

# STATE RECYCLING LAWS UPDATE

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[Review table of previously introduced and still active state and US Congress bills by clicking here.](#)

For environmental news briefs from the *Bulletin*, follow the link at the end of this newsletter.



## Iowa Lawmakers Consider Changes to State Beverage Container Deposit Scheme

by Bruce Popka

One change would double the deposit amount.

On February 1, Iowa Republican Senator Thomas A. Greene introduced a bill to make two significant changes to the state's container deposit scheme.

First, the amount of the deposit would double from five cents to ten cents per container. Second, "*sports drinks*" would be added to the types of beverages covered by the law.

A "sports drink" is defined in the bill as "*a soft drink designed or marketed for consumption in conjunction with sporting activity or strenuous exercise, and which typically contains electrolytes such as sodium, potassium, and chloride, and a high percentage of sugar to restore energy.*"

The current five-cent deposit has been in place since the container scheme was established in 1979. Other covered beverages include carbonated soft drinks, mineral water, beer, wine coolers, wine and liquor.

The bill was referred to the Committee on Commerce.

Iowa SF 2156 is available for review at <https://www.legis.iowa.gov/legislation/BillBook?ba=SF2156&ga=87>

Sponsor contact information: [tom.greene@legis.iowa.gov](mailto:tom.greene@legis.iowa.gov)



## South Carolina House of Representatives Approves Bill Prohibiting Local Bans or Restrictions on Auxiliary Containers

by Nam Bouyan

The bill was introduced more than a year ago.

On February 7, the South Carolina House of Representatives approved an amended version of HB 3529, a bill that would prohibit local governments from adopting ordinances that ban, tax, impose fees or otherwise restrict the retail distribution of "*auxiliary containers.*"

As reported last year in [State Recycling Laws Update](#), the bill was introduced in January 2017. It has now been forwarded to the Senate for consideration.

The bill defines “auxiliary container” as a “a bag, cup, package, container, bottle, or other packaging that is: (1) designed to be either reusable or single-use; (2) made of cloth, paper, plastic, including foamed or expanded plastic, cardboard, expanded polystyrene, corrugated material, aluminum, glass, postconsumer recycled, or similar material or substrates, including coated, laminated, or multilayer substrates; and (3) designed for, but not limited to, consuming, transporting, or protecting merchandise, food, or beverages from or at a food service or retail facility.”

**State Recycling Laws Update** will continue to follow the bill’s progress. If approved by the Senate and signed by the Governor, the law would take effect immediately.

The latest version of South Carolina HB 3529 is available for review at [http://www.scstatehouse.gov/sess122\\_2017-2018/prever/3529\\_20180207.htm](http://www.scstatehouse.gov/sess122_2017-2018/prever/3529_20180207.htm)



## California Bill Would Allocate \$200 Million for Recycling Infrastructure Projects

by Bruce Popka

The funding would target organic waste and solid waste recycling projects that would reduce greenhouse gas emissions.

Introduced on January 24 by Republican Assembly Member Brian Maienschein, California AB-1933 would allocate \$100 million for organic waste recycling infrastructure projects that reduce greenhouse gas emissions. Another \$100 would be allocated for solid waste recycling infrastructure projects that would do the same.

The funding would be directed to the Department of Resources Recycling and Recovery (CalRecycle).

The bill was awaiting committee assignment when this report was prepared.

California AB-1933 is available for review at [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1933](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1933)



## Repeal of Hard-to-Dispose Material Tax Proposed in Rhode Island General Assembly

by Nam Bouyann

Wholesalers of such material must collect the tax when they sell to Rhode Island retailers.

Chapter 44-44 of the General Laws of Rhode Island imposes a tax on “*hard-to-dispose*” materials. Such materials include lubricating oil, anti-freeze, organic solvents, and tires. The law requires wholesalers of hard-to-dispose materials to charge and collect the tax, which varies according to the material, when they sell to Rhode Island retailers.

Rhode Island S2190, introduced in the General Assembly on February 1 by Democratic Senator Ryan W. Pearson would repeal the tax.

The bill was assigned to the Committee on Environment & Agriculture. If approved, the repeal would take immediate effect.

To review Rhode Island S 2190, go to <http://webserver.rilin.state.ri.us/BillText18/SenateText18/S2190.pdf>

Sponsor contact information: (401) 276-5568



## Bills Introduced in Hawaii State Legislature Address the Clean Up of Microplastic Pollution

by Bruce Popka

The Department of Land and Natural Resources and Hawaiian Counties would have responsibilities for debris collection and processing.

