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Dear Cathy and Bryn,

Thank you for the opportunity to submit comments on the Agency of Natural Resources Biennial Report On Solid Waste to House and Senate Committees on Natural Resources and Energy, December 2016. As I discussed with you both last week, we see this report as an opportunity that comes once every two years to make some recommendations for the legislature to consider. This year seems even more critical to provide a clear and concise report given the changes to the legislative body and the makeup of the committees that will be reviewing the report. The report lacked organization and did not outline the challenges and recommendations clearly for committee members. Without a more succinct description of what the Agency would like the legislature to know and potentially act on, those points will be lost. I understand from our conversation that you are undergoing internal review at the same time that you put the report out for comment and there has already been feedback that the report could be better organized. With that in mind, I respectfully submit my comments and edits below.

Letter from the Secretary (NEW)

Suggest adding a Letter from the Secretary in front of the Executive Summary (if allowed). The Letter from the Secretary could state much of what is in the first two paragraphs of the current Executive Summary, and could immediately put forth her recommendations.

Executive Summary

Recommend turning the Executive Summary into a two-page “brag sheet”, which *briefly* lists the purpose of the report, ANR’s role in implementing UR, the successes to date, and the opportunities that lie ahead. This two-pager could then be used as a separate document to have at public education tabling opportunities or as a leave-behind at meetings with state or legislative officials.

Page 3

Consider pulling the reporting requirements into a cover page or section prior to the executive summary and making that section a highlight of accomplishments, challenges and recommendations.
Chart labels are incorrect (33% and 35% should be switched).

Page 4

HHW and C&D Debris are very different waste streams that should be called out separately and not grouped together.

66% diversion is a new number that is not supported in this document with data. The specific programs that are named that would increase diversion would need legislation which is not in the recommendations or a significant change in the markets which is not likely. The 66% diversion goal without substantive recommendations reduces the credibility of the report.

The executive summary and report should recognize “challenges” to reducing the toxicity and volume of the waste stream. These challenges include the continual development and release of packaging into the market place that is non-recyclable or challenging to process at MRFs. It also should recognize the market fluctuations for some materials (packaging and C&D) and that this will ultimately drive the ability to remove more of these materials from the waste stream. Another challenge is for local

government to finance household hazardous waste collection programs that sufficiently service the public and keep household hazardous waste out of the waste stream.

Page 5

The beverage container deposit information under section II (Authority and Scope) seems misplaced and more appropriate under Section 4 (Laws & Programs)

Section 3 and Section 4 headings are very similar. I suggest you combine them in a more concise way.

Under Section 3, change extended producer responsibility programs to extended producer responsibility laws.

Under Section 3, move entire section on HHW and rewrite it in a section on the Materials Management Plan.

Page 6

Second paragraph on Universal Recycling Law is redundant to next section on the same page.

Strike the words “Implementation dates were designed to make recycling and composting as easy as trash disposal”. Dates are not designed to make it easy, the requirements in the law is designed to make it as easy. The dates are explained in the previous paragraph, “...to allow time...”.

Page 7

It would be helpful to see laws all in one section (Universal Recycling, EPR laws, Bottle Bill and Bans, Act 175) and Programs (MMP) in another section.

Suggest that the “call-out boxes” highlight the successes of UR rather than the goals. The top call-out box talks about the diversion goals when the text to the right talks about an actual accomplishment. Flip the text.

Page 8

Under “Targeting Toxicity in the Waste Stream” it would be helpful to give a rough number of how much more the SWMEs have to fund HHW program. CSWD has to spend over \$500,000 after the grants and other revenues we receive in the program. This is significant enough to include since what CSWD spends alone is more than the total amount available in grants and points out the real need for a more sustainable funding source.

Page 9

Landfill Disposal Bans – the use of the words “and other products” is confusing in the first paragraph. Are the “other products” in the second paragraph? Suggest combining all materials that are banned in one paragraph or list. This would make a handy reference for readers. The last three sentences are confusing and not clear what information or point they are conveying. Consider striking or making a point/recommendation.

