



WISCONSIN LEGISLATIVE COUNCIL
PROPOSED REPORT TO THE LEGISLATURE

SPECIAL COMMITTEE ON SINGLE-USE PLASTICS

March 18, 2011

PRL 2011-07

Special Committee on Single-Use Plastics

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March 18, 2011

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PART I

KEY PROVISIONS

OF COMMITTEE RECOMMENDATION

The Special Committee on Single-Use Plastics recommends the following bill drafts to the Joint Legislative Council for introduction in the 2011-12 Session of the Legislature. These drafts are described in more detail in Part III of this report.

LRB-1376/1, Relating to the Collection and Recycling of Beverage Containers at Public Events and Granting Rule-Making Authority

This draft requires that the planners of public events collect beverage containers separate from other solid waste and deliver them to a recycler. The draft specifies that this requirement, which is enforceable by the state, is in addition to the requirements in municipal recycling programs, and directs the Department of Natural Resources (DNR) to promulgate rules specifying standards for complying with the new requirement.

LRB-1377/1, Relating to Recycling Effectiveness Improvement Grants and Making an Appropriation

This draft replaces the recycling efficiency incentive grant program with a three-part recycling effectiveness improvement grant program which includes education and enforcement grants for responsible units, recycling coordination grants for some counties, and demonstration grants. The draft appropriates \$1.9 million annually for this program and restores funding of \$1.5 million per year to the waste reduction and demonstration grant program from the account to which landfill tipping fee revenues are credited.

PART II

COMMITTEE ACTIVITY

Assignment

The Joint Legislative Council established the Special Committee on Single-Use Plastics and appointed the chairperson by a May 7, 2010 mail ballot. The committee was directed to: (a) evaluate the economic and environmental costs and benefits of single-use products, such as plastic food and beverage packaging and containers, plastic film products, and agricultural plastics; (b) review costs, benefits, availability, and feasibility of possible alternatives to these products; (c) assess current recycling efforts for these products, the effectiveness of these programs, and opportunities to promote increased recycling; and (d) recommend state policies related to these products that would minimize environmental impacts, maximize recycling, promote desirable alternatives, and benefit the economy of this state.

Membership of the Special Committee was appointed by June 30, 2010 and July 14, 2010 mail ballots. The final committee membership consisted of two Senators, one Representative, and 10 public members. A list of committee members is included as **Appendix 3** to this report.

Summary of Meetings

The Special Committee held three meetings on the following dates:

August 24-25, 2010
October 19, 2010
November 16, 2010

At the August 24-25, 2010 meeting, the Special Committee heard welcoming remarks from Senator Fred Risser, Representative Marlin Schneider, Co-Chairs of the Joint Legislative Council, and Terry Anderson, Director of the Legislative Council staff.

The Special Committee heard from speakers who provided background on plastic products, the state's solid waste and recycling systems, plastic packaging, plastic films, market development tools, and alternative funding mechanisms for waste management and recycling.

Brad Wolbert, a hydrogeologist in the Waste & Materials Management Program at the DNR, provided the committee with information on solid waste in Wisconsin including disposal trends, import trends, and relative generation by different source categories. He also described the results of statewide waste composition studies conducted in 2002 and 2009, estimated the market value of landfilled products, and extrapolated the energy content of those items. Mr. Wolbert also provided a breakdown of the types of plastic products that are being landfilled.

Cynthia Moore, the DNR's Recycling Coordinator, provided the committee with an overview of the state's recycling program. She described local government recycling programs and noted the high degree of variability in services provided that can be found between programs. She also explained the data sources and collection process and described the plateau in collection that we are seeing. Finally, she provided estimates of recycling rates for recyclable products and pointed out gaps in recycling data that may hinder improvements in the system.

Ashley Carlson of the American Chemistry Council (ACC) provided background about plastics including the different types of commonly used plastic resins, their characteristics, and their current uses. She shared information about the environmental and other benefits of plastics, provided information about plastic manufacturing in Wisconsin, shared details of the ACC's programs to enhance

plastics recycling, and offered the resources and expertise of the ACC to the committee as it undertakes its charge.