SB2964 and HB2625 are companion bills introduced in the Hawaii State Legislature on January 24 that seek to reduce microplastic pollution by requiring counties to properly dispose of plastic marine debris. Democratic Senators Gil Riviere, Will Espero, Donna Mercado Kim and Russell E. Ruderman are cosponsoring the SB2964, and Democratic Representatives Nicole Lowen, Della Au Belatti, Kaniela Ing, Chris Lee and Scott K. Saiki are cosponsoring HB2625.

The introductions of the bills argue that plastic marine debris “*is essentially indestructible. It does not go away over time, instead, it breaks down into smaller and smaller fragments. These smaller fragments, referred to as microplastics (or marine debris measuring less than five millimeters, or about the size of a sesame seed and smaller), are difficult to remove and persist forever. In order to reduce plastic marine debris from Hawaii’s ocean and beaches it is important, where feasible, to remove marine debris before it breaks down.*”

SB2964 and HB2625 make the Department of Land and Natural Resources responsible for collecting plastic marine debris from Hawaiian shores and beaches counties responsible for properly disposing of collected debris.

The Department of Land and Natural Resources would consult with the National Oceanic and Atmospheric Administration Marine Debris program, other coastal states, and nonprofit organizations “*to ascertain the most efficient and effective practices, equipment and technologies that will remove the most plastic marine debris, particularly microplastics, from the State’s shores and beaches.*”

The Department of Land and Natural Resources also would report to the state legislature annually on the “*on the amount of plastic marine debris, specifically the amount of microplastics, removed from the State's shores and beaches in the prior calendar year.*”

Both bills would allocate funding for the counties to implement the initiative, although the amount of funding is not specified in either bill. The law take effect on July 1 of this year, if approved. Each bill was referred to several committees.

SB2964 is available for review at  
<https://www.capitol.hawaii.gov/session2018/bills/SB2964 .htm>

HB2625 is available for review at  
<https://www.capitol.hawaii.gov/session2018/bills/HB2625 .htm>



## Increase in Fines for Violating Commercial Waste Disposal Policies Proposed in New York City Council

by Nam Bouyann

The fine amounts would increase up to 600% for repeat offenders.

Section 16-116 of the New York City Code concerns the removal of waste by owners and managers of commercial properties and specifies civil penalties (fines) for violations.

A bill introduced in the New York City on January 31 by Council Member Peter A. Koo would increase the amount of civil penalties assessed from “*not less than fifty nor more than one hundred dollars*” to \$200 for a first violation in a 12-month period, \$500 for a second violation in a 12-month period, and \$600 for a third and each subsequent violation in a 12-month period.

The bill number is Int 100-2018. It was referred to the Committee on Sanitation and Solid Waste Management.

The ordinance once approved would take effect in 90days.

To review New York City Int 0100-2018, go to  
<http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3331778&GUID=F1F5D00A-C7C1-4BEA-AB9A-BF5076AD1891&Options=ID|Text|&Search=Int+00100-2018>



## Honolulu City Council Wants to Provide Financial Incentives for Restaurants to Recycle, Compost, or Reduce Litter

by Nam Bouyann

Exemptions from disposal fees and/or a percentage of property taxes are being considered.

On January 31, the Honolulu City Council voted unanimously to approve a first reading of a bill that would provide financial incentives to “*litter reducing restaurants*,” meaning restaurants that are “*certified by a litter reducing program approved by the director of environmental services as a litter-reducing restaurant*.”

Litter reducing restaurants would be exempt from a percentage of their real property taxes. (The amount of the exemption is left blank in the bill.)

Under the bill, “*recycling/composting restaurants*” would be exempt from some disposal charges. Such a restaurant is defined as one that “*utilizes food containers that can be recycled or composted in a city-operated facility of program*.”

The bill authorizes the Director of Environmental Services to adopt rules to determine if a restaurant qualifies as a recycling/composting restaurant or a litter reduction restaurant.

The bill was sent to the Council Committee on Public Work, Infrastructure and Sustainability for further study. If approved, the ordinance would take effect in the tax year beginning on July 1, 2019.

To review Honolulu City Council Bill 5 (2018), go to [http://www4.honolulu.gov/docushare/dsweb/Get/Document-203192/BILL005\(18\).PDF](http://www4.honolulu.gov/docushare/dsweb/Get/Document-203192/BILL005(18).PDF)

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## New York City Council Members Sponsor Two Bills Supporting Sensor-Enhanced Litter Receptacles

by Bruce Popka

One bill calls for a six-month pilot program and the other calls for a feasibility study.

