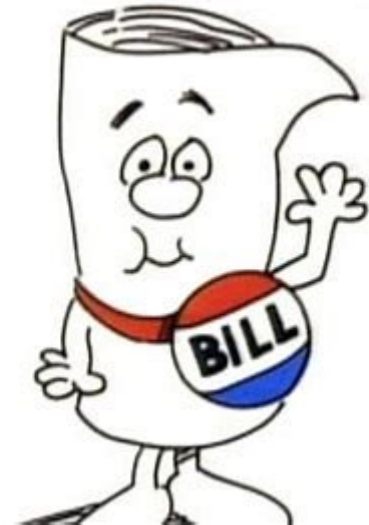


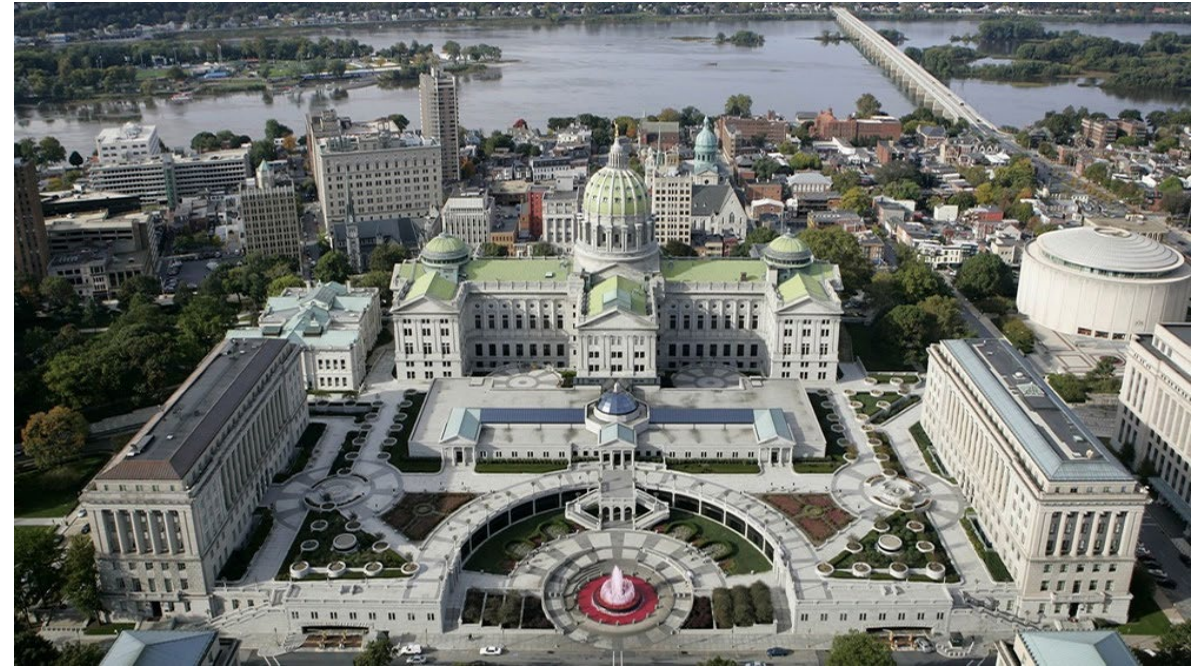
Current Issues in Recycling Legislation in Pennsylvania and Beyond...

Veronica Harris
Montgomery County Recycling Manager
PROP Legislative Committee Chairperson
July 28, 2022
PROP Conference Legislative Update



