



## A.1319 (COLTON, ET AL.)

### Summary

This bill would prohibit the disposal of recyclable materials in landfills and incinerators, and also specifies materials to be separated for recycling, such as newsprint, glass containers, metal containers, and certain plastics.

### Explanation

The Solid Waste Management Act of 1988 required localities to establish recycling programs that include source separation of any materials for which markets exist that would make recycling as economically viable as simple disposal. And most municipalities and private haulers complied with the Act, at least in spirit. Currently, local recycling programs divert millions of pounds of materials from landfills and incinerators, valuable materials previously perceived as waste without value. These materials are part of a burgeoning secondary materials market to businesses that make use of such recycled materials. In addition to rescuing valuable resources from part of the waste stream, this secondary recycling market and the network that supports it has created thousands of jobs statewide. All too frequently, however, the nonspecific language in state law has allowed disposal-minded interests to prevail over community-supported recycling programs. This bill would tighten the definition of recyclables to prohibit co-mingling of these valuable materials with other waste.

Although most communities have aggressively embraced recycling, many private waste haulers pursue other waste options, usually at their own disposal facilities. Compliance with local recycling laws by private waste haulers is often spotty, and potential material recovery often falls victim to the expediency of private-sector dumping and burning. This disturbing trend toward increase material in the waste stream has resulted in the destruction of large volumes of materials that could and should be readily recycled. The excuse used by such solid waste scofflaws is the lack of a market for the materials. It is unfair to expect residents to do their part for recycling by separating cans from bottles and so forth, when in some parts of the state many haulers, and even some municipalities, ignore the letter and the intent of the law.

This bill would provide a minimum definition of “recyclable materials” and help stop the much-abused “existing market” loophole, and would, therefore, make both state and local law clearer and more readily enforceable. The measure would create and protect jobs, improve the state’s competitive position, and provide an important recycling stimulus.

**Environmental Advocates of New York strongly supports this bill.**

**Memo 5**