Anne Bedarf and Liz Schoch, of GreenBlue, described their work for the Sustainable Packaging Coalition (SPC). The SPC is an industry working group that includes businesses from across the packaging supply chain and that is working toward more sustainable packaging material and design choices and systems. Ms. Bedarf and Ms. Schoch described some of the methodology used by the SPC in evaluation of packaging alternatives, shared information on packaging trends in the United States, and explained the SPC effort to create a more effective, harmonized labeling system for packaging products to communicate needed information to consumers.

Roger Springman, of Genesis Poly Recycling and a Special Committee member, provided the committee with a description of some of the obstacles to the efficient collection of large-volume films such as agricultural and horticultural films, from the perspective of a films recycler. Joe Van Rossum, Solid and Hazardous Waste Education Center (SHWEC), University of Wisconsin (UW)-Extension and a Special Committee member, remarked on the current obstacles to the recycling of plastic films, including that the current recycling infrastructure was designed for paper and containers, necessitating a labor-intensive sort process if films are to be included.

David Cornell, of the Association of Post-Consumer Plastic Recyclers, talked to the committee about the chemistry, uses, and other characteristics of various types of plastics, provided information about export markets, and explained what types of plastics are used for various types of packaging. Mr. Cornell described the types of products that are made with each type of recycled plastic, and cautioned the committee to maintain market flexibility and not suppress free flow of recycled material to its more economic use. He also explained the limited effect of Wisconsin's plastic container recycled content law and what would have to be done to make it more effective, and provided some suggestions to the committee about possible policy approaches to improve plastics recycling.

Steve Brachman, also of SHWEC, provided the committee with an explanation of the history of state recycling market development efforts and described the history of the administration of market development programs in Wisconsin. Joe Van Rossum described some of the current efforts the state is undertaking to develop recycling markets.

Scott Cassel, of the Product Stewardship Institute, laid out the basic idea of "extended producer responsibility," or "EPR," which is a system that primarily holds producers financially responsible for the health impacts and environmental impacts of a product over its whole lifecycle. He explained that an ideal EPR program would internalize whole lifecycle costs, would be established around clear performance goals, and would provide flexibility for producers in determining how to meet those goals. Mr. Cassel gave an overview of state EPR laws and proposals, including Wisconsin's new electronics recycling law, and noted that product stewardship for packaging could increase diversion rates, reduce waste generation, create a sustainable funding source, and eliminate the need for government funding systems for the end-of-life solutions for packaging materials.

Ken Friesen, of StewardEdge, explained the work of StewardEdge in the design, implementation, and management of EPR programs, some of the critical facets of an effective and efficient EPR program, the challenges inherent in establishing these programs, and how such programs impact industry and government. Mr. Friesen provided the committee with information about EPR programs in Canada.

Sara Hartwell, of the U.S. Environmental Protection Agency (EPA), spoke briefly to the committee about a dialogue that EPA is now convening on sustainable financing for municipal recycling, which at this time includes seven states, four local governments, 11 brand owners, and four nongovernmental organizations.

After the speakers concluded, the Special Committee members identified additional information sources that they wanted the Special Committee to pursue and had initial discussions about the work of the committee.

At the October 19, 2010 meeting, the Special Committee heard from invited presenters on plastic packaging and agricultural plastic films. Chris Librie, the Director of Global Sustainability for S.C. Johnson, and F.H. Brewer, the Director of Worldwide Government Relations for S.C. Johnson, described the S.C. Johnson company's environmental stewardship efforts including the Green List process the company developed in 2001 to systematically improve the environmental profile of the materials used in the company's products. They also described collaborations between the company and other companies, such as Wal-Mart and Target, that want to improve the environmental profile of the products they sell. They also discussed the role that companies such as S.C. Johnson have to play in addressing the solid waste impact of their products.

