Testimony of
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New York City Council
Committee on Sanitation and Solid Waste Management Hearing

Regarding

Legislation to improve Solid Waste Management and Recycling

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Good afternoon, Councilmember James and members of the New York City Council Committee on Sanitation and Solid Waste Management. My name is Resa Dimino and I am a Special Assistant in the Commissioner's Policy Office at the New York State Department of Conservation (DEC). Thank you for inviting DEC to testify at today's hearing. Commissioner Grannis regrets that he is unable to attend today.

DEC is pleased to see New York City taking up this package of legislation that, taken together, will update the City's legal framework to support the implementation of its Local Solid Waste Management Plan. The package also begins to move the City toward the goals articulated in DEC's draft solid waste management plan, *Beyond Waste: A Sustainable Materials Management Strategy for New York* (available at http://www.dec.ny.gov/chemical/41831.html). I would like to note that Robert Lange, Director of the Bureau of Waste Prevention, Reuse and Recycling for the Department of Sanitation, was a valuable participant on the Advisory Group DEC established to develop this Plan and helped us address unique issues and challenges faced by the City.

New York State's Plan sets forth a new approach for the entire State—a shift from focusing on "end-of-the-pipe" waste management techniques to looking upstream and more comprehensively at how materials that would otherwise become waste can be more sustainably managed through the state's economy. This shift is central to the state's ability to adapt in an age of growing pressure to reduce demand for energy, reduce dependence on disposal, minimize greenhouse gas (GHG) emissions and create green jobs.

To accomplish this change, we must influence product and packaging design to foster a system that minimizes waste and maximizes the use of recyclable materials. And we must involve all players in the production and supply chain—from product manufacturers to distributors, retailers to consumers, and government. We will need to increase investment in recycling and distribution/reverse distribution infrastructure. Ultimately, this policy shift will result in decreased reliance on waste disposal facilities.

The materials management system envisioned in the state Plan would capture the economic value of our materials, conserve their imbedded energy, and minimize the generation of greenhouse gases and pollution. DEC projects that implementing this plan could reduce nearly 23 million metric tons of CO_2 equivalent GHG emissions annually, save more than 250 trillion BTUs of energy each year—as much energy as is consumed by more than 2.5 million homes—and create 74,000 jobs and economic opportunity in the process.

To determine how we will get there, we must first take stock of where we are. A critical part of our planning process was to look back at what has transpired over the past two decades and learn from that as we map out our path forward.

DEC's 1987 Solid Waste Management Plan (1987 Plan) was aggressive for its time. It set a goal of reducing, reusing or recycling 50 percent of the state's waste stream in ten years and set forth a solid waste management hierarchy, adopted into law in 1988, that placed priority on waste prevention, reuse and recycling, followed by municipal waste combustion (MWC) with energy recovery and, finally, landfilling as the lowest priority. Unfortunately, twenty-three years later,

the majority of the materials generated in New York are managed by the lowest priority strategy, and the state is still striving to achieve its recycling goals.

The implementation of the 1987 Plan, the Solid Waste Management Act of 1988, and local solid waste management plans established by municipal planning units like New York City, has yielded significant progress. The state's recycling rate has grown from approximately three percent to 36 percent of the entire materials stream and 20 percent when only municipal solid waste is evaluated.[1] However, the state rates appear to have stagnated at about that level for the last decade. Unfortunately, while the volume of recycling has grown, the rate of recycling has not. Consumption and waste generation continue to grow at rates which negate any increases in recycling; as a result although recycling has expanded, we haven't made any progress—New Yorkers generate about the same amount of waste today as we did 1990.

Today, twenty years after the state legislature passed the Solid Waste Management Act placing a priority on preventing waste and making recycling mandatory in New York communities, we are still wasting 65 to 80 percent of the materials that flow through the state's economy. While many communities have implemented exemplary integrated materials management systems that have yielded recycling rates well beyond the statewide average, recycling programs have been inconsistent not only from one community to the next, but also in different settings such as schools, businesses, and public spaces. DEC is pleased to see that several of the bills you are considering today – including Int. 141, related to commercial recycling, Int. 156 and Int. 165 to improve city agency and public school recycling, and Int. 158 to expand public space recycling opportunities – would advance recycling in these critical sectors.

Although land disposal should be the management method of last resort, landfills, either in-state or out-of-state, handle the largest proportion of New York's discarded materials. The continuing reliance on waste disposal—landfills in particular—comes at a significant environmental and economic cost.

As we face a rising global demand for resources and energy, a warming climate, and a faltering economy, continuing to throw away materials that could be reused or recycled just doesn't make sense. Using those materials to make something new creates jobs—and lots of them. New York already supports more than 32,000 jobs in recycling, and that could triple if the goals of the state plan are met.

Materials management can play a significant role in combating climate change; landfill gas is four percent of the state's GHG inventory. The U.S. Environmental Protection Agency (EPA) estimates that 42 percent of national GHG emissions are influenced by the lifecycle impacts of the products and packaging that become waste. Using recycled materials instead of extracting and fabricating new ones not only helps in the fight against climate change; it also conserves energy, and curbs air and water pollution. And composting food scraps instead of sending them

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[2]The total materials stream includes municipal solid waste (MSW), construction and demolition debris, biosolids (or sewage sludge) and industrial waste; MSW includes materials generated by the residential, commercial and institutional sectors. For a description of each of these streams, see section 7 of the Plan. For a discussion of the reporting and data on which this calculation is based, see section 8.3.1.

to a landfill avoids the generation of methane, a potent GHG, and sends our food back to nurture the land it came from. DEC supports the Council's efforts to promote food waste composting.