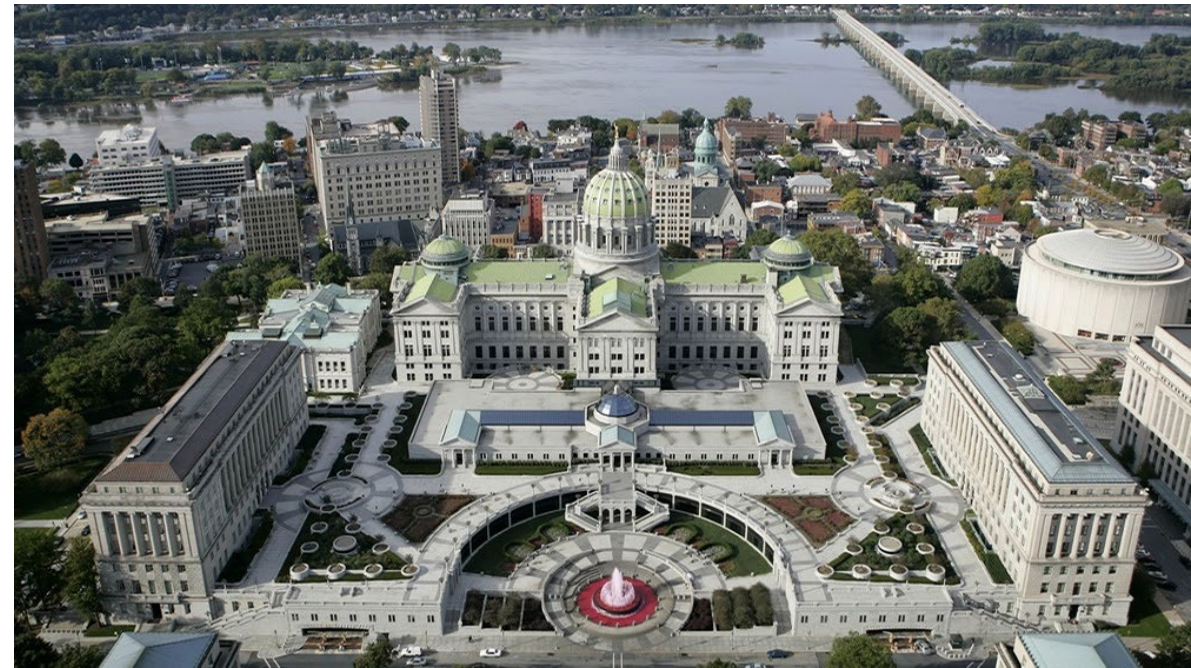
Pennsylvania General Assembly

- **House of Representatives** – 203 Representatives -2 year term
- **Senate** - 50 Senators – 4 year term
- A bill must pass both Houses before going to the **Governor** to be passed or vetoed.
- Bills must pass within the **2 year session** or be reintroduced in the next session.
We are currently in the 2021-22 session.



Committees in the General Assembly

- Once a member of the General Assembly introduces a bill, it is **sent to a committee** based on its subject.
- There are **over 20 committees** in each House including: Environmental Resources & Energy, Local Government, Finance, Judiciary, HHS, Commerce, Transportation.
- A bill **must pass out of committee** to be voted on by the House or Senate.
- The **committee chairperson decides** which bills get a vote based on the majority party's legislative priorities.
- **Most bills die in committee.**



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Friday, July 22, 2022 2021-2022 Regular Session

IMPORTANT: Emails are generated nightly and include all data input at the time the email is generated.

[Executive Actions](#) (0)
[Actions in the House](#) (0) [Actions in the Senate](#) (0)
[House Introduced](#) (1) [Senate Introduced](#) (0)

Executive Actions (0)

No Executive Actions today.

Actions in the House (0)

No Actions in the House today.

Actions in the Senate (0)

No Actions in the Senate today.

House Introduced (1)

HB 2755	FRANKEL - An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in assault, furth...
View Text	Memo: *Corrected Hate Crimes Legislation Package* Make sure to Re-Co-sponsor
View Memo	PN 3396 Referred to JUDICIARY , July 22, 2022

Session Calendar

Senate Session Days



The Senate will reconvene on Monday, September 19, 2022 at 1:00PM unless sooner recalled by the Pres. Pro Temp.

View Session Days for: 2022 Regular Session

Session Days

📅 2022

January 4, 18, 19, 24, 25, 26

February 7, 8, 9

March 30

April 4, 5, 6, 11, 12, 13

May 23, 24, 25

June 6, 7, 8, 13, 14, 15, 20, 21, 22, 28, 29, 30

July 6, 7, 8

Scheduled Session Days

📅 2022

September 19, 20, 21

October 17, 18, 19, 24, 25, 26

November 15

1930s



1940s



1950s



1960s



1970s



1980s



1990s



2000s



2010s



2012s



2013s



Covered Device Recycling Act Proposed Amendments

- **House and Senate Co-sponsorship Memos:**

- Amend CDRA based on OEM multi-state model (ERTAA)**

- Sponsors: House (Mike Zabel, D), Senate (John Blake, D, left office)
 - Electronics Recycling Transparency and Assurance Act (ERTAA)
 - Original Electronics Manufacturers governed “Clearinghouse” runs statewide program
 - Consumer “Eco-fee” on TVs and monitors that goes to Clearinghouse
 - Concerns: OEM control, unclear municipal cost reimbursement & convenience standards
 - PROP sent a letter of opposition to the Governor’s office and DEP and has been working on changes to improve ERTAA.

