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# **Preliminary Recommendations for Achieving Florida's 75% Recycling Goal**

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## Introduction

The Energy, Climate Change, and Economic Security Act of 2008 (House Bill 7135; Section 403.7032, F.S.) established a new statewide recycling goal of 75 percent to be achieved by 2020. DEP is charged with developing a comprehensive program to achieve this goal and submit it to the Legislature for consideration by January 1, 2010. Since passage of the Act, DEP has held two public meetings soliciting feedback from the public concerning implementation of the goal. A detailed web page was developed to keep the public informed about the issue, which also includes a link to a web forum for interested parties to share their thoughts about what policies should be enacted. The web page is at [www.dep.state.fl.us/waste/recyclinggoal75/default.htm](http://www.dep.state.fl.us/waste/recyclinggoal75/default.htm). DEP maintains an email list of interested parties who are notified about the availability of documents and activities connected with the goal. Persons wishing to be placed on DEP's email list for this issue can send an email to [Recycling.Goal@dep.state.fl.us](mailto:Recycling.Goal@dep.state.fl.us).

The focus of this document is on *preliminary* recommendations intended to facilitate further discussion among stakeholders. The recommendations have been enhanced by feedback we have received from various parties at the public meetings, via our web forum, and other venues. But, *the recommendations are subject to change*, so continued feedback is encouraged. As might be expected, we have received a diversity of opinions on several of the issues.

**Please note:** This document does not include many of the tables, graphs, charts, and illustrations that will be in the final report to the Legislature. Some sections will also include more extensive text in the final version.

## Overview

The modern era of recycling in Florida began with the Legislature's passage of the Solid Waste Management Act (SWMA) of 1988. At that time, there were very few local government recycling programs in the state. The SWMA provided grants to help local governments establish recycling programs. Those grants amounted to close to \$250 million during their tenure over the next 12 years, playing a key role in the implementation of one of the largest recycling efforts of any state in the nation.

The SWMA directed counties with populations greater than 50,000 (later increased to 100,000) to reduce the disposal of municipal solid waste (MSW) by 30 percent. Counties under that population threshold were exempt from the goal as long as they provided their residents with an "opportunity to recycle." The SWMA also set goals, which were revised over the years, for specific materials groups, including aluminum cans, steel cans, newspaper, plastic bottles, cardboard, office paper, and yard trash.

The first ten years, 1988 to 1998, saw rapid growth in the state's recycling rate, going from an estimated four percent to 28 percent. Florida's progress roughly mirrored most other states, who were also establishing their own recycling goals during that time period. Since 1998, the state's recycling rate has been relatively stable (again mirroring the experience in most other states). The 2007 recycling rate, the most recent available data, is 28 percent, which translates to about 9 million tons of MSW recycled for that year.

The Legislature's passage of the new 75% recycling goal in 2008 presents a unique challenge for Florida. It is currently the highest recycling goal of any state. An effective combination of policies, programs, and funding will be necessary to achieve the goal, as is discussed in more detail throughout this document. Key activities that will help enable success include:

- Change how people think about waste and recycling by way of education and outreach.
- Enhance who recycles by placing more focus on the commercial and multi-family sectors.
- Change the pattern of final waste disposition by decreasing the amount of waste going to landfills.
- Establish sufficient funding sources to assist local governments and keep a reporting system in place.
- Help develop markets to make increased recycling a sustainable process.
- Try innovative concepts such as "Pay As You Throw" and a bottle bill.
- Most importantly, recognize that all of this will take time!

**Required  
Statutory  
Components**

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## **Preliminary Recommendations for Program Components Specifically Required by Section 403.7032, F.S.**

Section 403.7032(3), F.S., delineates eight specific program components that DEP must address:

- (3) The Department of Environmental Protection shall develop a comprehensive recycling program that is designed to achieve the percentage under subsection (2) and submit the program to the President of the Senate and the Speaker of the House of Representatives by January 1, 2010. The program may not be implemented until approved by the Legislature. The program must be developed in coordination with input from state and local entities, private businesses, and the public. Under the program, recyclable materials shall include, but are not limited to, metals, paper, glass, plastic, textile, rubber materials, and mulch. Components of the program shall include, but are not limited to:
- (a) Programs to identify environmentally preferable purchasing practices to encourage the purchase of recycled, durable, and less toxic goods.
  - (b) Programs to educate students in grades K-12 in the benefits of, and proper techniques for, recycling.
  - (c) Programs for statewide recognition of successful recycling efforts by schools, businesses, public groups, and private citizens.
  - (d) Programs for municipalities and counties to develop and implement efficient recycling efforts to return valuable materials to productive use, conserve energy, and protect natural resources.
  - (e) Programs by which the department can provide technical assistance to municipalities and counties in support of their recycling efforts.
  - (f) Programs to educate and train the public in proper recycling efforts.
  - (g) Evaluation of how financial assistance can best be provided to municipalities and counties in support of their recycling efforts.
  - (h) Evaluation of why existing waste management and recycling programs in the state have not been better used.

Following are discussions and preliminary recommendations for each of the individual program components.

**(a) Programs to identify environmentally preferable purchasing practices to encourage the purchase of recycled, durable, and less toxic goods.**

Currently there are two statutes that address environmentally preferable purchasing: Section 287.045, F.S., and Section 403.7065, F.S. Both statutes have been in place for many years. Both statutes define “recycled content,” allow for preference to be given to products made with recycled content, and encourage the purchase of such products. In addition, Section 287.045, F.S., requires the Department of Management Services (DMS), in cooperation with the DEP and every other state agency, to review and revise its procurement procedures and specifications for the purchase of products and materials to eliminate any procedures and specifications that explicitly discriminate against products and materials with recycled content except where such procedures and specifications are necessary to protect the public health, safety, and welfare.

This statute also requires that each agency report annually to DMS its total expenditures on, and use of, products with recycled content and the percentage of its budget that represents purchases of similar products made from virgin materials. It directs DMS to design a uniform reporting mechanism and prepare annual summaries of statewide purchases delineating those with recycled content to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 286.29, F.S., created by House Bill 7135 in 2008, requires DMS to develop the Florida Climate Friendly Preferred Products List. The list was developed to increase the visibility and purchase of environmentally preferable products that are available on current Florida State Term Contracts. There are over 10,000 products that current state term contract vendors have indicated meet one or more of the Florida approved green product labels/standards. Government purchasers are encouraged to use this list to find potential green products that may meet their agency’s needs.

Section 255.252, F.S., also created by House Bill 7135 in 2008, requires new buildings constructed and financed by the state and the renovation of existing state facilities be in accordance with the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the department. Environmentally preferable purchases are one of the many components of those programs.

***PRELIMINARY RECOMMENDATIONS***

- ♻️ Per Section 287.045, F.S., each agency should report annually to the DMS its total expenditures on, and use of, products with recycled content and the percent of its budget that represents purchases of similar products made from virgin materials.

- ♻️ Per Section 287.045, F.S., each state agency should review and revise its procedures and specifications on a continuing basis to encourage environmentally preferable purchasing.
- ♻️ DMS, in cooperation with DEP, should develop to the extent fiscally feasible an environmentally preferable purchasing best practices manual for state employees responsible for purchasing.
- ♻️ DMS should designate a single point of contact within each state agency to contact regarding environmentally preferable purchasing issues.
- ♻️ DMS and DEP should provide links to sample policies for local governments and organizations considering the adoption of environmentally preferable purchasing practices.

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**(b) Programs to educate students in grades K-12 in the benefits of, and proper techniques for, recycling.**

Section 403.714, F.S., states that the Department of Education (DOE) shall, in cooperation with the State University System and DEP, educate students in the recycling of waste. It also requires the school board of each school district in the state to provide a program of student instruction in the recycling of waste materials. In addition, DOE was directed to develop, from funds appropriated for environmental education, curriculum materials and resource guides for a recycling awareness program for instruction at the elementary, middle and high school levels.

In response to those directives, from 1989-1997 DOE and DEP developed a curriculum called the "4Rs" (Reduce, Reuse, Recycle and Recover). Copies of the curriculum were distributed to every public school in Florida from 1990-1991. In 1999 the DOE's Office of Environmental Education and five Regional Service Projects, funded by DEP grants, began working on a new solid waste curriculum called "Solid Choices". Funding was \$117,743 per fiscal year for the period 1991- 1997 and \$139,135 per fiscal year for the period 1997- 2002. The development of this curriculum, meant to succeed the "4Rs," took three years during which time the DOE's Office of Environmental Education was disbanded in June 2000 and funding for the Regional Service Projects ended in June 2001.

