**The Commonwealth of Massachusetts**

**House of Representatives**

**State House, Boston 02133**

*Zero Waste Caucus March 27, 2023*

Bonnie Heiple

DEP Commissioner

Boston, MA

Dear Commissioner Heiple,

We write as the House and Senate chairs of the Zero Waste Caucus to express our congratulations on your new appointment and recommendations for reforming the Commonwealth’s solid waste system. The mission of the Zero Waste Caucus is to work together to reduce and eliminate solid waste in Massachusetts through legislative action, state and local collaboration, information gathering, education, and public outreach. Our membership which is 53 members strong, is particularly concerned with reducing solid waste and disposal of materials in ways that exacerbate environmental injustice. According to the most recent data from MassDEP, the Commonwealth produced more trash for disposal in 2020 than at any time over the last ten years – almost six million tons of municipal solid waste. About 35% of that waste was exported to landfills and incinerators to states with less protective regulations, like New Hampshire, Ohio, Virginia, or South Carolina. Regardless of whether it is burned or buried in Massachusetts or other regions, it most likely ends up in Environmental Justice communities – five of the six incinerators in Massachusetts are in Environmental Justice communities, a statistic that is typical not only for incinerators but large landfills, in other states as well.

We need to produce less trash, and MassDEP has some of the best tools to do that.

The Zero Waste Caucus acknowledges that some of the progress towards Zero Waste must be made by the Legislature. Knowing this, we have submitted a letter to the Ways and Means Committee supporting adequate funding for MassDEP – the Agency cannot do its job without adequate staff and support. The ZW Caucus has also identified a suite of Zero Waste bills that would reduce solid waste, hold producers responsible for the end life of packaging and other materials, and ban unnecessary single use products that contaminate recycling and waste resources. We will do our best to get the best of these measures across the finish line.

However, given this unique moment in time, we implore MassDEP to take bold steps to reduce, reuse, recycle and compost our waste. Specifically, we believe MassDEP can and should:

1. **Ban food scraps from disposal.** About 1.7 million tons of food and yard waste were thrown in the trash in Massachusetts in 2020. It is the largest category of waste – around 30% of what we burn or bury. While MassDEP required large scale producers to divert food beginning in 2014, and ramped up the requirements over the years, now that composting infrastructure has been built, it is time to ban food from the trash entirely. Vermont has already done this. As a result [donations to the Vermont Foodbank increased significantly](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fthecounter.org%2Fvermont-law-compost-model-sustainable-food-waste-management%2F&data=05%7C01%7Cmichelle.ciccolo%40mahouse.gov%7C132ddc9c1d72435cd05f08db2cd2be8d%7C0b947e6bff264b13ae1c573c6750c888%7C0%7C0%7C638153056441520184%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=m%2FHJ%2BDHn4smGpjMJYVxsvULc2X1I7I%2FlzrwfXVYbtw0%3D&reserved=0) and [residents reported separating about 71% of food from their trash after the ban](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.biocycle.net%2Fvt-food-waste-ban%2F&data=05%7C01%7Cmichelle.ciccolo%40mahouse.gov%7C132ddc9c1d72435cd05f08db2cd2be8d%7C0b947e6bff264b13ae1c573c6750c888%7C0%7C0%7C638153056441520184%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=3XyOX20GFQDsYLn5Y0%2BefFjSS%2BNb8BQ42N2vHSQfmnU%3D&reserved=0), despite minimal to no enforcement. A similar ban in Massachusetts would not only keep food and yard waste out of landfills and incinerators, but it would also save cities, towns, and businesses money. The Town of Hamilton banned the disposal of food. While [landfilling tipping fees in Massachusetts are about $122 a ton](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.biocycle.net%2Flandfill-tipping-fee-analysis%2F&data=05%7C01%7Cmichelle.ciccolo%40mahouse.gov%7C132ddc9c1d72435cd05f08db2cd2be8d%7C0b947e6bff264b13ae1c573c6750c888%7C0%7C0%7C638153056441520184%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=R95gVE9UOeoi3WcgufRx7DBm7jCTT%2FUjKanegMFAgiE%3D&reserved=0), Hamilton is only paying $40 a ton to compost their food scraps. *MassDEP must set a date to ban food scraps from the trash completely.*
2. **Prohibit processing food with toxic materials.** Massachusetts has traditional aerobic composting facilities, like windrow composting facilities, as well as anaerobic digestion facilities, mostly located at farms, for processing food and yard waste into clean compost. Unfortunately, Cambridge and Boston and some other municipal collection programs have contracted with Waste Management to grind and slurry the food in Charlestown, and then to process food with sewage sludge in an anaerobic digester at the Greater Lawrence Sanitary District. Sewage sludge contains hundreds of known toxics, including forever chemicals, like PFAS.