Covered Device Recycling Act

Proposed Amendments

- **Senate Bill 415:**

- Additional OEM Collection Responsibilities**

- Sponsor: John Gordner, R
 - Reintroduced from last session. Still in committee (ERE).
 - Legislation to require manufacturers be responsible for recycling all covered devices that they produce, as well as a portion of the orphan devices that are unaccounted for, based on a percentage of their weight based market share.
 - Also will mandate a minimum of one collection site per county, and for every municipality of 25,000 residents or more and free recycling for consumers.
 - Concerns: weight based goals, OEM control

Covered Device Recycling Act

Proposed Amendments

- **House Bill 1243:**

Supplemental CDRA Contracting Coverage

- Sponsor: Christopher Quinn, R
- Reintroduced from last session. Still in committee (ERE).
- Allows private contractors to bid on collecting, transporting and recycling the excess amount of electronic waste in each county not currently being covered by the existing system. Contracts under this proposal would be apportioned to the manufacturers on the same market share basis currently being used in the existing law.

Covered Device Recycling Act Proposed Amendments



- **House Bill 266 / Senate Bill 530:**

Adding Solar Panels to CDRA Covered Devices

- Sponsors: House (R. Lee James, R), Senate (Chris Dush, R)
- Reintroduced from last session. Still in committee (ERE).
- Add solar panels to the list of covered items under the CDRA.
- At a September 16, 2020 House Environmental Committee information meeting on the bill, the PA Recycling Markets Center, the PA Resources Council, the Solar Energy Industries Associates and DEP said the Covered Device Recycling Act is not an appropriate program for recycling solar panels.
- Washington state has a PV module stewardship and takeback program, which requires every PV module supplier to submit a recycling plan. Also Niagara County, NY & EU.
- PROP sent a letter of opposition to this bill to the sponsors, Legislative Committees and Governor's office.

TOWARDS ZERO WASTE



Zero Waste PA Package (committee)

- **House Bill 496-Water Bottle Filling Stations in State Buildings**
 - Sponsored by Perry Warren (D) and reintroduced from last session
- **House Bill 531-Littering Fines Increase**
 - Sponsored by Donna Bullock (D) and reintroduced from last session
 - Also HB 2081 sponsored by Melissa Shusterman (D)
- **House Bill 579-Bottle Deposit**
 - Sponsored by Melissa Shusterman (D) and reintroduced from last session
 - 5 cent beverage container deposit program which includes a redemption rate of 5 cents on returnable containers
 - Join 10 other states that have programs



Zero Waste PA Package (committee)



- **House Bill 590-Recycling Fee Increase**

- Sponsored by MaryLouise Isaacson (D) and reintroduced from last session
- Increase the Recycling Fund Fee at disposal sites from \$2 to \$5
- Fee has not been changed since 1988
- May increase raids for the General Fund from the Recycling Fund

- **House Co-Sponsorship Memo-Optional County Recycling Fee**

- Sponsored by Patty Kim (D) and reintroduced from last session
- Up to \$4 per ton disposal fee for counties to use for recycling programs

Zero Waste PA Package (committee)



- **House Bill 783-Polystyrene Food Container Ban**
 - Sponsored by Tim Briggs (D) and reintroduced from last session
 - Legislation to prohibit food establishments from using polystyrene food containers as temporary packaging for prepared foods.
- **House Bill 1194- Plastic Straws Only Upon Request**
 - Sponsored by Mary Jo Daley (D) and reintroduced from last session
- **House Bill 2140-No Mini Disposable Plastic Toiletry Bottles in Hotels**
 - Sponsored by Melissa Shusterman (D)

Zero Waste PA Package (committee)

- **House Bill 1382-Plastic Bag Ban and Paper Bag 15 cent fee**
 - Sponsored by Brian Sims (D)
- **Senate Bill 752- Plastic Bag Ban and optional Paper Bag 5 cent fee**
 - Sponsored by John Sabatina (D)
- **House Bill 1873- Extended Producer Responsibility for Packaging**
 - Sponsored by Melissa Shusterman (D)