Jennifer Harrison, the Sustainability Program Manager for Organic Valley, described a project that Organic Valley is coordinating to develop a system for the collection and recycling of agricultural and horticultural plastics, including silo bags, plastic mulch, and hoop house covers, with partners such as the Extension Service, county governments, and private companies. She also offered policy suggestions to the Special Committee.

The committee then discussed Memo No. 1, *Policy Options Relating to Plastic Packaging, Plastic Films, Market Development, and Local Recycling Programs* (October 12, 2010). Based on this discussion, committee staff were directed to prepare more detailed proposals to consider at the committee's subsequent meeting.

At the November 16, 2010 meeting, the Special Committee discussed the following:

WLC: 0022/1, relating to plastic container recycled content.

WLC: 0023/1, relating to recycling enforcement and information grants, making an appropriation, and authorizing rule-making.

WLC: 0024/1, relating to the collection for recycling or composting of single-use items at events.

WLC: 0025/1, relating to collection and recycling of large volume agricultural and horticultural plastic films.

The Special Committee requested changes to some of these drafts, rejected some, and recommended that others be approved by the committee. Chair Black decided to hold final votes on the committee's recommendations by a mail ballot. This was the final meeting of the Special Committee.

The Special Committee voted on the final versions of its recommendations, WLC: 0023/2 and WLC: 0024/2, by mail ballot dated December 3, 2010.

PART III

RECOMMENDATIONS INTRODUCED BY THE JOINT LEGISLATIVE COUNCIL

This part of the report provides background information on, and a description of, the drafts as recommended by the Special Committee on Single-Use Plastics.

LRB-1376/1, Relating to the Collection and Recycling of Beverage Containers at Public Events and Granting Rule-Making Authority

Under current law, to be an “effective recycling program,” a municipal recycling program must include:

A requirement that owners of commercial, retail, industrial, and governmental facilities in the region do all of the following:

- Provide adequate, separate containers for the recycling of specified materials.
- Regularly notify all users and occupants of the facilities of the requirement to recycle the specified materials.
- Provide for the collection of recyclable materials separated from solid waste by the users and occupants and the delivery of the recyclable materials to a recycling facility.

[s. 287.11 (2) (d), Stats.]

Rules of the DNR interpret this as applying to various public events, including fairs, festivals, sport venues, conferences, and exhibits. [s. NR 544.03 (21), Wis. Adm. Code.] DNR staff reported to the Special Committee that it has had difficulty achieving compliance with this requirement at these types of public events.

This draft requires that the planners of public events collect beverage containers separate from other solid waste and deliver them to a recycler. The draft specifies that this requirement, which is enforceable by the state, is in addition to the requirements in municipal recycling programs, and directs the DNR to promulgate rules specifying standards for complying with the new requirement.

LRB-1377/1, Relating to Recycling Effectiveness Improvement Grants and Making an Appropriation

This draft replaces the recycling efficiency incentive grant program with a three-part recycling effectiveness improvement grant program, which consists of the following:

- Grants to “responsible units” (the units of local government that have taken on the responsibility for compliance with the state recycling law) to increase compliance with their programs through education and enforcement activities. This part must include grants that seek to increase the diversion of recyclable materials from nonresidential, nonindustrial sources.
- Grants to counties that are not responsible units to develop plans for coordination of the recycling programs of the responsible units in those counties.

- Grants for the development of systems for the collection and recycling of large volume plastic films, including plastic films used in various agricultural and horticultural applications, to wrap goods on pallets for transportation or storage, and to wrap boats for winter storage.

The draft appropriates \$1.9 million annually for this program, the level at which the recycling efficiency incentive grant program was funded in the 2007–09 fiscal biennium. The draft also restores funding of \$1.5 million per year to the waste reduction and demonstration grant program. Both of these appropriations are from the recycling and renewable energy fund, the fund to which landfill tipping fee revenues are credited.