Page 10

Since this is the beginning of EPR programs, it would be helpful to give the narrative of the basis of these programs i.e. they are the result of producer responsibility laws that have been enacted in Vermont in the past 10 years. It is important for the reader (legislator) to understand that these programs didn’t just happen and that laws are required to make it successful. If the narrative is in another section, move it all to one section.

“Performance Trend – Mercury Thermostat” header is not necessary.

Page 11

“Performance Trend” seems like an unnecessary subsection that breaks the focus and info can be combined with the Data Summary and Background.

Mercury Auto Switches – “the legislation will sunset at the end of 2017”. Should the program be extended as a recommendation or will the program continue as voluntary under the MOU referenced?

Page 12

“Performance Trend” not needed

Add the words “mercury containing” after the word “lamps” in the fourth line

Strike the sentence about Universal Waste Standards. It means very little to most readers and not really relevant to the report. “funded” is mentioned twice in the same sentence following the Universal Waste Standards sentence. Strike the words “and funded” and add the word “is” before “managed”.

Add the words “mercury-containing” before “bulbs” in last sentence of the section.

The program lacks serious education compared to other EPR programs. This should be acknowledged in the report with **recommendations** on how it will be addressed.

“Performance Trend” for Batteries not necessary.

Change “Vermont became the first state to recycle single use batteries, with the passage of the Vermont Battery Stewardship Law” to “Vermont became the first state to require manufacturers to fund recycling of single-use batteries with the passage of the Vermont Primary Battery Stewardship Law”.

Insert “mandated by VT law” in last paragraph first sentence after “primary battery stewardship program” in order to clarify it is a non-voluntary program as opposed to the voluntary program mentioned right after. Insert the word “voluntary” before the words “rechargeable battery collection program”.

Page 13

The funding for the paint stewardship program is not exactly accurate and makes it out to be an advanced disposal fee. Reword to reflect it more accurately. This is extremely important when talking to legislators as an ADF is seen more true to a tax with a lot of bureaucracy to manage the money. The paint program only requires the assessment fee to be passed down to the consumer at the point of sale but not collected and managed to support the program.

Consider this: The stewardship program is funded by paint manufacturers that pay a fee on each container of paint sold into the State. The fee is used by the paint stewardship organization, PaintCare to pay for the collection, transportation and disposal or recycling of unwanted post-consumer architectural paint in Vermont. The fee is passed down to the retailer and consumer

Construction and Demolition Debris – strike the word “recycled” in front of “asphalt shingles”.

Page 14

Change the word “estimated” to “indicated” in the first paragraph last sentence. “the report indicated”

The second paragraph does not reflect the true challenges with glass accurately. Glass processed at MRFs are not “difficult to clean because of breakability”. There is more contamination in the glass because it is processed in a mixed recycling stream. Bottle bill material is broken too. However it is not processed with other materials so there is less contamination. Unless the State knows where the bottle bill glass is sent and knows it receives a “higher commodity value”, this should not be assumed and stated in the report. Recycling markets are very difficult for glass generated in Vermont regardless of the quality of the material. This should be acknowledged under a “challenges” and a recommendation that the State needs to work further on market development and other potential solutions (AOT, EPR etc.). This might be better in a “packaging” section that is recommended later.

Page 15

First paragraph: The state-wide survey in 2012 was not to determine how many scrap tires are generated each year in Vermont but to determine how many problem tires in the form of abandoned tire piles exist in the State.

Page 16

Since Pharmaceuticals was never taken up with the Beyond Waste group, and only named as a second tier priority, it doesn't fit in this section. It could possibly go under the EPR laws section since that is

what is highlighted in the section. Also, “Vermonters did not have a voluntary or mandatory statewide drug stewardship programs for unwanted drugs” is not entirely true. The drug take-back programs through pharmacies and police stations should be acknowledged. These are voluntary.

