rules, and continuing to strengthen existing programs (i.e. Act 148) in order to provide more access to recycling
3. Establish stakeholder taskforce
The current system is made up of several industries and faces constantly changing markets. Consider establishing a small taskforce of all industry stakeholders to review and provide systemic guidance to designated departments and agencies in enforcement of recycling regulations.

Single-Use Products Working Group Policy Proposals

Submitted by: Vermont Conservation Voters

October 18, 2019

Goal: Vermont should adopt a goal of reducing waste from single-use packaging and products by 75% by 2030

Vermont should establish a statewide goal, similar to the “Circular Economy and Pollution Reduction Act” being deliberated in California, which would require the Vermont Department of Environmental Conservation (DEC) to develop a plan and adopt regulations that will achieve and maintain, by January 1, 2030, a 75% reduction of the waste generated from single-use packaging and priority single-use products through source reduction, recycling, and/or composting. Legislation establishing this goal should authorize DEC to determine a set of priority single-use products, and establish which actions producers may undertake to meet the state goal. Such legislation would require producers to: (1) reduce the use of single-use packaging and single-use products prioritized by the Department, to the maximum extent feasible, and (2) ensure that all single-use packaging and prioritized single-use products that are manufactured on or after January 1, 2030, and that are offered for sale in Vermont are recyclable or biodegradable.

Having a clear statewide goal requiring a dramatic reduction in waste from single-use packaging and products, and requiring a roadmap to achieve those reductions, will help ensure state policymakers, manufacturers, and other stakeholders have clarity on where we are heading, and that the policies the state is pursuing are in line with - and commensurate with - achieving the goals we establish.

Below are several specific policies the Legislature could enact to help set us on course to meet the 75% waste reduction goal.

Bans

- **Single-Use Food Packaging.** Contact with plastics, and chemicals added to plastics, in consumer products is a pathway for exposure to toxic chemicals. The current regulatory framework does not protect Vermonters from exposure to toxics in food packaging, nor does it incentivize reductions in the use of single-use food packaging. We therefore propose that the State of Vermont should ban single-use food packaging (other than that covered by Vermont’s Beverage and Container Redemption Law) unless it is 100 percent recyclable in Vermont, truly biodegradable, and toxic-free. Single-use products meeting these requirements should also meet new requirements for increasing levels of post-consumer recycled content.
- **Hotel shampoo bottles.** Require lodging establishments to only provide their customers with toiletries in bulk dispensers by prohibiting the use of personal sized containers (those under 6oz in size). Many large hotel chains are already making changes in their operations that meet these requirements, and similar legislation was recently signed into law in California.
- **Packaged Water.** Prohibit the purchase of packaged water using public funds. Numerous cities across the U.S. have banned the use of public funds for bottled water including San Francisco, Chicago, Boston, Minneapolis, and New York City.

Extended Producer Responsibility

- **Bottle Bill Modernization.** Modernize Vermont’s successful beverage redemption program by 1) expanding its scope to cover PET water bottles, wine bottles, hard cider, sports drinks and juices, and 2) increase the deposit from 5 cents to 10 cents and consider including an automatic increase in the deposit if the redemption rate drops below 80% in two consecutive years.

The current law places deposits on about 300 million containers sold in Vermont each year (mostly beer, soda and liquor). If Vermont expanded its program to include domestic non-sparkling water bottles (less than one gallon in size), an additional 175 million containers would be added to the system. Sports drinks would add another 8.3 million containers. And wine containers (mostly glass bottles) would add another 17.7 million containers, for a total of approximately 201 million additional containers per year (using 2015 sales data). That would be an immediate 40 percent increase in the number of containers covered by Vermont’s Bottle Bill system.

Containers redeemed through this system are cleaner and more valuable than similar containers collected through the zero-sort process. It’s also more likely that these containers could be part of the circular economy by being turned into beverage containers or other useful items again. Having clean, post-consumer recycled material that can be used by manufacturers to make new containers is critical if recycled content goals (voluntary or mandatory) are to be achieved.