Appendix 1

Committee and Joint Legislative Council Votes

The following drafts were recommended by the Special Committee on Single-Use Plastics to the Joint Legislative Council for introduction in the 2011-12 Session of the Legislature.

Special Committee Vote

The Special Committee voted, by a December 3, 2010 mail ballot, to recommend the following two drafts to the Joint Legislative Council for introduction in the 2011-12 Session of the Legislature. The votes on the drafts were as follows:

- WLC: 0023/2, relating to recycling effectiveness improvement grants, making an appropriation, and authorizing rule-making: Ayes, 12 (Representative Black; Senator Holperin; and Public Members Clemmons, Dreckmann, Evenhouse, Kelly, Lawless, Metcalfe, Meyers, Reindl, Springman, and Van Rossum); and Noes, 1 (Senator Cowles). [WLC: 0023/2 subsequently became LRB-1377/1.]
- WLC: 0024/2, relating to the collection and recycling of beverage containers at public events and authorizing rule-making: Ayes, 12 (Representative Black; Senator Holperin; and Public Members Clemmons, Dreckmann, Evenhouse, Kelly, Lawless, Metcalfe, Meyers, Reindl, Springman, and Van Rossum); and Noes, 1 (Senator Cowles). [WLC: 0024/2 subsequently became LRB-1376/1.]

Appendix 2

Joint Legislative Council

[Joint Legislative Council Members Who Selected and Appointed Committee and Its Membership]

Co-Chair

FRED A. RISSER

Senate President

100 Wisconsin Avenue, Unit 501
Madison, WI 53703

Co-Chair

MARLIN D. SCHNEIDER

Representative

3820 Southbrook Lane
Wisconsin Rapids, WI 54494

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President Pro Tempore
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Chippewa Falls, WI 54729

DALE SCHULTZ

515 North Central Avenue
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6803 Lora Lee Lane
Schofield, WI 54476

MARK MILLER

4903 Roigan Terrace
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ROBERT WIRCH

3007 Springbrook Road
Pleasant Prairie, WI 53158

SCOTT FITZGERALD

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N4692 Maple Road
Juneau, WI 53039

REPRESENTATIVES

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170 W. Summit Street
Markesan, WI 53946

DEAN KAUFERT

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Neenah, WI 54956

MICHAEL SHERIDAN

Speaker
1032 Nantucket Drive
Janesville, WI 53546

TERESE BERCEAU

4326 Somerset Lane
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THOMAS NELSON

Majority Leader
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TONY STASKUNAS

Speaker Pro Tempore
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JEFF FITZGERALD

Minority Leader
910 Sunset
Horicon, WI 53032

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

Joint Legislative Council

[Current Joint Legislative Council Members Receiving Committee Report]

SENATE MEMBERS

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JOE LEIBHAM

President Pro Tempore

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Sheboygan, WI 53083

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Richland Center, WI 53581

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ASSEMBLY MEMBERS

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SCOTT SUDER

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102 South 4th Avenue
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ROBIN VOS

960 Rock Ridge Road
Burlington, WI 53105

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

*Terry C. Anderson, Director, Legislative Council Staff
1 East Main Street, Suite 401, P.O. Box 2536, Madison, Wisconsin 53701-2536*

Appendix 3

Single-Use Plastics

Representative Spencer Black, **Chair**
5742 Elder Place
Madison, WI 53705

Senator Robert Cowles
300 West St. Joseph St.
Green Bay, WI 54301

George Dreckmann
City of Madison Recycling Coordinator
1501 West Badger Road
Madison, WI 53713

John Kelly
Market Area Vice President-Midwest
Waste Management Recycle America
W132 N10487 Grant Road
Germantown, WI 53022

Tim Metcalfe
Metcalfe Sentry Foods
726 North Midvale Boulevard
Madison, WI 53705-3207

John Reindl, retired
Dane County Department of Public Works
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Madison, WI 53705

Joe Van Rossum
Recycling Specialist
Solid and Hazardous Waste Education Center
610 Langdon Street, Room 533
Madison, WI 53703-1195