Anaerobic digestion does not “treat” or otherwise mitigate PFAS. The anaerobic digestion of the sludge and the food scrap slop generates methane, a powerful greenhouse gas. The methane can be captured and used as a fuel, but the sludge digestion process itself is energy hungry and results in an end product – digested sewage sludge – that cannot safely be used as a fertilizer.

According to MassDEP, the state[processed more food with sewage sludge](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.mass.gov%2Fdoc%2Fpresentation-massdep-0%2Fdownload&data=05%7C01%7Cmichelle.ciccolo%40mahouse.gov%7C132ddc9c1d72435cd05f08db2cd2be8d%7C0b947e6bff264b13ae1c573c6750c888%7C0%7C0%7C638153056441676404%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=SgaJoJNOWcxU05br3p7NLhP6Dpb2Us7FS0XJEYwg5ZM%3D&reserved=0) (38,000 tons/year) than it composted (33,000 tons/year) in 2020. This is a problem – when combined with sludge, food scraps go from being a resource to becoming a health and environmental problem. Food processed with sewage sludge should not be spread on land – it is toxic and should be landfilled. This is also one of the most expensive way to process food scraps – somewhere between $65-75 a ton, as compared to $40 a ton for composting. In Maine, many farms have become contaminated with PFAS and are no longer viable agricultural lands due to the spreading of sewage sludge “fertilizer.”

In Westminster, Mass Naturals composting facility composted food with sewage or [“waste water sludge” and paper mill waste according to the Boston Globe.](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.bostonglobe.com%2F2022%2F07%2F06%2Fscience%2Fwhen-organic-is-toxic-how-composting-facility-likely-spread-massive-amounts-forever-chemicals-across-one-town-massachusetts%2F&data=05%7C01%7Cmichelle.ciccolo%40mahouse.gov%7C132ddc9c1d72435cd05f08db2cd2be8d%7C0b947e6bff264b13ae1c573c6750c888%7C0%7C0%7C638153056441676404%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=SV9Ew4r52OJWzNrotiV78jJFnp1LEZdywktjSHXQPHw%3D&reserved=0) Not surprisingly, the resultant compost was also toxic, and many of the wells in the area are now contaminated by PFAS. *MassDEP must not allow food scraps to be processed with sewage sludge or other toxic, industrial waste materials.*

1. **Ensure curbside recycling reverts from single to dual stream.** [More than ten years ago waste companies shifted from dual to single stream recycling systems.](https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.warmhomecoolplanet.org%2Fcambridge-switches-singlestream-recycling%2F&data=05%7C01%7Cmichelle.ciccolo%40mahouse.gov%7C132ddc9c1d72435cd05f08db2cd2be8d%7C0b947e6bff264b13ae1c573c6750c888%7C0%7C0%7C638153056441676404%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=KjQFmx1nprzJYZEHB0OFuikVBrhhMqQru9uE4dvtmYk%3D&reserved=0) Though they promised large increases in tonnage recycled, this never materialized. And many of the materials waste companies claimed could be recycled that never were before, like laundry baskets, spiral potato chip cannisters, and coffee cups, have never gotten recycled. In fact, only about 10% of Massachusetts’ waste materials are being recycled through the curbside system, at best. Furthermore, single stream curbside has high levels of contamination – at least 19% of the materials put into curbside bins ended up in landfills and incinerators in 2021.

The Springfield MRF, which is owned by the Commonwealth, has continued to accept dual stream materials – in other words, paper and cardboard are kept separate from containers. This preserves the value of the cardboard and paper -- there are no bits of glass or plastic in it, so they can be sold for more and are more likely to be made into paper and cardboard, rather than downcycled into insulation or other less valuable products. This is also cheaper for cities, towns, and businesses. [This month the City of Holyoke recently decided to revert to dual-stream recycling collection](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.masslive.com%2Fnews%2F2023%2F03%2Fholyoke-to-reimpose-dual-stream-recycling-collection.html&data=05%7C01%7Cmichelle.ciccolo%40mahouse.gov%7C132ddc9c1d72435cd05f08db2cd2be8d%7C0b947e6bff264b13ae1c573c6750c888%7C0%7C0%7C638153056441676404%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=6pmLtv6RaV9TwNOnwL4Dn1raPpS1VlaiPvyTf9Cf7%2FY%3D&reserved=0) because though it was easier for residents it “generated less revenue, cost more in the short and long term and created a dirtier product.” Communities on the Cape have also stuck with dual stream systems for this reason. *It is time for MassDEP to require that all curbside recycling revert to dual stream.*