The new framework proposed in the state plan seeks to put forward policy and programmatic tools and options for planning units and communities that will help ensure strong waste reduction, reuse and materials recovery throughout the state. The Plan's recommendations include broad new policy concepts, expanded financial assistance for progressive solid waste and sustainable materials management, and education to help consumers and businesses reduce their generation of waste and recycle what cannot be reduced. The Plan also includes detailed recommendations for how planning units can better plan for recovery and offer strategies for developing and improving New York State's recovery infrastructure. Recognizing that the path *Beyond Waste* will require significant investment in new programs and infrastructure, one of the Plan's key recommendations is to identify a new funding stream dedicated in large part to municipal aid in this endeavor. As a package, these recommendations will lead New York State on a path *Beyond Waste*.

This Plan seeks to fundamentally change the way discarded materials are managed in New York State by progressively reducing the amount of materials that go to disposal over the ten-year planning period. Currently, New Yorkers throw away 4.1 pounds of MSW per person per day, or 0.75 tons per person per year. The Plan seeks to reduce the amount of MSW destined for disposal by 15 percent every two years. To achieve these reductions, the recommendations focus on three key points.

1. **Improve waste prevention, reuse and recycling**.
   After 20 years, it is clear that mandatory recycling requirements alone are not enough to drive high levels of recycling diversion. To get past the plateau we've been on for the last decade, we need to:
   a. Clarify recycling requirements. All generators (including schools and businesses) are required to recycle in all places (public spaces, work places, etc.) and all carters are required to provide recycling services.
   b. Increase education, enforcement and the use of incentive programs.
   c. Maximize the use of existing infrastructure by:
      i. Focusing on waste reduction, reuse, recycling and composting education;
      ii. Utilizing incentive programs (e.g. Pay As You Throw/Save Money and Reduce Trash (PAYT/SMART) or RecycleBank); and
      iii. Adding additional materials to existing recycling programs.
   d. Allocate resources to state and local programs.
2. **Increase composting and other organics reduction and recycling programs.**
   Organic materials make up 30 percent of the materials disposed of in New York State. To move *Beyond Waste*, we must increase their recovery. Doing so has multiple benefits, including reducing the generation of GHGs, creating valuable soil amendments and creating jobs. To reduce organic waste generation and increase organics recycling, we must:
   a. Maximize the use of food redistribution programs to ensure that edible food gets to the hungry.
   b. Promote and demonstrate organics recycling systems and activities within state agencies.
   c. Build the infrastructure for composting and organics recycling.
   d. Require planning units to evaluate methods to recycle organic materials.

e. Restrict the disposal of yard trimmings and consider other policy approaches, such as phased in disposal prohibitions on other organic materials as we move forward.

3. **Implement product and packaging stewardship**.
   Product and packaging stewardship programs extend the role and the responsibility of the manufacture of a product to include the entire life-cycle, including the ultimate disposition of that product or package at the end of its useful life. These programs create incentives for manufacturers to reduce waste in product and package design and increase recyclability. And, they provide critically necessary relief to local government solid waste management burdens by creating an alternative funding mechanism for recycling programs. DEC lauds the Council's leadership in enacting product stewardship programs for electronic waste and rechargeable batteries and we are encouraged by your proposal to enact a paint stewardship pilot. Other possible targets for product and packaging stewardship legislation include: packaging, printed products, pharmaceuticals, household hazardous waste, and mercury containing products.

The package of introductions you are considering today address all of these key areas and move the city toward the vision articulated in the state plan. Establishing new and progressively increasing **goals** and creating a consistent **reporting mechanism** are key to monitoring progress as we move forward. Improving **school and agency recycling** is essential; the public and the private sector look to government to lead by example, and students are such effective educators of their families. Improving **access to recycling in multi-family** buildings and **public spaces**, enhancing **education and outreach,** and **expanding recycling programs to include all rigid plastic containers** and **textiles** will help to maximize participation in the current program and get the best value out of the city's investment in recycling. Focusing attention on **commercial recycling** is also critical to moving *Beyond Waste*, since the commercial sector makes up such a significant percentage of the materials generated in the City.

To move *Beyond Waste*, we must focus on recycling the organic materials that make up the largest proportion of materials destined for disposal in New York State. The introductions on **leaf and yard trimmings composting** and **food waste composting** study and pilot project will help move the city toward the important goal of increasing diversion of organic materials.

The **paint stewardship pilot program** introduction would build on the city's leadership role in driving product stewardship in the state and build on programs done in other parts of the country. And, the introduction on **household hazardous waste** would require more convenient collection of these problematic materials and could create the core collection program to transition to product stewardship in the future.

In closing, DEC commends the City Council's leadership on recycling and solid waste issues. By enacting valuable local laws on electronic waste recycling, plastic bags and rechargeable batteries, you have played an important role in driving legislative action on the state level. For that, we thank you. We look forward to continuing to work with the Council, the Bloomberg Administration and the Department of Sanitation to move the state *Beyond Waste.* I am happy to answer any questions you might have.