Senator Jim Holperin, **Vice-Chair**
3575 Monheim Road
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Win Clemmons, Plant Manager
Pactiv Corporation
Chippewa Falls Facility
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Charles Evenhouse
Oneida County Solid Waste Department
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Brian Lawless
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Madison, WI 53704

Rick Meyers
Recycling Manager
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Roger Springman
Genesis Poly Recycling
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Wyocena, WI 53969

STUDY ASSIGNMENT: The Special Committee is directed to: (a) evaluate the economic and environmental costs and benefits of single-use products, such as plastic food and beverage packaging and containers, plastic film products, and agricultural plastics; (b) review costs, benefits, availability, and feasibility of possible alternatives to these products; (c) assess current recycling efforts for these products, the effectiveness of these programs, and opportunities to promote increased recycling; and (d) recommend state policies related to these products that would minimize environmental impacts, maximize recycling, promote desirable alternatives, and benefit the economy of this state.

13 MEMBERS: 2 Senators; 1 Representative; and 10 Public Members.

LEGISLATIVE COUNCIL STAFF: David L. Lovell, Senior Analyst; Larry Konopacki, Senior Staff Attorney; and Julie Learned, Support Staff.

Committee Materials List (Copies of documents are available at www.legis.state.wi.us/lc)

OTHER MATERIALS SUBMITTED TO THE COMMITTEE:

- From Liz Shoch, Sustainable Packaging Coalition: [Market Situation Report – Summer 2010; Realising the value of recovered Plastics-an update ©, WRAP \(UK\)](#).
- From George Dreckmann and Brad Wolbert, DNR: [WRAP Urges More Plastics Recycling in the U.K.](#)
- From Anne Johnson, Sustainable Packaging Coalition: [Plastics in the UK Economy: A Guide To Polymer Use and Opportunities for Recycling](#), Waste Watch
- From Brad Wolbert: Container Recycling Institute, [Businesses and Environmentalists Allied for Recycling \(BEAR\) report](#).
- From Brad Wolbert: [Additional Wisconsin waste sort data/Washington State 2009 Waste Composition Study](#).
- From Ken Friesen, StewardEdge: A copy of the [Program Plan](#) created for the EPR program in Manitoba/a copy of the [Regulation](#) and written guidelines ([Guideline 1/Guideline 2](#)) to which this program plan responds.
- From Roger Springman: [Review](#) of current technologies on plastics-to-fuel.
- From Liz Shoch, Sustainable Packaging Coalition: [Closing the Loop - A Guide to Packaging Material Flows and Terminology](#).
- From the American Chemistry Council, [2008 National Postconsumer Recycled Plastic Bag and Film Report](#).
- From the American Chemistry Council, [2008 National Postconsumer Report on NonBottle Rigid Plastic Recycling](#).
- From the American Chemistry Council, [2008 Distribution of Plastic Resin Sales and Captive Use By Major Market - All Resins](#).
- From the American Chemistry Council, [2008 UNITED STATES NATIONAL POSTCONSUMER PLASTICS BOTTLE RECYCLING REPORT](#).
- [Maine](#) EPR Law.
- [Vermont](#) EPR Framework Legislation.
- [Info Sheet](#), submitted by Jennifer Killinger, American Chemistry Council.
- Letter and policy in support of product stewardship from the Associated Recyclers of Wisconsin (AROW) ([document 1/document 2](#)).
- [Recycling Efficiency Incentive Grant Program Summary Sheet](#), Department of Natural Resources, 2009.
- [REI Grant Projects 2008](#), Solid and Hazardous Waste Education Center (SHWEC), University of Wisconsin-Extension.
- [REI Grant Projects 2007](#), SHWEC.
- [REI Grant Projects](#) -- 2006 Grant Recipients, SHWEC.

December 3, 2010 Mail Ballot Results

- [Results](#) of December 3, 2010 Mail Ballot (December 20, 2010).