The Beyond Waste group did not discuss chlorides in packaging and did not dive deep into the issue. Consider removing it from this section under the Beyond Waste and making packaging its own section. There is a lot to be said about packaging and the future work needed to address the many issues. It is not clear on how the Agency “has worked to reduce toxicity in packaging through waste prevention and consumer education efforts”. If this is true, then it should be explained how this has been done.

See comments on 66% diversion goal above. What new programs will there be for carpet and padding, textiles and bulky items? There are no recommendations for these materials so it is not clear how things will change to reach the 66% diversion goal. It is misleading to tell legislators of this goal without also making it clear that the new programs may need legislation to support them.

Last paragraph on page 16 mentions DEC developing solutions upstream. It sounds great but needs to be backed up with concrete examples.

Page 17

Label error on chart mentioned previously in Executive Summary

Page 18 Recommendations

The reader must read between the lines to find any recommendations if there are any. The current section is divided under two categories. The first is existing laws and the second is problem materials that are not under an EPR laws or the Universal Recycling. It is difficult to wade through the two pages and pick out any action that the legislature might consider. It is also difficult to wade through the report to pick out where the problems are. Recommend making this section more readable in a chart format for legislators to quickly see this. This section is one that they are most likely to read and should be clear. Also, bring up the materials that need work with the recommendations first and leave the existing laws (which have very few to no recommended changes) for last. OR consider simply providing bullets for recommendations.

E-cycles – consider adding “expand what is covered” to the list of changes in the future.

Thermostats misspelled in heading.

Auto switches – The law is sun setting. Does DEC support this?

Lamps – Recommend adding that the DEC will ensure that the new plan better addresses the requirements for education and outreach to consumers.

Batteries – Consider giving the legislature a heads up that the voluntary program for rechargeables may need to be mandated by the legislature in the future in order to make it sustainable for the manufacturers.

Separate HHW and C&D Debris. They are very different materials with different solutions.

In the recommendations of HHW, the report states “DEC will work with stakeholders in the coming year to find solutions to find funding assistance, or alternative program management options that will not sacrifice convenience to residents”. Consider adding “In these considerations, the DEC will look at EPR for funding HHW programs similar to the other EPR programs in the State that have been successful.”

In the recommendations for C&D, there is no mention of Act 175. Does the State support maintaining the law? What type of input on asphalt shingles is sought—is something being recommended? Perhaps at least refer the reader again to the report to the legislature on Act 175 as was done on page 13 or provide the recommendations in the report in this section.

Include a Packaging Section instead of “Explore Diversion of Other Materials”. Add to the stakeholder group to address the difficulty of processing and lack of markets of glass and black plastics and difficulties of adding other materials such as multilayer, cartons and films.

Plastic bags – not mentioned in the report and no recommendation so perhaps consider leaving out or making a subset of packaging and indicate whether DEC supports/recommends bag fees and/or bans.

Another “challenge” to add to the packaging section is the confusing proliferation of products, including liner bags for trash cans and compost bins, that are marketed as compostable, biodegradable, degradable, and variations thereof (e.g., “oxodegradable”). Though claims attached to such labels must meet requirements specified in the Federal Trade Commission’s “Green Guides,” these requirements are frequently ignored, products are not clearly labeled, and education necessary for the responsible sale and use of these products is sorely lacking.

As a result, business and institutions, including our public schools and universities, are purchasing these products in the belief that they are inherently better for the environment than the available alternatives. In addition, these products are most often being disposed of in environments or at facilities that cannot meet the conditions required to fulfill the environmentally beneficial promise. Often, these products are ending up at facilities such as MRFs or commercial composters, where they are contaminants and cause increased labor, processing and disposal costs as well as potential degradation of marketed end products.

Thank you again for this opportunity and if you have any questions, please let me know.

Sincerely,



Jen Holliday
Compliance Program and Product Stewardship Manager

CSWD’s Vision – “Products are designed to be reused or recycled and our community fully participates in minimizing disposal and maximizing reuse and recycling.”