



March 3, 2020

The Honorable Paul Tonko  
Chairman  
Subcommittee on Environment  
and Climate Change  
U.S. House of Representatives  
Washington, DC 20515

The Honorable John Shimkus  
Ranking Member  
Subcommittee on Environment  
and Climate Change  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Frank Pallone  
Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Greg Walden  
Ranking Member  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairmen Tonko and Pallone and Ranking Members Shimkus and Walden:

I am writing on behalf of the Energy Recovery Council regarding the House Subcommittee on Environment and Climate Change's March 4 hearing entitled "Reduce, Reuse, Recycle, Reform: Addressing America's Plastic Waste Crisis". This is a topic that is of current relevance and we support ways to expand recycling to address the issue of plastics in the environment. As many local governments operate recycling programs as well as waste-to-energy (WTE) facilities, they are on the front line of addressing our nation's recycling issues and understand that much must be done to improve recycling.

The Energy Recovery Council is the national trade association representing companies and communities engaged in the waste-to-energy sector. Members include companies that own and/or operate WTE facilities and provide goods and services in the supply chain. Members also include local governments that own and/or operate facilities, or otherwise rely on WTE to manage their post-recycled waste. Local government members include: City and County of Honolulu (HI), City of Ames (IA), City of Long Beach (CA), City of Tampa (FL), Materials Innovation and Recycling Authority (CT), Dade-Miami County (FL), ecomaine (ME), Hennepin County Department of Environmental Services (MN), Kent County Department of Public Works (MI), Lancaster Solid Waste Management Authority (PA), Lee County (FL) Solid Waste Division, Northeast Maryland Waste Disposal Authority (MD), Olmsted (MN) Waste-to-Energy, Onondaga (NY) Resource Recovery Agency, Pope/Douglas (MN) Solid Waste Management, Solid Waste Authority of Palm Beach County (FL), Alexandria/Arlington (VA) Facility Monitoring Group, and the York County Solid Waste Authority (PA).

China's National Sword policy changed recycling in the United States, possibly forever. China was the largest importer of American recyclables. However, with a zeal to recycle more, some American communities sent China recyclables with more and more regular trash mixed in, which was merely disposed in China after a long voyage. China eventually grew frustrated and

instituted contamination standards to ensure that the recyclable materials they purchased were not comingled with trash. Because of the stringency of the Chinese contamination standards, America no longer had China as a willing recipient of its recyclables. Without domestic manufacturing capacity designed to use recycled materials as raw inputs, the result was a glut of recyclable material on the U.S. market, which depressed commodity prices for recyclables, and led many previously profitable local government recycling programs to begin losing money. This jeopardized the very existence of some recycling programs and led to a situation in which the March 4 hearing is necessary and timely.

Having reviewed hearing testimony from the Global Alliance for Incinerator Alternatives (GAIA), we believe GAIA offers a one-sided perspective on the appropriate role waste-to-energy and we struggle to decipher how it contributes to solving the problems in today's recycling markets. This letter provides a much-needed response from communities that have invested heavily in their solid waste management systems, including both recycling and waste-to-energy infrastructure.

WTE plays no part in the problems experienced by recycling markets in the U.S. WTE continues to provide energy recovery for post-recycled solid waste that would otherwise be landfilled. Even though WTE facilities in the U.S. only manage roughly 7 percent of the nation's waste, it makes a significant contribution to reducing greenhouse gas emissions from the waste sector. When a ton of waste goes to a WTE plant, there is one less ton of waste that goes to a landfill. Landfills emit methane, which is a much more potent greenhouse gas than carbon dioxide. Regulators not only generally underreport the full extent of methane releases from landfills, but also the potency of the gas in the atmosphere. Put another way, methane is worse for the climate than most people believe, and landfills emit more than is reported. The fact that WTE reduces the amount of methane generated from landfills means that WTE facilities reduce GHGs released to the atmosphere for every ton of trash it processes.

The experience of ERC's local government members proves that WTE does not impede recycling. Many communities have made massive municipal investments in both recycling infrastructure and WTE infrastructure. Economics do not support the claim that WTE leads to the combustion of more plastic. Plastic that is not recycled for economic reasons will end up in a landfill because it is usually the least expensive alternative available. In addition, the highly engineered nature of converting solid waste into energy does not lend itself well to overloading the process with plastics and/or paper.

There is a false narrative stated in the GAIA testimony that WTE has an insatiable appetite for recyclable material. This is patently untrue. WTE facilities run on common, post-recycled household trash---not segregated paper and plastics. As a result, research for decades has shown that the recycling rates of communities with waste-to-energy facilities is generally higher than the recycling rates of communities that primarily landfill. This is in large part due to the investment choices made by local government leaders and taxpayers to invest heavily in sustainable solid waste infrastructure.