1. **Get glass out of curbside and beverage containers out of the trash by supporting the Modernization of the Bottle Bill.** In 2021 about 100,000 tons of glass went into the curbside system. Almost all of it was either used as roadbed materials (77,676.88 tons) or went into the landfills as cover (23,555.06 tons). Almost none of it was made into bottles. In contrast, about 77,000 tons of glass is recycled into bottles through the Massachusetts Bottle Bill each year, at no cost to the taxpayer. In high functioning curbside systems, like in Canada and Europe, glass is not collected in the same receptacles as other containers. *Furthermore, the Massachusetts Bottle Bill should be updated to included as many glass beverage containers as possible.*

If one includes plastic and aluminum beverage containers, Massachusetts disposed of about 171,000 tons of beverage containers in landfills or incinerators in 2020. Getting that tonnage out of the trash and into the deposit return system would save cities, towns, businesses and taxpayers more than $17 million a year in tipping fees alone. And those containers would actually be recycled into bottles and cans. *MassDEP has had Modernizing the Bottle Bill in its Solid Waste Master Plan for decades. It’s time for MassDEP to support a new, expanded Bottle Bill so it will pass this session.*

1. **Enforce the Waste Bans.** More than half of our trash is recyclable, but we are only recycling about ten percent of it in our curbside system, despite the fact that materials that are readily recyclable, like cardboard, paper, metal, textiles, glass, and some construction and demolition materials are banned from disposal under 310 CMR 19.00. It is clear, given that more than 1.2 million tons of paper and cardboard and about 252,000 tons of metal were thrown in the trash in Massachusetts in 2020, that the Waste Ban regulations are not being enforced. We are throwing away 2.5 times as much paper and cardboard as we are recycling through the curbside system. We are throwing out twice as much cardboard, paper, and metals as we even process in our curbside system. *MassDEP must begin rigorously enforcing our Waste Bans.*
2. **Improve data collection and reporting.** MassDEP has not yet released the 2021 or the 2022 Solid Waste Data. MassDEP has not measured how much material is recycled in the Commonwealth since 2012. MassDEP does not require MRF operators to consistently report how much material they are handling, or where it is going. MassDEP does not require cities and towns to recycling and solid waste data (more than 50 don’t report at all), and MassDEP does not calculate totals for the reports they collect from cities and towns. Finally, MassDEP does not collect industrial, commercial, or institutional data. So, we do not know how much solid waste or recyclables are generated these sectors in the City of Boston, for instance. Not surprisingly, what we do know shows that our waste and recycling system is stagnant, expensive and we have not, nor are we on track, to accomplish any of the goals set out in the last or current Solid Waste Master Plan. *MassDEP needs to start better measuring the problem so we can better solve the problem.*
3. **Track where recyclables are going, with the goal of ensuring they are being recycled.** MassDEP does not track where materials are recycled, or if they are actually recycled. In fact, it is likely that at least some of the number one, two, and five plastic collected at MRFs is burned or buried (MRF 2021 reports listed countries, not facilities, where plastic was recycled, which is deeply troubling). Likewise, textiles that are exported out of the country are often burned or buried, not recycled. [This story from Chile](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.aljazeera.com%2Fgallery%2F2021%2F11%2F8%2Fchiles-desert-dumping-ground-for-fast-fashion-leftovers&data=05%7C01%7Cmichelle.ciccolo%40mahouse.gov%7C132ddc9c1d72435cd05f08db2cd2be8d%7C0b947e6bff264b13ae1c573c6750c888%7C0%7C0%7C638153056441676404%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=LdT04rhp5tfueOc61lz1Vhh%2F6h0kAgeRQTpnLXv98Ow%3D&reserved=0) is a stark example of this practice. The chart below shows textile exports from the Commonwealth as reported to HS Commodities. MassDEP needs to begin tracking recyclables, and how they are processed to ensure we are not just shifting our solid waste burden off of ourselves and onto impoverished countries.
4. **Implement PAYT in every city and town in Massachusetts.** MassDEP has been recommending that cities and towns adopt Pay As You Throw, or Save Money and Reduce Trash, systems for many years. Unfortunately, many communities experience a knee jerk political reaction to “paying” for their trash when required to buy $1-2 trash bags, despite the fact that they were paying for it already through their taxes. However, it is clear that PAYT cuts trash disposal tonnage significantly – as much as in half. Bag fees also pay for much, if not all, of disposal costs. Even if the community does not provide curbside trash and recycling services, trash tonnages could still be reduced through bag programs.