A number of cities have begun installing in public spaces waste receptacles in that remotely communicate when the receptacle is full and needs to be emptied. The argument for the technology is that litter will not be left on the ground alongside receptacles that are full.

Two bills introduced in the New York City Council on January 31 by Council Members Ydanis A. Rodriguez and Justin L. Brannan seek to bring the technology to New York City on at least a test basis.

Int 0318-2018 would direct the Department of Sanitation to establish a one-year pilot program to test the technology on city streets no later than January 1, 2020. The pilot program would:

- place receptacles in at least two separate contiguous geographic areas, representing no less than one sanitation district each and each containing at least one heavily trafficked commercial area and one residential area
- ensure no changes in collection routes or department operations are made to establish a baseline for the pilot
- use data obtained from the receptacles to more efficiently plan department operations and waste truck routes to minimize the amount of time any particular basket is at full capacity and maximize the productivity of truck routes

Six months after the pilot program launches, the Department of Sanitation would submit a report to the mayor and the city council *“assessing the efficacy of such pilot program including, but not limited to, the following: a statistical comparison of the data from the baseline period to the subsequent experimental phase, a description of all modifications to department operations and truck routes that were attempted during the program and the result of each, an estimate of any potential cost savings and reduction in overall fleet vehicle emissions from a permanent adoption of the technology, and recommendations on whether and how the technology could best be utilized in a permanent program.”*

Alternately, Int. 0319-2018 would direct the Department of Sanitation to conduct a feasibility study of the technology, including *“a cost-benefit analysis of placing such sensors on public waste receptacles citywide, including a calculation of the additional department employee hours and extra trucks that would be necessary to promptly empty receptacles once capacity was reached, if any, and an analysis of the expected environmental impact of using such sensors, including any environmental impacts expected to be caused by such extra trucks.”*

Both bills were referred to the Committee on Sanitation and Solid Waste Management, and both would take effect immediately once approved.

New York City Int 0318-2018 is available for review at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3332187&GUID=530C6810-DCDF-4006-9B39-24D4ED1F1743&Options=ID|Text|&Search=Int+0318-2018>

New York City Int 0319-2018 is available for review at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3332190&GUID=E9FC3ED5-EAE5-477B-9F4E-2EC55B599E7C&Options=ID%7cText%7c&Search=Int+0319-2018>



## San Antonio SWM Department to Report that Dirty Diapers Continue to Contaminate the City's Recycling Stream

by Elgin Norwood

An increased contamination fee will be recommended to the city council.

Tomorrow, the San Antonio Solid Waste Manage Department (SWMD) will deliver a briefing to city council staff on how dirty diapers continue to contaminate the city's recycling stream, causing contaminated loads to be disposed in landfills instead of being recycled.

According to the SWMD briefing *"the recycling market standard is demanding high quality commodities, so contaminated recycling is being rejected and sent to landfills. San Antonio's contamination rate has always fluctuated; last year, contamination was as high as 28%."*

The briefing also explains, *"Out of all of the contaminants, San Antonio has a particular problem with dirty diapers being placed into the recycling cart. Diapers are not recyclable; they belong in the brown cart. Although diapers are a small part of the contamination stream in recycling, they are significant. First, dirty diapers are a health hazard to the workers that have to remove them by hand. Second, Recommunity, the City's recycling processor, charges the City approximately \$1.2 million annually for the negative impact diapers have on their ability to process and sell materials."*

San Antonio uses a three-cart system: brown for trash, blue for dry recyclables (paper, plastics, glass and metals), and green for organic recyclables/compostables (yard trimmings, food scraps, and food soiled paper).

To deter dirty diapers from being tossed into residential recycling carts, SWMD is recommending raising a fee from \$25 to \$50 on residents caught by route inspectors having dirty diapers in their recycling carts.

Get more information at

<https://sanantonio.legistar.com/LegislationDetail.aspx?ID=3341944&GUID=BF2DF9C1-00CA-46B8-AC37-E2653408211F&Options=ID%7CText%7C&Search=trash&FullText=1>

## Several State Legislatures Consider Bills to Clean Up Litter or Reduce Littering

by Nam Bouyann

Two of the bills call for tougher penalties for littering/illegal dumping convictions.



So far in 2018, at least three state legislatures are considering bills to clean up litter or reduce littering. Here is a snapshot of the proposals.

