



Working with you to protect the environment in the Berkshires and beyond

January 13, 2009

John Fischer
Massachusetts Department of Environmental Protection
1 Winter Street, 8th Floor
Boston, MA. 02108

Dear John Fischer,

Please accept the following as comments from the Berkshire Environmental Action Team, Inc. (BEAT) on the Massachusetts Department of Environmental Protection (DEP) New Solid Waste Master Plan.

1) Set a goal of Zero Waste

DEP's own consultant is clearly making the case for aiming for Zero Waste.

Here is a piece from the Solid Waste Advisory Committee (SWAC) Meeting Summary - June 26, 2008

p2-3

Landfills Last Solid Waste Master Plan Review Study

John Fischer of MassDEP noted that MassDEP has contracted with the Tellus Institute to conduct a study ...

James Goldstein of the Tellus Institute presented preliminary, partial findings from this study that is currently in progress. ... James noted several key points about the study:

- ...
- *Recycling and composting yield substantially higher energy savings than incineration and landfills*

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- *Recycling and composting produce substantially lower greenhouse gas emissions than incineration and landfills*
- *On several other measures (e.g., eutrophication, toxic emissions, acidification) recycling and composting out-perform incineration and landfills*

<http://www.mass.gov/dep/public/committee/jun08sum.doc>

Also- From the Tellus Institute Assessment of Materials Management Options for the Massachusetts Solid Waste Master Plan Review - Final Report – bottom of page 6

“Our review of the LCA literature and our modeling outputs confirm that, after source reduction, waste diversion through recycling and composting is the most advantageous management option from an environmental and energy perspective.”

Set your goals high (or in this case low) – you won’t ever reach zero waste if it isn’t a goal. If it is a goal, you still may not reach it, but you may get closer than you ever dreamed was possible.

2. We need to detoxify the waste stream – **Support the Alliance for Healthy Tomorrow sponsored legislation**

As Jay Rasku, then with Toxic Action Center said in comments on the 2005 Solid Waste Plan: “Over 80,000 chemicals new to nature have been produced by our country’s industrial sector. Some of these chemicals are known to adversely affect human health. For the vast majority of these chemicals, there has not been adequate testing, so we have no idea what effect they are having on human health and the environment. When dumped in landfills, products containing harmful chemicals can leak out and contaminate aquifers, or vaporize into the air. When burned in incinerators, harmful chemicals impact air quality and water quality. The Solid Waste Mater Plan (SWMP) needs to emphasize toxic use reduction strategies to make the waste stream less toxic, in order to protect the health of Massachusetts (extra space in original) residents living near incinerators, construction and demolition debris processing facilities, trash transfer stations, and landfills.”

Jay made these comments in 2005, and yet the current plan does not appear to specifically address the issue of detoxifying the waste stream.

Additional toxins we need to prevent going into the waste stream are medicines – both prescription and over-the-counter. DEP could work with doctors and hospitals to have them work with patients to figure out how much medicine is really needed and to not over prescribe.

3) Increase and publicize enforcement actions against illegal dumping

Under the previous administration, DEP targeted large wetland violations and then publicized the results when they caught someone violating the law. This program more than paid for itself. DEP Solid Waste should take a similar approach. Target illegal waste disposal and impose large fines that could be reduced by the offending company providing educational outreach on how to properly dispose of solid waste while maximizing diversion. Certainly in Pittsfield there are contractors who routinely use illegal dumping as a means of disposal. This is not recent. Not a result of increased prices at the transfer station. This is a habit. One that, if the offender were caught and made an example of, might be stopped.

For the rest of our comments, we have tried to tie our comments to specific questions posed by DEP for the stakeholders meetings.

- **How can we collectively shift from a “waste management” to a “materials management” system?**

4) Educate and Motivate those in a position to make the most difference

Educate contractors, builders, developers, engineers, and planners on all the ways to divert materials from construction and demolition to be reused or recycled and make this diversion mandatory. Municipal Planning Commissions could require “green construction practices” including materials management with a written “materials management plans” to receive a building permit. Further, the Commission could require tracking of all materials coordinated with a performance bond – the less material that ends up as waste, the greater the return of the bond to the developer.

Provide incentives for developers, builders, and contractors to work with groups like Habitat for Humanity to reuse materials. Ensure building codes allow for reuse while still demanding energy efficiency.

- **How can we work with product manufacturers, distributors and retailers to prevent waste from being generated in the first place?**

4. Take a Regional Approach and implement Extended Producer Responsibility

Take a regional approach like the Regional Greenhouse Gas Initiative (RGGI) –We need to bring more pressure to bear on manufacturers to adopt cradle to cradle manufacturing. The larger the market place involved in bringing this pressure, the better. The northeast region has already established connections with their work together on RGGI.

Work regionally to implement Extended Producer Responsibility (EPR *Extended Producer Responsibility* means whoever designs, produces, sells, or uses a product takes responsibility for minimizing the product's environmental impact throughout all stages of the products' life cycle—and the greatest responsibility lies with producers (brand owners) because they make critical design and

marketing decisions.) Producers (or first importers) must have an approved plan for how they will recover, at no cost to taxpayers, their products when consumers are done with them, as a condition for sale in a jurisdiction.