Miscellaneous

Miscellaneous

- **House Bill 752- Drug Take Back and Disposal by Pharmacies** (committee)
 - Angel Cruz, D
 - Synchronize state law with Federal legislation
 - Currently under PA law, only law enforcement allowed to have take back sites
- **House Bill 891 - Require removal of all political signs by the candidates and their campaigns** (committee)
 - Ryan Bizzarro, D
 - Within 10 days of the election
- **House Bill 2614- Banning Balloon Releases** (committee)
 - Matthew Dowling, R



Miscellaneous



- **House Bill 1152-Right to Repair Law**

- Sponsored by Russ Diamond (R)
- Still in the Commerce Committee
- Require OEMs of electronics and appliances that contain embedded software to make available the information and parts needed to make repairs
- U.S. Rep. Joe Morelle (D-NY) introduced the first broad federal Right to Repair bill: [the Fair Repair Act](#). (6/17/2021)
- [27 US states introduced Right to Repair legislation in 2021](#)
- New York has become the first state in the country to pass an electronics right-to-repair law (June 2022)
- [Executive order to fix unfair markets](#), President Joe Biden instructed the Federal Trade Commission to issue rules against “anticompetitive restrictions on using independent repair shops or doing DIY repairs.” (July, 2021)

Miscellaneous

- **Senate Bill 1220 – Household Hazardous Waste Collection Funding Increase**
 - Reintroduced from last session and this session (SB 839)
 - Scott Martin (R, Lancaster)
 - ERE Committee
 - Increase the limit on HHW matching funds that each county may receive from \$100,000 to \$250,000



Miscellaneous

- **Senate Resolution 285—Assessment of Recycling in PA**
- John Gordner, R
- Directing the Joint State Government Commission to assess and analyze public and private recycling infrastructure and operations across PA
- Referred to ERE, May 3, 2022
- **Adopted, June 22, 2022**

Budget Raids on the Recycling Fund

- **House Bill 255-Place Recycling Fund into General Fund**

- Sponsored by Seth Grove (R)
- Applies to Recycling Fund as well as other special funds
- PROP sent letter of opposition to the sponsor and Appropriations Committee and Governor's office.
- Resolutions to “Protect the Recycling Fund” adopted by **Farm Bureau** in 2021 and **PSATS** in 2022 through PROP Leg Com outreach to grow our coalition.



Budget Raids on the Recycling Fund

- \$2 per ton fee on disposal at landfills and waste to energy in PA
 - About \$40 million per year goes into the fund
- Special Fund for specific purposes- 900 grants and education
- Transfers from the Recycling Fund to the General Fund
 - 2008/09 - \$15 million
 - 2016/17 - \$9 million
 - 2017/18 - \$15 million
 - 2019/20 - \$10 million
 - 2020/21 - \$50 million
- PROP sent letter before the latest raid to the Legislature and Governor's office asking that the Recycling Fund not be targeted again.

Legislation on the Federal Level and in Other States



New Federal Legislation

Infrastructure Investment and Jobs Act – Became Law on Nov. 15, 2021

- Includes what was H.R.2159 - RECYCLE Act
- EPA Requests for Information are the first steps in the process of developing these new grant programs
- Funding to compile best practices for **battery collection**, recycling & labeling guidelines

\$350 Million Investment in Infrastructure	State & Tribal Grants	Who is Eligible for These Grants?
including \$275 million (\$55M/yr from 2022 - 2026)	Solid Waste Infrastructure for Recycling Grants	States, Tribes, Intertribal Consortia ¹ , Former Indian Reservations in Oklahoma ² , Alaskan Native Villages ³
and \$75 million (\$15M/yr from 2022-2026)	Education and Outreach Grants	States, Local Govt, Indian Tribes, Native Hawaiian Organizations, Department of Hawaiian Homelands, Office of Hawaiian Affairs, non profit organizations, public-private partnerships

Proposed Federal Legislation

- **Build Back Better Act**

- Introduced Sept. 27, 2021. Passed House Nov. 19, 2021.
- Rep. John Yarmuth (D-Ky.)
- \$95 million in EPA grants for **organics recycling projects** in “low-income or disadvantaged communities,” including programs to “construct, expand, or modernize” facilities or equipment that collects and processes organic materials. Grants could also be used for programs to measure, reduce and prevent food waste.

Proposed Federal Legislation

- **Build Back Better Act (continued)**
 - \$95 million in EPA grants for other projects in low-income or disadvantaged communities that **reduce waste** in manufacturing or encourage manufacturers to design packaging that reduces waste.
 - \$10 million to support recycling **data collection** efforts, with a focus on projects in rural areas that lack access to recycling services or other disadvantaged or low-income communities.

