

US EPA Releases Draft National Recycling Strategy for Comment

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US EPA recently released its draft [National Recycling Strategy](#) (Draft Strategy) as part of its broader “America Recycles” program that aims to increase the amount of paper, plastic and metal recycled in the country. While the Draft Strategy sets sweeping goals to grow domestic recycling capacity and improve markets for recycled materials, it offers little in the way of specific plans or future policies. The Draft Strategy is open for public comment until December 4, 2020.

The Draft Strategy sets out three primary objectives: reducing contamination in the recycling stream, increasing efficiency at recycling facilities, and improving markets for recycled feedstock. For purposes of the Draft Strategy, “recycling” refers to “the series of activities by which discarded or used materials are collected, sorted based on physical/mechanical characteristics, processed and/or converted into feedstock and used in the manufacture of new products.” US EPA states that recycling has long been a component of the Agency’s implementation of the Resource Conservation and Recovery Act (RCRA), although it is worth noting that the scope of US EPA’s authority to directly regulate recycling activities is unclear.

To reduce contamination in the recycling stream, the Draft Strategy focuses on increasing public awareness of the mechanics of recycling as well as the economic benefits of recycling. Part of this effort would include improving the consistency of labeling on recyclable products to reduce consumer confusion about what products can be recycled. The Draft Strategy also includes plans to analyze state and local policies that have already been implemented to address contamination issues.

In order to increase process efficiency, the Draft Strategy sets forth objectives that are ambitious but largely preliminary: improving understanding of available domestic recycling infrastructure and needs, increasing awareness of available funding and incentives, and developing and implementing national recycling system definitions, measures, targets, and performance indicators. If developed, such concrete metrics would provide needed guidance to industry as to the potential for regulatory burdens associated with US EPA’s recycling program.

To improve domestic markets for recyclable materials and recyclable products, the Draft Strategy proposes conducting market development workshops among stakeholders on actions that can be taken to strengthen markets for recycled materials at both the regional and local level. Additionally, the Draft Strategy aims to increase manufacturing use of recycled material feedstock and to increase

the demand for recycled materials by identifying barriers and developing incentives and policies to address those barriers.

As US EPA's Draft Strategy is still largely undeveloped in terms of concrete requirements to accomplish its broad goals, it is possible the Agency may look to state policies for guidance. In addition to laws banning plastic bags and plastic straws, states have recently begun to focus on efforts to increase the use of recycled material through minimum recycled content mandates applicable to manufacturers. For example, California recently passed AB 793 to require that products such as plastic beverage containers be composed of a minimum percentage of recycled material, beginning with 15% in 2022 and increasing to 25% in 2025 and 50% in 2030. New Jersey is considering a similar bill, and a Washington minimum recycled content bill was passed by the legislature, but vetoed by the governor due to budget restraints brought on by the COVID-19 pandemic.

As noted above, US EPA's Draft Strategy is open for public comment until December 4, 2020. The Agency has asked commenters to focus on "key implementation steps and milestones" that could support each goal.

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