December 3, 2010 Mail Ballot

- [Memorandum](#) to Members of the Special Committee on Single-Use Plastics, *Final Mail Ballot for the Special Committee on Single-Use Plastics* (December 3, 2010).
- [WLC: 0023/2](#), relating to recycling effectiveness improvement grants, making an appropriation, and authorizing rule-making.
- [WLC: 0024/2](#), relating to the collection and recycling of beverage containers at public events and authorizing rule-making.

November 16, 2010 Meeting

- [WLC: 0022/1](#), relating to plastic container recycled content.
- [WLC: 0023/1](#), relating to recycling enforcement and information grants, making an appropriation, and authorizing rule-making.
- [WLC: 0024/1](#), relating to the collection for recycling or composting of single-use items at events.
- [WLC: 0025/1](#), relating to relating to collection and recycling of large volume agricultural and horticultural plastic films.
- [Letter](#), regarding proposed changes to Wisconsin Recycled Content Statute, submitted by Kelly McDowell, Wisconsin Beverage Association.
- [Letter](#), opposing WLC: 0024/1, single-use items at public events, submitted by Jayme Buttke, Executive Secretary, Wisconsin Association of Fairs (November 15, 2010).
- [Letter](#), regarding WLC: 0025/1, submitted by Public Member John Kelly (November 16, 2010).

October 19, 2010 Meeting

- [Memo No. 1](#), *Policy Options Relating to Plastic Packaging, Plastic Films, Market Development, and Local Recycling Programs* (October 12, 2010).
- [PowerPoint presentation](#) from Chris Librie, Director, Global Sustainability, and Chip Brewer, Director, Worldwide Government Relations, S.C. Johnson & Son, Inc.
- [Plastic Packaging Greenlist Quickcard](#), from Chris Librie, Director, Global Sustainability, and Chip Brewer, Director, Worldwide Government Relations, S.C. Johnson & Son, Inc. >
- [PowerPoint presentation](#), *Agricultural Plastics Collection and Recycling*, presented by Jennifer Harrison, Sustainability Department, Organic Valley (October 19, 2010).

August 24-25, 2010 Meeting

- [Letter](#), from John Easter, American Chemistry Council, regarding comments on single use plastic packaging and recycling issues (July 27, 2010).
- [Solid Waste Recycling and Waste Reduction](#), Legislative Fiscal Bureau Informational Paper 67.
- [Plastics 101](#), prepared by the American Chemistry Council.
- [PowerPoint presentation](#), submitted by Ashley Carlson, American Chemistry Council.
- [PowerPoint presentation](#), submitted by Anne Bedarf and Liz Schoch, GreenBlue, for the Sustainable Packaging Coalition.
- [PowerPoint presentation](#), submitted by Joe Van Rossum, Solid and Hazardous Waste Education Center, University of Wisconsin-Extension, and Committee member.
- [PowerPoint presentation](#), *Post Consumer Plastics Markets and Comments*, submitted by David Cornell, Technical Director, Association of Post-Consumer Plastic Recyclers (August 25, 2010).
- [PowerPoint presentation](#), *Sustainable Financing for Municipal Recycling*, submitted by Sara Hartwell (August 25, 2010).
- [PowerPoint presentation](#), prepared by Scott Cassel, Executive Director/Founder, Produce Stewardship Institute, Inc.
- [PowerPoint presentation](#), *Producer Responsibility Programs in Canada*, submitted by Ken Friesen, Director, StewardEdge, Inc.
- [PowerPoint presentation](#), *Recycling Film Plastic in Wisconsin: Ready, Set, ??*, submitted by Roger Springman, Genesis Poly Recycling (August 2010).
- [PowerPoint presentation](#), *Solid Waste Disposal and Recycling in Wisconsin*, submitted by Brad Wolbert and Cynthia Moore, Department of Natural Resources (August 24, 2010):
- [2009 Wisconsin State-wide Waste Characterization Study](#), final report.