Proposed Federal Legislation

- **[H.R.8059](#) - Recycling and Composting Accountability Act**
 - Rep. Neguse, Joe (D-CO)
 - Introduced **June 14, 2022**
 - RCAA would direct the EPA to collect recycling and composting data from MRFs and curbside collection programs in all 50 states.
 - It also includes ISRI's definitions for "recycling," "recyclable," and "MRF" for the first time in U.S. law.

Proposed Federal Legislation

- **Recycling Infrastructure and Accessibility Act**

- Rep. McKinley, David B. (R-WV) (Introduced **June 22, 2022**)
- Sen. Shelley Moore Capito (R-WV) (Introduced March 3, 2022)
- EPA to create a **recycling infrastructure** pilot program to provide grants between \$500,000 and \$15 million each for projects that make recycling services more accessible to rural and disadvantaged communities that do not have reliable or nearby access to MRFs.
- Prioritize **transfer station infrastructure** projects and other “**hub-and-spoke**” **recycling collection systems**, as well as projects that expand **curbside recycling** collection programs.

Proposed Federal Legislation

H.R.1512 - CLEAN Future Act

- Rep. Frank Pallone (D-NJ) (Introduced 03/02/2021)
- The wide-ranging bill aims to achieve net zero greenhouse gas emissions no later than 2050. The bill calls for numerous waste and recycling efforts to achieve that goal, along with other energy, economic, infrastructure and job-related initiatives.
- PCR standards, bottle deposit program, EPR, standardized labeling, and more

H.R.2357 - RECOVER Act

- Rep. Tony Cardenas (D-CA) (Introduced 04/05/2021)
- The bill aims to boost infrastructure projects through up to **\$500 million** in matching federal grants for improvements to MRFs, curbside collection systems and education programs.

Proposed Federal Legislation

H.R.3036 - Secure E-Waste Export and Recycling Act

- May be included in COMPETES Act re semiconductors (passed house in 2/4/2022)
- Rep. Adriano Espaillat (D-NY) (Introduced 05/07/2021)
- The bill would require untested or **nonworking electronics to be processed domestically**. It would exempt electronics it says are at a low risk of being counterfeited or dumped, such as refurbished computer equipment.

H.R.2101 - ZERO WASTE Act

- Rep. Ilhan Omar (D-MN) (Introduced 03/19/2021)
- The bill would authorize **\$150 million in grant funding each year from 2022 to 2031** for **zero-waste projects** such as organics recycling infrastructure, e-scrap recycling, source reduction programs, and other efforts meant to reduce waste and aid market development.

Break Free From Plastic Pollution Act

- **S.984 - Break Free From Plastic Pollution Act of 2021**

Rep. Alan Lowenthal (D-CA) and Sen. Jeff Merkley (D-OR)

→ **Extended Producer Responsibility**: Requiring producers of plastic products to design, manage, and finance waste and recycling programs.

→ **Incentivize corporations** to make reusable products and products that can be recycled.



Break Free From Plastic Pollution Act

- Create a nationwide **beverage container deposit and refund program**. (Bottle bill)
- Standardized Recycling and Composting **Labeling System**.
- Reduce and ban certain **single-use plastic** products that are not recyclable (bags, foam, stirrers and utensils).



Break Free From Plastic Pollution Act

→ Invest in U.S. domestic recycling and composting infrastructure, while stopping new plastic facilities until environment & health protections are put in place.

→ Establish minimum recycled content requirements for beverage containers, packaging, and food-service products.

Parts of this bill are already working in individual states...