5. a. Work with Environmental Groups

Work with environmental groups – especially the large ones that have tremendous power to mount strong grassroots campaigns – to pressure manufacturers, distributors and retailers to prevent waste from being generated in the first place. Already Home Depot has a Compact Fluorescent Light take-back program.

- **How can we increase the amount of waste that is reused, recycled, and composted?**

5. b. Work with Environmental Groups

Work with environmental groups that already do fantastic environmental education to supply them with specific information they can use in their school and public education programs – must include – as the Tellus Institute said – “Sustainable consumption initiatives, such as those underway in Europe, offer significant waste prevention potential, well beyond the levels currently deemed achievable in the U.S. The potential is greatest where the focus is not limited to technological improvements and dematerialization, but includes consideration of values and lifestyle changes such as downsizing of living space, increased reliance on public transit and car-sharing rather than private vehicle ownership, and adopting lifecycle and precautionary approaches as a consumer of goods and services.”

6. Take advantage of awareness of climate change

Take advantage of the current awareness of climate change to show the ways that disposing of waste generates greenhouse gases and how, by individuals striving for zero waste, we could dramatically cut our greenhouse gas emissions. In western Massachusetts, most people could be composting in their own yards and using that compost on small vegetable gardens. By reducing the amount of trash we produce we could reduce the number of trips we have to take to the dump – or decrease the number of trips the hauler has to make to our city. By diverting more trash into reusable goods locally we can support our local economy, provide jobs, and reduce CO2 emissions.

7. Emulate the Sustainable consumption initiatives, such as those underway in Europe. This idea is directly from the Tellus Institute report.

8. Support the work of organizations who work with businesses and individuals to reduce, reuse, recycle, and compost

Support the work of organizations like the Center for Ecological Technology who work with western Mass. businesses and individuals to reduce, reuse, recycle and compost, and Holiday Farm who composts municipal waste in the Berkshires.

- **How can we encourage recycling markets to grow without depending on government subsidies?**

9. Require recycled content

Require recycled content in products, especially products purchased in large quantity by governments. Could all copy paper be 100% post-consumer waste whitened without chlorine? A product that even a large office supply store, Staples, currently sells?

- **How can we encourage entrepreneurs to develop new uses for materials that are recovered from waste? What are the best ways to stimulate new markets that recover the maximum value from these materials?**

10. Encourage “freecycling”

Freecycling, or giving your unwanted materials to others who want it, is currently done through internet and local papers. DEP should make it legal for people to pickup items that can be reused but are put out at the curbside for garbage collection. Many small town transfer stations already do a good job of this, even sorting materials by category – books, kids stuff, working appliances, etc. But in many places, once material is put out for curbside pickup, it legally belongs to the municipality, and it is illegal for someone other than the hired contractor to take.

11. Encourage new reuse businesses designed to divert items from the waste stream, and do not penalize municipalities for diverting more waste from the wastestream

Provide a legal structure and grants and/or loans for people to set up facilities to divert items from the waste stream to be repaired or remanufactured for resale - similar to the Center for Ecological Technology’s Restore for building supplies, or the Goodwill or Salvation Army. But go one step further, make it illegal to dispose of these items in other ways. We realize this would be difficult. Somehow you need to say any reusable part, for example a part for a bicycle, will be offered to the reuse/recycle business before it can be disposed of. Perhaps having these reuse businesses work with haulers to have “first dibs” at trash before it is disposed of. We believe this would require restructuring of some current agreements. If municipalities can reduce their waste by diversion, they should not be penalized financially for that diversion.

- **What materials should we focus on in the short term, and what strategies should be started now for longer term benefits?**

12. Ban the manufacture of chlorine except for use in pharmaceuticals

Phase in a ban on the manufacturing of chlorine for inclusion in any product other than pharmaceuticals. Naturally occurring salts would still be available, but no more use of chlorine in pesticides, cleaning products, or to whiten paper. Chlorine kills and it doesn’t go away – thus dioxins and furans.

We realize this is unrealistic to ask of the state, but we do believe this would be in the best interest of the health of people and the environment.

- **How can we get the most value from materials that cannot be recycled or reused?**

1) (repeat) Set a goal of Zero Waste

The idea is to not have materials that cannot be recycled or reused.

- **How effective is the waste incinerator moratorium at meeting our goals of increasing recycling, enhancing environmental performance and spurring new technologies?**

13. Provide incentives for current incinerators to divert more waste away from incineration

Are the current waste incinerators operating at full capacity? If not, what incentive do they have to recycle more? That would just reduce their fuel. The moratorium is unlikely to produce the desired results if it is not putting any pressure on the system.

- How can we get the best environmental performance from our materials management system at reasonable cost?

According to DEP's own report from the Tellus Institute Assessment of Materials Management Options for the Massachusetts Solid Waste Master Plan Review Final Report – bottom of page 6

“Our review of the LCA literature and our modeling outputs confirm that, after source reduction, waste diversion through recycling and composting is the most advantageous management option from an environmental and energy perspective.”

Thank you for considering our comments.

Sincerely,

Jane Winn
Executive Director