



**Department of  
Environmental  
Conservation**

**Testimony of**

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**New York State Department of Environmental Conservation**

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Conservation**

**Public Hearing: Recycling**

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Chairman Englebright, Chairman Kaminsky and members of the Assembly and Senate Standing Committees on Environmental Conservation, good morning. My name is Martin Brand, I am the Deputy Commissioner for the Office of Remediation and Materials Management at the New York State Department of Environmental Conservation (DEC). My portfolio at DEC includes managing policies and programs covering all aspects of solid waste management, including recycling, in New York State. On behalf of Commissioner Seggos who could not be here today, I am providing testimony on these issues for the Department.

Thank you for the opportunity to present testimony at this important hearing on the status of recycling markets, the effectiveness of municipal recycling programs and planning, and the role of the State and DEC in promoting programs and initiatives that support recycling in New York State.

New York State and the country are experiencing challenges due to a significant downturn in the global market for recyclables. These difficulties were initially precipitated by adoption of new restrictive policies by China and other traditional overseas markets for recyclables.

Consequently, revenues for recycled materials have fallen, while local costs for recyclables collection and processing have risen significantly. These changes to the global market have placed an unanticipated financial strain on New York municipalities that either manage or contract for the collection and processing of recyclables, as well as on businesses and residents that contract for collection services themselves.

Thankfully, due to the efforts of New York State and municipalities across the State to stay the course, we are not experiencing widespread issues with material storage or disruptions in collections; however, there are significant local concerns that have been well publicized – and you will likely hear about today. In addition, we are not experiencing widespread diversion of recyclables to landfills, though we continue to carefully monitor this situation.

So, what can DEC and New Yorkers do to counter the effects of these recent global changes and continue to build on the tremendous legacy of recycling in NYS?

**First and foremost – New York needs to keep recycling.**

New York's recycling industry employs thousands of New Yorkers and helps reduce both our carbon footprint and the need for additional natural resources. These jobs boost the state's booming green economy, reduce greenhouse gas emissions that cause climate change, and prevent pollution from harming our air, land, and waters.

Since our groundbreaking Solid Waste Management Act went into effect in 1992, we have accomplished a great deal:

- Local source-separation programs have captured and diverted more than 350 million tons of recyclable materials from landfills.
- This diversion has resulted in an estimated net emission reduction of 1.1 billion metric tons of CO<sub>2</sub>, the equivalent of taking 230 million cars off the road for one year.

- Extended producer responsibility (EPR) laws have been adopted for electronic waste, rechargeable batteries, mercury thermostats, and pharmaceuticals.
- The Bottle Bill has been an effective recycling tool and continues to be a model for programs nationwide.
- We've invested over \$242 million in recycling infrastructure, equipment and collection vehicles, education and outreach, recycling coordinator jobs, and local recycling programs through the Municipal Waste Reduction and Recycling grant program.
- The NYS legislature continues to support record levels of Environmental Protection Fund (EPF) funding.
- The Part 360 solid waste management regulations have been updated to support expedited grant reimbursement, food recovery, beneficial use, and organics diversion, in addition to recycling.

**We must continue to build upon these efforts and successes.**

To provide relief to local governments and ensure that New York continues to lead the nation in recycling, Governor Cuomo has directed DEC to identify new actions and initiatives to improve and sustain recycling. DEC is working with municipalities, businesses, industry and environmental leaders to tackle the problem head-on, evaluating the causes and developing short- and long-term strategies to preserve and promote recycling programs statewide.

DEC is developing the next State Solid Waste Management Plan for the period 2021 - 2030 to lead us into the next decade. As part of that effort, DEC held a series of 14 meetings across the state in January and February to seek input on concerns, issues, and ideas related to solid waste management.

To evaluate what additional actions can be done specific to recycling, DEC convened several recycling stakeholder meetings from August 2018 through January 2019. Participants in these stakeholder meetings helped develop several next steps that we believe will be useful in addressing the recycling markets situation and to help municipalities and businesses weather these volatile market conditions. Several issues that came to the forefront for immediate examination include:

- contamination and content of recyclables,
- the lack of markets and infrastructure for certain materials, and
- needed improvements in our collective education and outreach efforts.

Regarding education, outreach, and public awareness, DEC continues to engage with all stakeholders to develop consistent education and outreach programs so that all New Yorkers better understand the importance of recycling, as well as which items should be recycled, and which items should be excluded from recycling programs and collection containers to reduce contamination and improve the product. With virtually universal support, DEC is working with the business community, local governments, and the

environmental community to standardize this messaging with our "RecycleRightNY" campaign to collectively reduce contamination of the recycling stream.

This program addresses one of the major problems of current recycling programs -- "Aspirational Recycling" or "Wish-cycling" -- when residents and businesses with pure intentions put everything into their recycling collection containers, in the hopes that all of it can and will be recycled. Unfortunately, this creates handling and operational problems at the processing facility, results in contamination of the recyclables, and actually hinders successful recycling.

Under our "RecycleRightNY" educational campaign, we developed a year-long program for 2019 designed to target a different universal message each month that can be used by the State, municipalities, and businesses across the State. This program launched in January 2019 and includes materials and information distributed throughout New York as part of a "toolkit", which DEC developed cooperatively with many organizations and environmental groups. Work is underway to develop a work plan and goals for the coming year with the assistance of SUNY Environmental Science and Forestry (ESF) as a partner University.

DEC is researching new ways to promote and expand existing recycling markets and develop new markets.