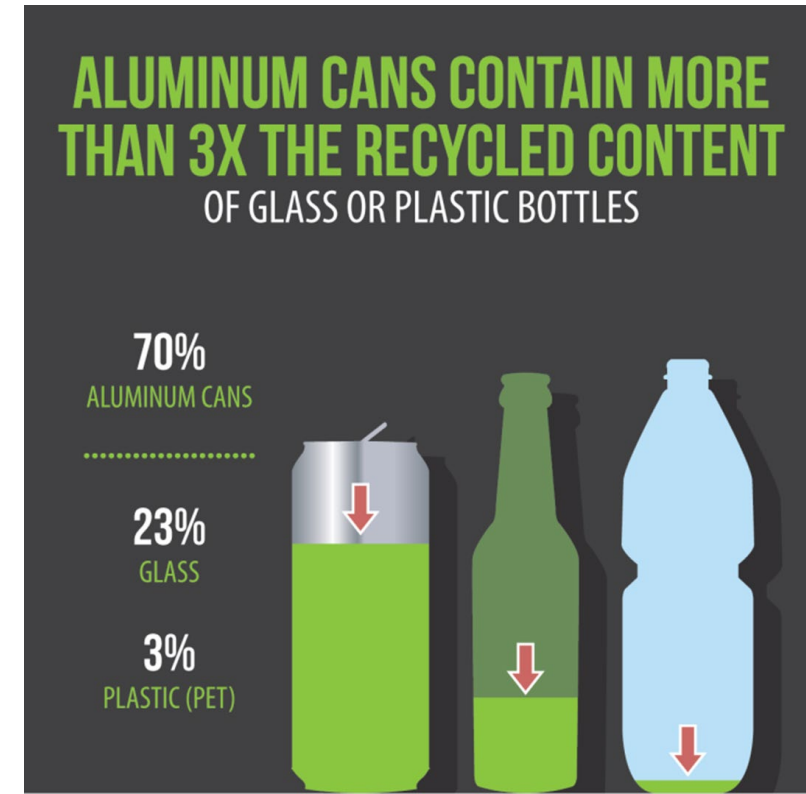


Extended Producer Responsibility (EPR)

- **Maine's EPR bill passed into law (July 2021)**
- **Oregon's EPR bill passed into law (August 2021)**
- **California and Colorado's EPR bills passed into law (June 2022)**
- EPR is already established in Canada and Europe.
- Corporations are getting on board:
 - Ellen MacArthur Foundation EPR statement endorsed by over 100 corporations in the packaging value chain including Coca-Cola, Unilever and Walmart. (6/15/2021)
 - "We need dedicated, ongoing and sufficient funding to make the economics of recycling work. This statement and the supporting position paper set out why mandatory, fee-based EPR is the *only* proven and likely way to provide this funding."

Minimum Recycled Content Bill

- **California Governor signs mandatory recycled content bill (Oct 2020)**
 - Nation's first recycled content requirement for plastic beverage containers will increase collection and supply, expand market demand.
 - All plastic bottles covered by the state's container redemption program average at least 15 percent postconsumer resin (PCR) starting in 2022.
 - The recycled content mandate increases to 25 percent in 2025 and 50 percent in 2030.



Minimum Recycled Content Bill

- **Washington** is the second state with recycled content requirements for plastic beverage containers. (May 2021)
- **Connecticut** passed a law to develop recycled content requirements for “products sold in the state” by December 1, 2022. (June 2021)
- **New Jersey** passed a recycled content law for packaging products including plastic containers, plastic beverage containers, plastic and paper bags, plastic trash bags and glass containers. (January 2022)

Material Ban: Foam Food Service Products

- **Maryland is the first state to ban foam food service products (Sept 2020)**
 - Cups, plates, carryout containers and trays
 - Affects food service as well as other businesses and institutions including schools.

- **Bans also in:**

Washington DC, Maine, Vermont,
New York, New Jersey

- **Starting soon in:**

Virginia (7-23), Colorado (1-24)



Material Ban: Plastic Bags

- **New Jersey Legislature passes sweeping bill limiting carryout bags, polystyrene foam and straws (Sept. 2020)**
 - The plastic bag policy would apply to any “store or food service business”.
 - Polystyrene foam food service product limitations would apply to any "food service business" or person selling food.
 - Ninth state to have a comprehensive or de facto plastic bag policy
 - Fifth state to ban polystyrene foam in some form



Material Ban: Plastic Bags

- **Philadelphia's ban on single-use plastic bags**
 - Started July 1, 2021 (when state preemption of municipal bans ended)
 - Bans single-use plastic bags at retail establishments across the city, as well as paper bags that don't contain at least 40% recycled content.
 - Noncompliant businesses will be issued only a warning through **4-2022**.
 - West Chester (Chester Co.) and Narberth (Montgomery Co.) also have plastic bag ordinances that will be revived.



Recycling Labeling

California Truth in Labeling for Recyclable Materials Bill

- Prohibits the use of the “chasing arrows” symbol (or any other indication of recyclability) on products or packaging that are not deemed “recyclable”. (Oct 2021)
- The state Department of Resources Recycling and Recovery now has until Jan. 1, 2024, to publish a study on what is recyclable.

Other Legislative Issues

- Act 101 updates
- Annual Budget-Recycling Fund Raid
- New Legislation-you can play a role