Schools are not required to teach the "Solid Choices" curriculum though much of the curriculum can be tied into the existing Sunshine State Standards. While **all school districts in the State have access to the Solid Choices curriculum**, there are a few school districts that have programs that have risen above and beyond and are worth noting and possibly emulating.

The District School Board of Pasco County's (DSBPC) recycling program began in 1991. They developed an aggressive resource conservation policy that promotes recycling. The DSBPC has one of the longest running recycling programs in the state and is a successful model for other school recycling programs. Pasco County has earned many prestigious state and national awards for their recycling and waste reduction efforts.

The Palm Beach County School District has a Recycling Program within the District's Environmental Control Office. The Recycling Program has a full time staff person and has started recycling in over 30 schools within the district. The District has an Environmental Preferable Procurement Policy, Energy and Resource Conservation Policy and an Indoor Air Quality Policy. In addition, Palm Beach County developed a Green School Recognition Program. This program recognizes public and private schools that encourage cultures of sustainability within their school environments. The

District has also recently completed building the first LEED certified school in the state of Florida.

Broward County also has a strong recycling program within their school district. The school recycling program is a partnership between the Broward County School Board, County Commissioners and the County Recycling and Contracts Administration Division. Their program encompasses three major elements: collection, education and tracking. Since its inception in 1992, the Broward County Schools Recycling Program has been recognized nationally as an innovative example of excellence in recycling.

Pinellas County recently launched the Green and Healthy Schools Certification Program. The goal of the program is to increase participation in the creation of sustainable schools and to recognize the efforts to make Pinellas a greener school district and county.

### ***PRELIMINARY RECOMMENDATIONS***

- ♻️ Recycling education in grades K-12 should be an eligible activity for any recycling grants that are created for local government.
- ♻️ DEP should develop a web page for K-12 school recycling. It should include, but not be limited to the following:
  - Lesson plans that are grade specific and meet at least one of the Sunshine State Standard Objectives.
  - Recycling activity sheets.
  - Classroom presentations.
  - ABC's of a School Recycling Program (how to implement a successful recycling program).
  - Links to various county school recycling programs.
  - Other resources such as brochures, flyers and press release templates.
- ♻️ DEP should encourage development of local Green Schools Program similar to the ones developed by Palm Beach County and Pinellas County. This could be facilitated by the "Florida Green School Guide", a Newspaper in Education piece that the Department's Office of Environmental Education has produced.
- ♻️ The Legislature should provide funding for an additional staff person for DEP's Office of Environmental Education to accomplish the following:
  - Assist with Green School Awards program and other statewide recognition programs that may be developed.
  - Develop and manage an online database that students can access and enter data to help them in tracking their school's environmental efforts.
  - Moderate an online discussion forum.
  - Coordinate a grants program for green schools and nonprofit agencies.

**(c) Programs for statewide recognition of successful recycling efforts by schools, businesses, public groups, and private citizens.**

Section 1000.08, F.S., enacted as part of House Bill 7135 in 2008, created the “Environmental Conservation Awards Program”. To implement that directive, Governor Crist launched the *Governor’s Serve to Preserve: Green Schools Awards*. This awards program recognizes the efforts of students, teachers, classrooms, schools and school districts in creating healthy, efficient and productive places for learning. Waste reduction is specifically included as one of the purposes of the program. It is a partnership between DEP, the Department of Education, the Governor’s Energy Office, the Collins Center’s Sustainable Florida Program, the Florida Education Foundation, the Governor’s Volunteer Florida Foundation and the Florida Association of School Administrators. The awards will be distributed annually to each of the following categories of recipients: student, teacher, classroom, school (public or private), and school district.

In addition, Recycle Florida Today (RFT) and the Florida chapter of the Solid Waste Association of North America (SWANA) are two trade organizations which have long running, widely recognized, and well respected recognition programs for recycling in both the public and private sector.

***PRELIMINARY RECOMMENDATIONS***

- ♻️ DEP should partner with the existing awards programs of Recycle Florida Today and the Florida Chapter of the Solid Waste Association of North America to broaden their statewide recognition programs.

