Federal Landscape - 2022

RCRA
Setting the Stage

Administration
Recycling Initiatives

117th Congress
Enacted & Pending Legislation
Resource Conservation and Recovery Act
The Solid Waste Disposal Act & The Resource Conservation and Recovery Act

• RCRA enacted in 1976, amends the Solid Waste Disposal Act of 1965 – created due to increasing volume of municipal and industrial waste
• Establishes a framework for a national system of solid waste control where states and local governments serve as the primary planning, regulating and implementing entities for the management of nonhazardous solid waste
• Establishes a framework for a national system of hazardous and solid waste control
  • EPA has “cradle to grave” control over hazardous waste
  • States and local governments serve as the primary planning, regulating and implementing entities for the management of nonhazardous solid waste
EPA Recycling Initiatives

Overview
- America Recycles
  - Multi-stakeholder collaboration – annual summits and innovation fairs, stakeholder dialogues, developing a national strategy and framework & national recycling goals

National Recycling Strategy
- Goals:
  - Improve Markets for Recycling Commodities.
  - Increase Collection and Improve Materials Management Infrastructure.
  - Reduce Contamination in the Recycled Materials Stream.
  - Enhance Policies to Support Recycling.
  - Standardize Measurement and Increase Data Collection.

- Publications & Resources:
  - National Framework for Advancing the U.S. Recycling System
  - National Recycling Strategy: Part One of a Series on Building a Circular Economy
Infrastructure Investment and Jobs Act

Solid Waste & Recycling Grants

- $350 Million – Solid Waste & Recycling Grants
  - $75 Million for the RECYCLE Act aimed at improving recycling through public education and outreach.
    - Eligible entities include states, tribes, nonprofits and public-private partnerships
  - $275 million for the Save Our Seas 2.0 Act (December 2020) to support improvements to post-consumer materials management and municipal recycling programs
- Calls for EPA to develop a model recycling program toolkit to improve recycling rates and decrease contamination in the recycling stream.

Other Investments

- $6.3 Billion to develop a U.S. battery processing industry and EV battery recycling via DOE
- EPA directed to develop best practices for battery recycling & voluntary labeling guidelines
- $200 Million – NOAA Marine Debris Program
- $100 Million – EPA Pollution Prevention Program
Solid Waste Infrastructure for Recycling Grant Program

Understanding of EPA grants for recycling.

Recycling Education and Outreach Program

Battery Collection Best Practices and Voluntary Battery Labeling Guidelines
Recycling Infrastructure & Accessibility Act
- Establishes pilot program that awards competitive grants to eligible entities to improve recycling accessibility within underserved communities.
- Prioritization to those communities where there is not more than one MRF within a 75-mile radius
- Eligible entities include states, local governments, tribal nations and public-private partnerships
- Grants would be a minimum of $500,000 and under $15,000,000 – federal cost share of 90 percent

Recycling and Composting Accountability Act
- Calls on EPA to determine feasibility of national composting strategy, and asks them to formally collect data on recycling and composting.
- Creation of national public and private MRF inventory
- EPA would have to determine the percentage of recyclable material being “diverted from a circular market.”
117th Congress – Plastics Recycling

### Break Free from Plastic Pollution Act

- First introduced in 2020, Re-introduced 2021
- Calls for EPR programs for packaging and a nationwide 10-cent beverage container deposit program.
- Mandatory post-consumer recycled content minimums - from 25% by 2025 to 80% in 2040.
- A three-year pause on issuing permits for new plastics production facilities and chemical recycling plants. Would require expanded environmental justice requirements.

### CLEAN Future Act

- Would establish post-consumer recycled content standards for certain products.
- Implements a national bottle deposit program calling on EPA to standardize labeling and collection of recyclables.
- Would create a task force to establish EPR systems for certain products.
117th Congress – E-Waste

COMPETES Act

- Passed Senate March 2022, House Feb. 2022 | Currently in Conference
- Aims to ramp up competitiveness with China
- House version included language from the Secure E-Waste Export and Recycling Act (Section 20612)

Secure E-Waste Export and Recycling Act

- Reintroduced in the Senate in 2022
- Aims to restrict the export of “untested, non-working electronic scrap” from the United States in an effort to keep such material from causing pollution in other countries or being used by electronics counterfeiters.
2022 State Legislative Landscape Overview

- Big Picture

- Categories
  - EPR
  - Advanced Recycling
  - Plastic
  - Market Development
  - Labeling & Advertising
Big Picture: State Recycling Legislation

2022 LEGISLATIVE SESSION

- Enacted: 175
- Pending: 80
- Failed: 445

Total = 700
Categories

EPR
Advanced Recycling
Market Development
Plastic
Labeling
Other
Extended Producer Responsibility

In 2022, legislation was introduced in at least 16 states + D.C. regarding extended producer responsibility

- Enacted = 2 states
- To Governor = 1 state
- Pending = 9 states + D.C.
- Failed = 4 states

Products: **packaging**, plastic, batteries, tires, solar panels, mattresses, gas cylinders, electronics, etc.

(Oregon and Maine passed EPR for packaging bills in 2021)
Advanced Recycling

Laws in 18 states

4 Enacted in 2022: KY, MS, SC, WV

Bills pending in 8 states
Plastic

Legislatures considered 200+ bills this session

Bags
Ban (11)
Fee (2)
Preemption (17)

Straws
6 - CA, NJ, OR, RI, VT, WA

Polystyrene
8 - CO, ME, MD, NJ, NY, VT, VA, WA + D.C.

Recycled content
4 – CA, ME, NJ, WA
Market Development

2022 Highlights

- Indiana HB 1226 (E): Central Indiana waste diversion pilot project
- Michigan HB 4459 (P): Staffing for recycled materials market dev.
- Missouri HB 2600 (P): Creates joint committee on solid waste management
- New Jersey AB 1436 (P): Reporting on recycling markets and contamination
- Pennsylvania SR 143 (P): Study feasibility of econ. dev. zones for recycling
- Rhode Island SB 2582 (P): Directs study of markets for recycled materials

See NCSL LegisBrief for more
Labeling/Advertising

- At least 12 bills introduced 2021-22
  - California SB 343 (2021) - Enacted
  - Hawaii HB 1646 (2022) – Failed
  - Maryland HB 700 (2022) – Failed
  - New Jersey
    - AB 1554 (2022) – Pending
    - AB 3414 (2022) – Pending
  - New York AB 7668 (2021) – Pending
  - Washington HB 1932 (2022) - Failed

Other

- Utah HB 394 (2022): recycling transparency
- New York
  - AB 8720 (2022): glass recycling study
  - AB 8721 (2022): hotel toiletry bottles
- Wisconsin AB 943 (2022): cleanup of electronics recycling waste
- West Virginia SB 246 (2022): water bottle filling stations