Many local governments have invested millions in recycling infrastructure, millions in recycling collection, and are losing millions because of a lack of demand for recycled content in

manufacturing. Notwithstanding GAIA's insistence that WTE is to blame, WTE has no role in the difficulties faced by the recycling industry today.

The Energy Recovery Council believes that:

- **More Recycling Infrastructure is Needed.** The U.S. needs infrastructure which takes the plastics collected through local government recycling programs and processes it into a saleable plastic commodity for use by U.S. manufacturers.
- **Markets for Recycled Plastic Must Be Supported by Policymakers.** There is a misconception that recycling equals collection of source-separated recyclable material. However, if the material is separated, collected, sorted, and then landfilled, an unbiased observer would conclude that recycling did not occur. With the absence of China as a current market for recyclable material, domestic manufacturing capacity must be incentivized to process recycled plastics into new products. Municipal recycling programs will not be successful if no one is willing to purchase the recycled commodities, which is unlikely as long as fossil fuel-based plastic production is the least cost alternative.
- **Less Plastic is Better for WTE and for the Environment.** Taking in more plastic is bad for WTE facilities, which have limits on how much heat energy they can process. The higher energy content of plastics relative to mixed municipal solid waste reduces the amount of waste that a typical WTE facility can process. Since most WTE revenues come from waste tip fees, higher plastics content would lower processing amounts and subsequently would reduce revenues.
- **Recycling is Compatible with WTE.** WTE facilities do not compete with recycling. In the U.S. WTE facilities successfully operate in communities with recycling rates over 50%. European leaders in the sustainable waste management, including Germany, Austria, and Sweden have recycling rates of 60% or more, and largely use WTE for remaining wastes.
- **Emissions from Plastic Combustion are Overwhelmed by Landfill Emissions.** While combustion of plastics does release CO<sub>2</sub>, the far larger global issue is the release of methane from landfills, 84 times stronger than CO<sub>2</sub> over 20 years. In fact, today's landfill methane emissions are 190 times the GHG emissions from combustion of plastic packaging.
- **Today's Emissions Have Been Dramatically Reduced.** Many claims about WTE emissions are based on outdated data. With the implementation of the CAA amendments of 1990, emissions dropped drastically, falling by up to 99%, leading the U.S. EPA to call the performance "outstanding." Over the last decade, many WTE have voluntarily reduced emissions even further.
- **WTE Enables GHG Mitigation.** WTE facilities are an internationally recognized source of GHG mitigation. The IPCC has called WTE a "key GHG mitigation measure" and an "important option for [GHG] mitigation in waste management." The IPCC joins a long list of other respected organizations noting WTE's GHG benefits, including the U.S. EPA, U.S. EPA scientists, the Davos World Economic Forum, and the United Nations. WTE facilities also generate carbon offset credits under both voluntary and mandatory markets.
- **WTE Does Not Present Health Risk.** A comprehensive 2017 review done for Portland, Oregon "determined that there was not a predictive or actual increase in

health issues, including for those in vulnerable or sensitive “at-risk” populations such as children or the elderly.”

While GAIA recklessly advocates for the banning of WTE, the federal Resource Conservation and Recovery Act (RCRA) envisions a solid waste system that reduces, reuses, recycles, and *recovers* waste. Unfortunately, the lack of any effective national solid waste policy leaves us with an EPA solid waste hierarchy that identifies landfills as the least preferred management option, but a market dynamic that selects landfills as the final destination for at least 2 of every 3 tons of trash. Reports show that the U.S. landfills more than 300 million tons of trash each year. By contrast, WTE facilities manage less than 30 million tons of trash each year. Policymakers must do more to ensure that we conserve resources by reducing as much as possible, reusing as much is practicable, recycling those materials that can be recirculated into the economy, and recovering energy from materials that cannot be recycled. Landfilling should be a choice of last resort for materials that cannot be recycled and have no energy value.

The March 4 subcommittee hearing in an extremely timely and important examination into the state of recycling in America and what can be done to address serious problems that exist. We are disappointed that the GAIA witness took this opportunity to assign blame for America’s recycling and plastics challenges to the WTE industry. Ignoring the facts at hand to concentrate on the elimination WTE left the committee with fewer constructive remedies to address the serious and pressing concerns facing today’s recycling system. We look forward to working with you as you pursue legislation to address the many solid waste challenges that exist. Please do not hesitate to contact me directly at [tmichaels@energyrecoverycouncil.org](mailto:tmichaels@energyrecoverycouncil.org) or 202-467-6240.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ted Michaels".

Ted Michaels  
President