- **Packaging.** Reducing the overall quantity of single-use packaging waste produced in Vermont is a critical goal. An EPR approach could require companies to pay a fee based on the volume of packaging they use in their operations. Revenues generated by this fee could be used to support recycling and/or composting programs at the solid waste districts.

An effective system should also include eco-modulated fee rates, based on:

1. The level of recyclability of the packaging used (recyclable with existing technology, composite products, packaging that interferes with recycling overall, use of hazardous or toxic additives, etc).
2. The amount of recycled content used in packaging materials.
3. The use of biodegradable materials.
4. The presence of toxic chemicals.

Require Increasing Percentages of Post-Consumer Recycled Content

- Any EPR approaches should be coupled with a mandate to increase post-consumer recycled content in single-use packaging over time, as another effective way to reach the overarching goal of reducing waste from single-use products and promoting a robust circular economy.

Considerations for the Single-Use Products Working Group
From Agency of Natural Resources
October 18, 2019

At the October 8th Single-Use Products (SUP) Working Group meeting, it was requested that members provide a short description of priorities for the Working Group to consider.

Purpose: Section 3 of Act 69 states the purpose of the SUP Working Group is to make recommendations that would:

- (A) reduce the use of single-use products;*
- (B) reduce the environmental impact of single-use products;*
- (C) improve statewide management of single-use products;*
- (D) divert single-use products from disposal in landfills; and*
- (E) prevent contamination of natural resources by discarded single-use products.*

Issues: The Working Group has discussed the following issues:

1. **Significant landfill capacity** is used to dispose Single-Use Products (~ 1/3 of MSW disposed in VT are SUPs). In addition, not all SUPs can be recycled; approximately half of SUPs that are currently disposed could be recycled.
2. **Recycling costs** have increased dramatically and need to be addressed, in order to sustain recycling and before requiring additional materials be recycled.
3. There are **negative environmental impacts** from SUPs.

Options: The Working Group should continue to discuss these challenges and potential solutions, which may include the following:

- **Extended Producer Responsibility (EPR)** covering packaging, paper and printed materials, where manufacturers share in the responsibility for managing these materials.
- **Fee for Packaging & Paper**, where manufacturers pay a nominal fee for each product sold in the state and funds could be used to reduce the cost to recycle or dispose of that product or packaging.
- Consider solutions for **harder to manage materials**, such as glass.
- **Bans from sale** for SUPs that are likely to be improperly disposed (litter) **or be made from materials that naturally decompose** and not cause environmental impacts.
- **Post-consumer recycled content**, phased-in over time, for certain items to be sold in Vermont, such as plastic containers and plastic bags that are not banned, including garbage bags.

Proposal for the Single-Use Products Working Group
Submitted by Jen Holliday 10/18/19

Problem:

The costs related to managing single-use products at the end of their life, as well as the environmental impact and health risks associated with their use, are all externalized costs paid for after the purchase of the product. Some single-use products have a larger environmental footprint or are more toxic or more recyclable than others. Although some producers of these products are considering these impacts when making their products, others are not because there is little incentive to do so. Additionally, in the past two years, the costs for managing recycling has reached an all-time high with markets saturated and demand for recycling commodities low. Market fluctuations have caused many local governments throughout the U.S. to drop their recycling programs due to these high costs. Vermont solid waste management entities, haulers and transfer stations and MRFs are also struggling. Without the mandates of Act 148, many of these recycling programs in Vermont would likely have been dropped by now.

Recommendations:

1. That the legislature directs ANR to develop a proposal for EPR legislation for single-use products that is structured in a way that encourages single-use products to have a low carbon footprint, recycled content, be non-toxic and recyclable. This would be achieved through a modulated fee structure where the favorable attributes would be rewarded with lower fees. The producers would be responsible for developing the fee structure and managing it. ANR would approve the fee structure or it could be approved by an authority made up representatives from the industry, ANR and the environmental community. The legislation would require the current infrastructure to be utilized but the funding to collect and manage single-use products would come from the producers. Management costs that would be covered includes, collection, recycling, disposal and litter clean-up. Producers would also be responsible for providing additional infrastructure and education.
2. Investigate requirements for recycled content in certain products to increase demand for recycling commodities.

