Bill No.: HB-7295
Title: AN ACT CONCERNING A RECYCLING PROGRAM FOR PAPER AND PACKAGING AND REQUIRING CERTAIN MUNICIPAL SOLID WASTE MANAGEMENT GOALS.
Vote Date: 3/25/2019
Vote Action: Joint Favorable Substitute
PH Date: 3/11/2019
File No.: 654

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SPONSORS OF BILL:
Environment Committee
Rep. Anne Meiman Hughes, 135th Dist.

REASONS FOR BILL:
The Department of Energy and Environmental Protection (DEEP) requested the following: (1) requirements for producers of paper and packaging materials to develop plans for producer-funded recycling programs, (2) clarification on reporting requirements for haulers, (3) an update to waste reduction standards, and (4) the ability to provide technical assistance to municipalities for organics management, waste reduction, and improvements to recycling systems.

Substitute Language – LCO No. 6577
Substitute language, in part, made the following changes to the original draft of the bill: (1) requires producers to work in consultation with DEEP to submit a plan to increase the recycling of certain producers products and decrease the disposal of such products – lines 30 to 41 of the original draft required producers to establish a state-wide packaging and paper recycling program, and (2) retains language that establishes recycling goals for municipalities and clarifies that failure to meet per capita diversion goals will not provide a basis for DEEP to issue an order – original draft removed lines 78 through 85 pertaining to waste diversion goals. Lines 123 through 126 of the original draft also required that names and contact information for collectors registered with municipalities and reports provided by such collects be included in the report submitted to DEEP pursuant to subsection (h) of section 22a-220. This requirement was not included in substitute language.
Substitute Language – Committee Amendment A
Committee Amendment A strikes lines 55-61 of Substitute Language – LCO No. 6577 and inserts language that (1) requires DEEP to submit certain recommendations to the Environment Committee concerning methods producers should undertake to increase recycling, decrease disposal of products, and decrease cost to municipalities for the end-of-life management of such products and (2) requires the Environment Committee hold a public hearing on such recommendations no later than 65 days after the submission of those recommendations.

RESPONSE FROM ADMINISTRATION/AGENCY:

Katie S. Dykes, Commissioner, Department of Energy and Environmental Protection (DEEP): Supports the bill. The bill, raised at the request of DEEP, seeks to address the growing cost of recycling and waste disposal by developing more cost-effective recycling programs and shifting municipal planning targets from recycling rates to a waste reduction metric. DEEP testimony explains the impact of each section and reasoning for the request. Section 1 was requested to engage product-producing companies in finding solutions to achieve recycling goals. Municipalities have greater control over waste management within their boundaries; section 2 seeks to increase the states recycling initiatives by replacing recycling goals with targets. Section 3 clarifies that haulers will report to the state all quantities of waste and recyclables they report. Section 4 commits DEEP to providing technical assistance to municipalities for organics management, waste reduction and improvements to recycling systems.

NATURE AND SOURCES OF SUPPORT:

Kim O’Rourke, Recycling Coordinator, City of Middletown: Creating a producer financed recycling program for packaging will remove cost burdens from municipal budgets. Similar programs for mattresses, electronics, and paint have proven to be very successful at providing a stable financing system. Recycling was never intended to be an income stream for municipalities; it is a waste management strategy.

Scott Cassel, Chief Executive Officer, Product Stewardship Institute: Shared personal testimony as a member of Connecticut’s Task Force to Study Methods for Reducing Consumer Packaging that Generates Solid Waste. While the task force ultimately opposed extended producer responsibility, it was flawed and did not represent a broad range of interests. Manufacturers have a responsibility to internalize the costs of safely managing, reusing, and recycling the products they create. Industry-backed recommendations, such as increased education, will not bring significant change and would burden local governments. Testimony includes two attachments—two opposing viewpoints submitted by the taskforce’s report to the Environment Committee.

Donna Hamzy Carroccia, Advocacy Manager, Connecticut Conference of Municipalities (CCM): CCM supports section 1 and opposes section 2 of the bill. China’s new policy to reject many mixed recycled items has placed the burden of managing packing materials, especially plastics, on local governments in the state. Extended producer responsibility is the
solution to address this problem because (1) recycled commodities markets have severely declined and experience generally uncertainty, (2) the packaging material stream has shifted away from traditional recyclables to tow-value flexible plastic packaging materials, and (3) there is growing recognition that local governments are seeing costs in response to plastic pollution. Additionally, CCM opposes the unfunded mandate on municipal solid waste systems as drafted in section 2. While waste reduction should be part of the overall solution to reduce rising costs, the state of Connecticut should prohibit the passage of any new recycling mandates on municipalities until local markets are established to manage recyclable materials. CCM provides language for an amendment to section 2 that would establish a goal for municipalities rather than a fixed number limiting solid waste disposals.

The Environment Committee received approximately 7 written testimonies in support of the bill, with many explaining that extended producer responsibility will remove cost burdens to municipalities and will improve the state’s recycling goals. However, certain testimonies in support of the bill also expressed opposition for section 2 of the bill in regards to new solid waste disposal per capita limit requirements for municipalities.

NATURE AND SOURCES OF OPPOSITION:

The American Institute for Packaging and the Environment (AMERIPEN): AMERIPEN opposed the bill for the following reasons: (1) the General Assembly’s Taskforce to Study Methods for Reducing Consumer Packaging that Generates Solid Waste concluded that extended producer responsibility (EPR) is not the best solution for Connecticut, (2) packaging is not the most significant portion of the waste stream and plays a significant role in reducing food waste, (3) internationally, EPR has primarily been used as a funding mechanism to implement end-of-life materials management programs where none exists – this approach has not been proven feasible in the U.S. and there is no research available to assess the impact of EPR in reducing costs to the state, and (4) Connecticut should consider the use of public/private partnerships to help fund and support the recovery of products and decrease diversion.

Sarah Faye Pierce, The Association of Home Appliance Manufacturers (AHAM): In 2016, Connecticut established A Task Force to study the methods for reducing Consumer Packaging that generates solid waste. In February of 2018 the final recommendations from the task force did not include product stewardship as a means of reducing consumer packaging. AHAM opposes the bill for the following reasons: (1) a state-by-state approach will negatively impact recycling in Connecticut, (2) extended producer responsibility (EPR) is not a proven solution to waste management challenges because manufacturers have limited ability to influence consumer behavior regarding recycling, (3) no state has ever mandated an EPR program for appliances, and (4) producers may not have control or information regarding product movement through various distribution networks and may not have data as to where products are ultimately sold or used.

Betsy Gara, Executive Director, Connecticut Council of Small Towns (COST): COST opposes the provision of the bill that would require municipalities to limit solid waste disposals to 700 pounds per capita by 2021 and 500 pounds per capita by 2024. Municipalities have worked hard to reach the state’s 60% recycling and diversion goals by 2024; however, towns are now faced with unanticipated costs for recycling. What was once a revenue generator
has now become an expense. Additionally, COST shares concerns regarding the extended producer responsibility (EPR) mandate for paper and packaging materials. Although EPR has proven helpful for to address certain “hard to handle” materials, such as paint, electronics, and mattresses, it will not be helpful in addressing packing materials. Rather, state should encourage greater recycling of such materials.

The Environment Committee received approximately 15 written testimonies in opposition to the bill with many explaining that the General Assembly’s Task Force to Study Methods for Reducing Consumer Packaging report concluded that extended producer responsibility is not a proven solution to the waste management challenges of the state.

Reported by: Pamela Bianca / Ussawin R. Bumpen  Date: 4/18/2019