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Local Laws Determine How to Recycle

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By the MOTHER EARTH NEWS Editors

Local communities lead the way with recycling programs
PHOTO: FOTOLIA/ANDREA DANTI

For the past several years, the good folks at the Institute for Local Self-Reliance in Washington, D.C. have been working to help urban residents gain greater control over their lives through the use of low-technology, decentralist tools and concepts. We strongly believe that more people (city dwellers and country folk alike) should be exposed to the institute's admirable efforts, which is why we've made this "what's happening where" report one of MOTHER EARTH NEWS' regular features.

Most recycling takes place at the local level, with material being salvaged in city dumps, on the curbsides of neighborhood streets and at drop-off recycling centers. Therefore, the majority of the laws and regulations that encourage or inhibit this type of conservation are enacted by individual communities — and many recycling activists are passing up Washington, D.C. in order to work with their local city councils, county commissions and state agencies. The efforts of such concerned citizens have produced a number of new laws that break down barriers to recycling.

Litter Taxes Help the Packaging Industry

"Litter tax" laws and state resource recovery bonding authorities are probably, at present, the most reliable sources of funds for recyclers. But, both of these approaches have their drawbacks.

Litter and recycling taxes are paid by manufacturers, distributors or retailers of products. The collected funds are then distributed, in the form of grants or loans, to litter education groups or recycling activities. Such taxes have brought in some $10 million, nationally, over the past few years.

However, the programs do represent a compromise: They allow the packaging industry to tax itself as an alternative to accepting container legislation ("bottle bills") and they encourage recyclers to forgo bottle-bill efforts in exchange for needed capital. According to Armen Stepanian of the Fremont Recycling Station in Seattle, litter taxes that are used to set up comprehensive curbside recycling operations will result in saving far more material than that represented by the 6 percent to 8 percent of the waste stream typically eliminated by a bottle bill.

Litter taxes have been opposed, however, by the National Association of Recycling Industries (NARI), a trade association of salvage dealers. NARI feels that the taxes subsidize competitors to established salvage operations, and its members are particularly disturbed because some litter-tax grantees have used capital to handle commercial and industrial waste streams rather than household waste streams, as was intended.

Furthermore, the grants have been consistently awarded to groups planning to build collection systems. But, such centers deal with only half of the recycling process. If there's no way to use the collected materials, markets quickly become saturated, prices fall and the entire system is undermined. For the most part, market development — which would encourage the processing of collected material — has gone unfunded.

There are still other problems in the manner in which the tax is commonly used. Recyclers in Colorado, for example, found that $388,000 of the $486,000 so far collected by that state's litter tax has gone to industry-sponsored cleanup programs. Projects of this sort are extremely unpopular among recyclers, who generally feel that litter control is a minor problem when compared to the task of adapting our current solid-waste management practices to a system that's based on recycling.

And, even though litter taxes provide a steady cash flow, as container legislation doesn't, evidence from several states that have bottle bills shows that such laws tend to encourage other forms of recycling. In Oregon, Connecticut, Ohio and Michigan, bottle bills have stimulated new private and community businesses that redeem and process deposit glass, metal and plastic containers. In Charlotte, Michigan, for example, the Owens-Illinois glass plant now recycles 300 tons per day, which is a dramatic increase. And, in Oregon, where virtually no glass was reprocessed before that state's bottle bill was passed, a single plant is recycling 40,000 tons per year.

"Deposit legislation," concludes a survey prepared by Tania Lipshutz and Jerry Powell, "results in massive multimaterial recycling and good opportunities for community recyclers, while improving the professionalism of municipal recycling."

No wonder that, in at least two litter-tax states (California and Colorado), there are renewed efforts to pass container deposit legislation. Many activists believe, that litter taxes have actually helped to prolong the use of one-way beverage containers to far too long.

Resource Recovery Programs

In states that have resource recovery agencies (California, Ohio, Connecticut, Florida, New York and Wisconsin), recyclers generally aren't given a fair share of the economic pie, even though they require much smaller amounts of capital than do the waste-to-energy projects that do receive bonds, loans and grants. In Wisconsin, recyclers and environmentalists have had to form a low-technology advisory committee to press the state's Resource Recovery Authority to take an even-handed view of the alternative approach to using waste. And, a lobbying coalition in New York (led by county environmental managers in Ulster and Westchester Counties) convinced that state's legislature to direct — in 1978 — $1 million of the $175 million reserved for resource recovery bonds exclusively to recycling projects. Unfortunately, because of excessive restrictions on how the funds could be spent, little of the money was actually used by recyclers.

Fortunately, the more recent 1980 New York Resource Recovery Act — thanks to the continued efforts of lobbyists — allots $5 million to recycling and reduces the requirements for eligibility.

Landfill Surcharges and Fees

Landfill surcharges are the most recent approach to raising capital for recycling projects. Two states have passed laws requiring landfill users to pay such fees and the legislation is just now taking effect. The Colorado law allows landfill charges to be used for solid-waste management, regardless of where or how it is done. (Before, all the fees had to figure in the operating budget of the landfill.)

Tim McClure — of Summit Recycling in Breckenridge, Colorado — is waiting to see how his state's approach compares to a similar program in New Jersey. In Colorado each county will control the transfer of landfill fees to recycling projects. In New Jersey, on the other hand, a state office will collect fees from 250 landfills and then distribute the funds among local communities.

"Watching both states will give us a good opportunity to determine which level of government is best able to conduct this type of business," McClure said. He'll be reporting on the comparative administrative costs in future issues of *Renews*, which he edits for the Colorado Recycling Cooperative Association.

The New Jersey Recycling Act has drawn national attention because it's the first to involve community-based recyclers and environmentalists as well as government officials and industry representatives. Under the plan, municipal and private-sector recyclers can count on an annual cash flow for five years: Communities will receive funds based upon the amount of solid waste that they recycle annually.

Plans similar to New Jersey's couldn't come at a better time for recyclers. Waste-to-energy plants, which burn solids and directly compete with recycling, have just lost large portions of their federal subsidies (a $29 to $50 billion Department of Energy plan has just been scuttled by President Reagan). At the same time, high interest rates and weak tax-exempt-bond markets have cut back private investment in waste-to-energy schemes. As a result, the prospects for incorporating recycling into an overall waste-management program have never looked better!