- DEC has contracted with the NYS Pollution Prevention Institute (P2I) to research current market conditions and metrics associated with glass recycling.
- DEC is partnering with SUNY Universities across the state to help with market research and development. These include efforts with:
  - SUNY ESF on paper recycling and recovery market research and development and education assistance;
  - SUNY Buffalo on plastics market research and development, as well as work on recycling education and outreach research;
  - SUNY Stony Brook on waste composition studies, single-stream recycling case studies, and economic market guidance for municipalities; and
  - SUNY Alfred on glass recycling market research and development.
- DEC is working with our partners at Empire State Development to locate potential opportunities for recycling processors for various materials to expand their operations in NY.
- DEC is continuing our partnership with the Department of Transportation to help maximize the beneficial use of recyclables in road construction projects across the state, such as glass as construction aggregate and in paving.

The marketability of specific recyclables has been cited as contributing to the rising cost of recycling in New York State. As a result, DEC is evaluating recycling areas and specific materials to determine the extent of the problem and the best path forward to address these issues.

With respect to mixed paper, this commodity had been easier to recycle when local markets were available and dual stream recycling programs, where paper is collected and processed separately from mixed metal, glass and plastic containers, were more prevalent. While changes to the global marketplace have diminished the value and marketability of mixed paper, the idling of many pulp and paper processing plants in the Northeast and West Coast has added to the problem. Additional domestic capacity is beginning to come on line in the Midwest and Southeast, as part of the global market adjustment, which is encouraging. DEC will continue to pursue efforts to enhance outreach and education on the proper materials to include in the paper stream, as well as evaluation and removal of potential barriers for increased market capacity in New York.

Universally, stakeholders have identified glass as one of the most challenging materials in the recycling stream. Glass has been a lower value commodity for years and can contaminate other recyclables, such as mixed paper, if not collected and managed consciously to avoid impacts on other recycling streams. This is especially a concern in single-stream recyclables collection systems where municipalities, collection companies or facility operators collect and process all paper, metal, plastic and glass together.

Glass is difficult to market to the container glass or fiberglass industries due to high contamination with labels, caps and grit. Glass itself is also a significant contaminant in mixed paper collection. Alternatives for glass management include processing facilities that clean collected glass for high-end manufacturing into containers or fiberglass and providing incentives for state and municipal construction projects that specify the use of glass aggregate in road construction.

One consistent suggestion expressed during all the stakeholder meetings was to expand the Bottle Bill to include additional glass containers. The New York State Returnable Container Act, or "Bottle Bill", has been a tremendous success since its initial passage in 1982 and recent amendments in 2013 to include bottled water. The Bottle Bill has reduced roadside container litter by 70 percent and recycled billions of plastic, glass and aluminum containers, at no cost to municipalities. As part of the introduction of a proposed Bottle Bill expansion in the 2019-2020 Executive Budget, the Governor directed DEC to evaluate the potential expansion of the Bottle Bill to include wine and liquor containers due to the prevalence of glass use for these containers. DEC used the services of the Pollution Prevention Institute (P2I) to perform the evaluation as a supplement to their previously mentioned glass market research. As part of the evaluation process, DEC and P2I held three additional glass focused stakeholder meetings in August and September of 2019. A report on our efforts will be available soon.

As stated above, NYS currently has strong product stewardship or "take-back" laws in place for rechargeable batteries, mercury thermostats, electronic waste (e-waste), and pharmaceuticals. New York State's e-waste program has been extremely successful, diverting nearly 725 million pounds of e-waste from landfills and combustion facilities since 2011. Similarly, Extended Producer Responsibility (EPR) programs could be used to address waste associated with glass and mixed plastic packaging, in addition to other hard to manage products such as carpets, mattresses, textiles, etc. We will continue to

evaluate, develop and implement programs to address these problem materials and engage product manufacturers, waste transporters, processors and recyclers in these solutions.

DEC continues to support efforts to reduce organic materials and food waste. Organic materials are carbon-based compounds that originate from living things and are readily biodegradable. We should view organics as a valuable resource, not a waste. As you know, the Food Donation and Food Scraps Recycling Act was enacted as part of the 2019/2020 Budget to require food recovery and food scraps diversion for large generators. DEC is already hard at work in implementing this important law. This program will significantly reduce the generation and disposal of food scraps, while supporting the food insecure and reducing waste management and methane production. With support from the EPF, DEC will provide technical assistance, education and outreach, and funding for organics reduction and recycling in New York State. In the future, the program can be applied to smaller generators as more organics management facilities become available and costs to participate in organics diversion programs decrease.

Finally, single-use plastics, including plastic bags, have long been of concern to the Department and were also universally identified as problematic by stakeholders. Improper disposal of plastic bags leads to contamination of recyclable materials, damages the equipment used to sort recyclables at a significant cost to the facilities, and carries other widespread negative environmental impacts. New York residents use 23 billion plastic bags annually, and when these bags are not properly disposed or recycled, they end up as litter on our streets and waterways.

In recognition of these issues, the Executive and the Legislature, in the 2019/2020 Budget, developed the New York State Bag Waste Reduction Act, which will ban the use of most single-use plastic bags in stores after March 1, 2020. Development of guidance for this important program is well underway. We believe consideration should be given to eliminating other single use products as well and we look forward to working with you on these efforts.

DEC's goal is to move forward despite the new global and national challenges and continue to lead the nation in responding to the international changes in recycling markets. DEC is committed to supporting and improving recycling across the state and working with municipalities to improve waste management, generate green jobs, prevent pollution and reduce greenhouse gas emissions. Simply put - we must stay the course on waste reduction and recycling. The key is to move forward, not go backwards, and build on 25 years of success.

Again, thank you Chairman Englebright, Chairman Kaminsky and the members of the Assembly and Senate Committees on Environmental Conservation for convening this hearing and recognizing the issues that have challenged municipalities and the recycling industry.