1.) Expanded Bottle Bill: cover more glass items and increase deposit on cans. That said I would like to look at current inefficiency in the redemption system and ensure it is not hurting small businesses that recycle rather than redeem.

2.) Set a goal of reducing waste for single-use packaging and products. One arm of this would be a ban on single-use toiletry items in hotels, B&Bs, etc.

3.) EPR: but not sure what to state to follow on this and if a ban on the packaging would supercede this.

Stephanie Bonin,
Executive Director

Single-Use Products Working Group
Additional priority for consideration
Jen Holliday, Chittenden Solid Waste District
10/21/19

Modernize the bottle bill with the following:

- a. Expand to bottle bill to include all glass beverage containers as well as glass food containers. Glass is difficult to process and market in the recycling system and has more market value and options if it is collected and processed separately.
- b. Remove PET and aluminum beverage containers from the bottle bill system. The aluminum and PET beverage containers collected from consumers that take them back to retailers and redemptions centers do not go into Vermont's material recovery facilities that process blue bin recyclables in Vermont. Instead, they are consolidated and marketed separately. These materials have a high market value. Costs for recycling would become more sustainable if PET and aluminum beverage containers were removed from the bottle bill and instead, they were captured in the blue bin recycling system.
- c. Increase the deposit to \$.10 for glass only bottle bill.

Andrew Hackman, AMERIPEN
Vermont Single Use Products Working Group
Top-3 Priorities

1. **Recyclability Goals** – Packaging manufacturers and consumer goods brands would like to work with states like Vermont to set and achieve mechanisms to have packaging 100% recyclable by 2030. We would like to explore with the Working Group how such a goal could be achieved and how that would positively impact the goals of this effort.
2. **Consumer Education on Contamination** - Contaminated recyclables is at the heart of the China National Sword policy and problems with recycling in Vermont and beyond. On average, 25% of the materials received at MRFs is non-recyclable “contamination” that has to clean up the material to meet the stringent quality specifications for outbound material bales.

It is critical that Vermont, develop aggressive efforts to address contamination through consumer education and enforcement and consistent messaging with local solid waste authorities about what materials can be accepted in each community. Efforts should be made by the Working group to look at states like Washington State and others are having success with education efforts and these should be evaluated for use in Vermont as well.

3. **Active Enforcement of Existing State Solid Waste Programs** - Under the Universal Recycling law Recyclables were banned from the landfill, statewide unit based pricing should be in effect, and requiring residential trash charges be based on volume or weight. Active enforcement of these requirements should be having an impact on diversion and recycling, coupled with the recyclability goal stated above, we would like to focus on improving performance if higher recyclable packaging materials coupled with existing mandates and consumer education – with more active enforcement – could impact the recycling system in Vermont.

SUPWG Recommendations, Goals, and Strategies—Emerging from our meetings—
and the basis for further discussions