**South Carolina H.4458**, introduced on January 9 and cosponsored by 29 members of the House of Representatives, was approved by the House and was sent to the Senate for review on January 31.

The bill adds "*cigarette butts and cigarette component litter*" to the list of items not to be littered or illegally dumped, and, generally, it decreases fine amounts but increases community service requirements for violations. The severity of penalties is based on the weight of littered for illegally dumped material.

To review South Carolina H.4458, go to [http://www.scstatehouse.gov/sess122\\_2017-2018/bills/4458.htm](http://www.scstatehouse.gov/sess122_2017-2018/bills/4458.htm)

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**Mississippi HB 243**, introduced on January 2 by Representative Noah Sanford, would increase fines for littering from not less than \$50 to not more than \$250 to \$500 and "*hours of community service in litter abatement work approved by the court.*"

For a second conviction, the fine increases to \$900 and the community service requirements to 20 hours. A third conviction would result in a fine of \$2,500, 80 hours of community service, and "*the person's driving privileges shall be suspended and may not be reinstated until payment of the fine and completion of the community service requirement.*"

HB 243 also specifies how the collected fines would be allocated to different government entities.

The bill currently is with the Judiciary Committee. It would take effect on July 1, 2018, if enacted.

To review Mississippi HB 243, go to <http://billstatus.ls.state.ms.us/documents/2018/pdf/HB/0200-0299/HB0243IN.pdf>

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**West Virginia HB 2938**, introduced on January 18 and sponsored by 11 members of the House of Representatives, would offer "*nonviolent offenders*" the option to have their sentences reduced if they agree to clean up litter in their counties. County commissions would be authorized to make such arrangements, reducing sentences by one day for each day of litter clean up.

The bill currently is with the Finance Committee.

To review West Virginia HB 2938, go to [http://www.wvlegislature.gov/Bill\\_Text\\_HTML/2018\\_SESSIONS/RS/bills/hb2938%20intr.pdf](http://www.wvlegislature.gov/Bill_Text_HTML/2018_SESSIONS/RS/bills/hb2938%20intr.pdf)

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## Recycling Fee on Photovoltaic Electric Generating Facilities Proposed in Maryland General Assembly

by Bruce Popka

The fee would equal 10% of the facility installation cost.

Thirteen Maryland Delegates are cosponsoring a bill to require installers of “*solar photovoltaic generating facilities*” to pay an advance recycling fee to the state. The fee would be used to fund “*technologies and processes that assist with the recycling of solar photovoltaic systems.*”

HB 1242, introduced on February 8 by Republican Delegate Warren E. Miller, states that the fee amount on each installation would be “*10% of the cost of installation.*” The bill does not specify whether the covered installations are residential, commercial or both. Installers would submit the fees each month to the Comptroller of Maryland, who would place them in a dedicated Solar Photovoltaic Recycling Fund on a quarterly basis. The Maryland Department of the Environment would administer the fund.

In addition to the 10% recycling fee on new installations, a 20% fee would be placed on the first sale price of each renewable credit sold by a public utility. Those fees also would be directed to the Solar Photovoltaic Recycling Fund.

The bill was referred to the Committee on Economic Matters. If approved, the law would take effect on October 1, 2018.

California is the only state with regulations regarding end-of-life photovoltaic panels. Last year, the Washington State Legislature, considered a bill proposing product stewardship of photovoltaic panels, but the bill died in committee.

Maryland HB 1242 is available for review at <http://mgaleg.maryland.gov/2018RS/bills/hb/hb1242F.pdf>

Primary sponsor contact information: 410-841-3582 and [warren.miller@house.state.md.us](mailto:warren.miller@house.state.md.us)



## Waste Tire Conversion Centers Legislation Introduced in Iowa House of Representatives

by Elgin Norwood

The state would be divided into six districts with each having a conversion center ideally.

Representative Dean Fischer, a Republican, introduced a bill in the Iowa Legislature on February 1 that would establish waste tire conversion districts throughout the state – six districts in all – to prevent disposal of waste tires.

Waste tire “conversion” is “*the process of reducing the solid mass of a waste tire by no less than eighty percent by weight,*” as defined in the bill.

Under HF 2185, waste tires must be taken to a conversion center in the district in which the waste tire is generated. If the district has not established a conversion center or the conversion center is at full capacity, the waste tires may be taken to a conversion center in another district.