Many cities and towns may not have the staff to transition to a PAYT system. MassDEP should therefore not only require communities to implement PAYT programs, but also include generous assistance programs to provide funding and staff support for implementation to ensure that EJ or rural communities are not put at a disadvantage. *MassDEP should require that all 351 cities and towns in Massachusetts adopt PAYT programs.*



1. **Shut down every incinerator in Massachusetts, and prohibit any new ones.**Whether they are mass burn incinerators, like the one in Saugus that first began operating in 1974, or pyrolysis, gasification, “Chemical Recycling” or some other form of high heat, staged combustion being proposed now, we know that all incinerators create toxic ash, produce toxic emissions, are expensive, wasteful, keep very few people employed, and are terrible for the climate. [MassDEP commissioned a report from the Tellus Institute in 2008](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.tellus.org%2Fpub%2FFinal_Report-Materials_Management_Options_for_MA_SW_Master_Plan_Review_-_With_Appendices_-_12-08.pdf&data=05%7C01%7Cmichelle.ciccolo%40mahouse.gov%7C132ddc9c1d72435cd05f08db2cd2be8d%7C0b947e6bff264b13ae1c573c6750c888%7C0%7C0%7C638153056441676404%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=HcI2Of9jQxPbdtTe%2FHLzBhN%2FGAGU3DwVZCR4xG9Qi8Y%3D&reserved=0) that evaluated existing old and new proposed incinerators and found that Zero Waste programs were superior in every way to high heat facilities. Nothing has changed.

Not only should the Commonwealth phase out our old mass burn incinerators in North Andover, Saugus, Haverhill, Millbury, and Rochester (which burn about half of the trash we produce each year) but MassDEP should close [the 350,000 ton loophole for allowing new combustion facilities.](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.wastedive.com%2Fnews%2Fmass-adopts-zero-waste-plan-ends-ban-on-incineration%2F130079%2F&data=05%7C01%7Cmichelle.ciccolo%40mahouse.gov%7C132ddc9c1d72435cd05f08db2cd2be8d%7C0b947e6bff264b13ae1c573c6750c888%7C0%7C0%7C638153056441676404%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=63Kt2zAWYLgIt%2FTtKCJWq2sXj65rNreWOhDdFPnKToQ%3D&reserved=0) There is a reason that no new incinerators have been built in Massachusetts since this loophole was created in 2013 – they are just not safe.

Currently, we are seeing a wave of plastic burning being pushed by the American Chemistry Council and their cohorts. MacVallee LLC has purchased 24 acres in Templeton, Massachusetts to build a Chemical Recycling facility to “recycle” plastic. These facilities don’t actually make new plastic, they break down plastics to burn the oils, gases, etc. with toxic results. See [This ‘climate-friendly’ fuel comes with an astronomical cancer risk | Pollution | The Guardian](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.theguardian.com%2Fenvironment%2F2023%2Ffeb%2F23%2Fclimate-friendly-us-program-plastics-fuel-cancer&data=05%7C01%7Cmichelle.ciccolo%40mahouse.gov%7C132ddc9c1d72435cd05f08db2cd2be8d%7C0b947e6bff264b13ae1c573c6750c888%7C0%7C0%7C638153056441676404%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=ob786Rm5jLdEtuUSOwtnts%2FM%2F2MAwmRkXeE%2BSGdRaCA%3D&reserved=0)

There is no way to safely burn trash, or fuels made from trash. There is no way to safely landfill our trash. MassDEP needs to focus not on allowing waste companies to build disposal capacity, but on implementing systems that we know work, like composting, Bottle Bills, PAYT, and real recycling.

Sincerely,

Representative Michelle Ciccolo Senator Jason Lewis

House Chair, Zero Waste Caucus Senate Chair, Zero Waste Caucus

C: Secretary Rebecca Tepper

 Climate Chief, Melissa Hoffer