ACT 69 calls for recommendations to...	GOAL	STRATEGY	NOTES
REDUCE the use of single use products	REDUCE the volume of single use beverage packaging	<p>GLASS: because of the performance of the bottle bill stream (producing cleaner, more valuable glass waste) increase the number of glass items that are handled via the bottle bill in order to convert them into usable products, either with a similar purpose (new glass bottles) or different purposes (such as insulation);</p> <p>Example: wine and other beverages in glass (iced teas) to the bottle bill.</p> <p>and</p> <p>PLASTIC: e explore economics and potential system performance enhancements plastics (#1, PET) into the bottle bill.</p> <p>and</p> <p>ALUMINUM: explore economics and potential system performance enhancements of bringing aluminum into the bottle bill.</p> <p>Example: beer and cider</p>	<p>In beverages, dominated by non-reusable packages (ie glass bottles are only very rarely refilled, and plastics are virtually never refilled), concede that single use packaging (bottles) will continue to be used, change the marketplace to support more environmentally sound solid waste management of them; evaluate impacts of:</p> <ul style="list-style-type: none"> (i) creating a post consumer waste (PCW) content requirements for sold produced in products in VT; and (ii) increasing the bottle deposit to 10¢ to support higher performance handling of this waste (e.g. reduced landfilling, increased reuse). Help those handling these bottles succeed. <p>The cost of making these improvements should be borne by those creating the waste to be managed; this includes consumers, but is more effectively handled by having the producer support the system that enables consumers to “do the right thing.”</p> <p>That is, producers create the problem (handling and clean up costs). An environmental fundamental tenet says “the cost causer should pay.” That said, the consumer enables the producer to engage in this behavior, and she or he therefore becomes the producer’s partner in having a responsibility and role in solving this problem.</p>

ACT 69 calls for recommendations to...	GOAL	STRATEGY	NOTES
REDUCE the use of single use products	REDUCE the volume of single use non-beverage packaging (packaging of all types)	Implement EPR for this category of good.	<p>Breadth, scope, and timing TBD and dependent in part upon what other jurisdictions put into law.</p> <p>Implement a PCW requirement to boost marketplace for the solid waste system; that is help create the market that can enable EPR to function well.</p>
REDUCE the environmental impact of single use products	ELIMINATE use of single-use plastic packaging	Implement FPR for this category of good	<p>Breadth, scope, and timing TBD and dependent in part upon what other jurisdictions put into law.</p> <p>Implement a 100% PCW requirement to boost marketplace for the solid waste system; that is help create the market that can enable EPR to function well;</p> <p>and/or</p> <p>implement a 100% plastic-free and biodegradable under normal environmental conditions requirement.</p> <p>Reasoning: public health impacts should be the primary driver of the packaging redesign discussion; health over carbon footprint, etc.</p>

Single-use Product Working Group
John Leddy
Northwest Vt. Solid Waste District

It is the charge of this group to examine single-use products and their impacts on Vermont. My lens for that examination comes from a waste stream perspective. As Cathy Jameson testified, our Vermont waste stream is largely comprised of single-use products, as defined by our charge. These products significantly add to both the volume and cost of Vermont's waste stream. While Vermonters do a fairly good job at recycling single use products that are recyclable, there are a significant number of these items that aren't. Single-use products accumulate in Vermont's only landfill at an ever increasing rate reducing the state's landfill capacity for the future. Additionally, many single-use products that aren't recyclable are mistakenly put in the recycling where they contaminate the recycling system or are discarded as litter and contaminate our environment. The recycling system in Vermont, while much better off than other parts of the United States, has suffered a significant increase in costs largely caused by contamination of un-recyclable material. These problems are exacerbated by manufacturers who produce, promote, and distribute an increasing array of packaging and other single use products at an increasing rate.

Therefore, I would suggest that the group move forward with a focus on the following three things: 1. Reduce the amount, by volume or weight, of single-use products that are sold in Vermont. 2. Make steps to increase both the recyclability of single-use products and the amount of recycled content in those products that are sold in Vermont. 3. Pass (some/most) of the cost of the management of the waste caused by single-use products to manufacturers.

As seen in the testimony received by this group, Extended Producer Responsibility (EPR) can be an effective tool to make manufacturers responsible for the products they sell. The EPR system would raise funds for the recycling and disposal of single-use products. Through the use of modulated fee schedules, which incentivize certain qualities such as recycled content or recyclability, EPR can effectively encourage manufacturers to use materials that are better for the Vermont waste system or reduce the volume of waste generated from these products. For these reasons, the Single-use Product Working Group should move forward in the pursuit of an EPR system for single-use products in Vermont.