The bill states that waste tire conversion centers “*may only be owned and operated by the state or a political subdivision*” but that “*multiple political subdivisions in the same waste tire conversion district may jointly purchase, lease, or lease-purchase a waste tire conversion center.*” The operation of waste tire conversion centers also may be subcontracted by the state or political subdivision.

The bill is current with the Committee on Commerce.

Download Iowa HF 2185 at

<https://www.legis.iowa.gov/docs/publications/LGI/87/HF2185.pdf>

Sponsor contact information: [dean.fisher@legis.iowa.gov](mailto:dean.fisher@legis.iowa.gov)

## Consumer Drug Disposal Education Program Outlined in Arizona State Legislature Bill

by Nam Bouyann

The same bill would prohibit counties from imposing taxes or fees on business to pay for drug disposal programs.

Under HB2558, introduced in the Arizona State Legislature on February 5 by Republican Representatives Regina E. Cobb and Heather Carter, the Arizona Department of Health Services would “*enter into a public-private partnership to develop an education and awareness program regarding the disposal of prescription drugs.*” Among the elements in the program would be a list of drug disposal sites in the state, a list of drug disposal events, educational activities for consumers, and information on “*in-home drug disposal options.*”

The Department of Health would publish the drug disposal information online by January 1, 2019.

HB2558 also declares that a county, city or town may not “*impose a tax, fee or charge on any business to pay for or support a drug disposal program.*”

The bill was awaiting committee assignment when this report was prepared.

To review Arizona HB2558, go to

<https://apps.azleg.gov/BillStatus/GetDocumentPdf/456920>

Sponsor contact information:  
Representative Cobb: (602) 926-3126  
Representative Carter: (602) 926-5503

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## Maryland's Legislature Becomes the Third This Year to Consider Banning Synthetic Turf Made from Recycled Tires

by Nam Bouyann

Companion bills were introduced in the House of Delegates and Senate.

Last month, bills introduced in the Virginia General Assembly and the New Hampshire General Court seek to ban the construction of playing fields or playgrounds constructed with crumb rubber made from recycled tires. More recently, companion bills introduced in the Maryland General Assembly essentially seek to do the same.

HB 505, introduced on January 26 by Democratic Delegate Aruna Miller, and SB 763, introduced on February 5 by Democratic Senator Roger Manno, would prohibit playgrounds and athletic fields made with a “*synthetic surface*,” including artificial turf and “*any ground cover made from plastic, rubber, or tires*.”

If approved, the law would take effect on July 1 of this year. HB 505 was sent to the Appropriations Committee, and SB 763 was sent to the Budget and Taxation Committee.

To review Maryland HB 505, go to  
<http://mgaleg.maryland.gov/2018RS/bills/hb/hb0505F.pdf>

To review Maryland SB 763, go to  
<http://mgaleg.maryland.gov/2018RS/bills/sb/sb0763F.pdf>

Sponsor contact information:  
Delegate Miller: 410-841-3090 and [aruna.miller@house.state.md.us](mailto:aruna.miller@house.state.md.us)  
Senator Manno: 410-841-3151 and [roger.manno@senate.state.md.us](mailto:roger.manno@senate.state.md.us)

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In this week's issue of the *Bulletin*:

### Legislation and Regulations:

- French Government to Unveil New Strategy this Summer to Reduce Endocrine Disrupting Chemicals

### Statistics and Trends:

- Waste Imports Help Increase Landfill Disposal in Michigan by 3.1% in 2016
- Maine Municipal Solid Waste Recycling Rate Essentially Unchanged in 2016
- Massachusetts DEP Awards Nearly \$1 Million to Businesses to Purchase Recycling Related Equipment
- CalRecycle Awards Grants To Remove Illegally Dumped Trash from Farm and Ranch Lands
- Chinese Waste Import Restrictions Are Affecting Alberta Says Government Recycling Authority
- Nordic Council Offers Textile Producers Online Tools to Avoid Use of EU Restricted Substances

### **Business Initiatives:**

- Six European Plastics Industry Associations Commit to 50% Plastics Waste Recycling Rate by 2040
- Australian Packaging Covenant Organization Unveils New Packaging Recycling Label
- AMERIPEN Publishes White Paper on How Packaging Can Prevent Food Waste

To read this week's *Bulletin* news briefs go to  
<http://www.raymond.com/RaymondCommunicationsBulletin.html>



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P.O. Box 4311, Silver Spring, MD 20914-4311  
Bruce Popka, Publisher and Editor  
Writers and contributors: Elgin Norwood and Nam Bouyann  
Email [circulation@raymond.com](mailto:circulation@raymond.com) for subscription information