**(d) Programs for municipalities and counties to develop and implement efficient recycling efforts to return valuable materials to productive use, conserve energy, and protect natural resources.**

It should be noted that DEP interprets the new goal as a recycling goal rather than a waste diversion goal. DEP also intends to apply the new goal to MSW as has been defined by Section 403.706(5), F.S., for the last 20 years.

When trying to determine where to most cost-effectively target efforts to increase recycling, a few key facts point the way:

- *C&D (construction and demolition debris), paper, and yard trash* are the three largest materials groups in MSW, comprising a collective total of 61%. Their collective recycling rate is 29%. While the recycling rate of all materials in MSW needs to be increased to reach the recycling goal, these three materials groups are especially critical in that effort, given their large contribution to MSW.
- The *commercial sector* generates 66% of MSW with a recycling rate of 30%. The recycling goal cannot be met without substantially increasing the recycling rate of this sector.
- While the *residential sector* generates a smaller amount of MSW (34%) than the commercial sector, the recycling rate is only 27%. This recycling rate must also be substantially increased.

There are a number of policy and program options available to assist in increasing recycling rates, some of which are already in effect in some Florida communities. Following is a discussion of those options. It should also be noted that public education and training about recycling is an important component of all of the options discussed below and is discussed in more detail later in this document.

**Construction and Demolition Debris (C&D)**

C&D is a significant component (25%) of MSW, with a recycling rate of only 27%. A major reason for the low recycling rate is the relatively cheap cost of disposal, though that cost tends to increase the further south one goes in the state.

An option to significantly impact the C&D recycling rate would be to require that all C&D be processed at a materials recovery facility (MRF) prior to disposal. A MRF basically separates recyclable from non-recyclable materials.

Once C&D has gone through a MRF, it should become more cost-effective to recycle at least some of it rather than dispose it. This would also have significant environmental benefits, allowing removal of CCA lumber, prohibited wastes, and drywall. And it

should also have positive impacts on leachate quality and odor production by controlling what is ultimately disposed. Existing C&D disposal facilities can modify their permits to incorporate a MRF.

Currently, no other states have enacted this policy, but some New England states and California are considering it.

### **Commercial Sector**

Although the commercial sector generates about twice as much MSW as the residential sector, it is common practice to focus more attention and funding on residential recycling. Despite that, the commercial sector has a slightly higher recycling rate than the residential sector. However, it obviously has the potential for recycling of many more tons of materials than the residential sector.

It should be noted that because of the way MSW is collected, the traditional definition of a commercial account includes multi-family residential units (apartments, condominiums, etc.).

Only a very few local governments have mandatory commercial recycling programs and even fewer have been actively enforcing them. Because of the huge impact this sector has on the overall state recycling rate, it is time for the state to require recycling from both the commercial sector as well as multi-family residential units.

### **Pay As You Throw (PAYT)**

Implementing a PAYT program is the single most important action most local governments could do to quickly increase the residential sector recycling rate and decrease waste. In a PAYT program, customers pay less for collection and disposal of MSW if they generate less MSW. This provides a financial incentive for the customer to put more recyclable materials in the recycling container rather than the waste container.

While there are about 7,000 PAYT programs in the rest of the nation, there are only a handful of communities in Florida who have implemented the concept. Minnesota is the only state that has mandated PAYT for local governments.

PAYT can also complement implementation of the RecycleBank program discussed below. Both programs together will result in more waste reduction and recycling than either program used by itself.

## **RecycleBank**

RecycleBank, another program for the residential sector, is similar to PAYT except it rewards customers for increased recycling with discount coupons supplied by local vendors of goods and services. The more items a customer places in the recycling container, the more discount coupons the customer can use in local retail establishments.

RecycleBank is a private organization that works with interested communities in setting up its system. In March, 2009, it launched its first program in Florida with the city of North Miami. Early indications are substantial additional recycling has been occurring since then, where before there was very little recycling.

As noted in the PAYT discussion above, RecycleBank and PAYT can complement each other by financially rewarding the customer for both increased recycling and decreased waste generation.

### ***PRELIMINARY RECOMMENDATIONS***

- ♻️ The Legislature should specifically apply the new recycling goal to all counties over 100,000 population and all cities over 50,000 population. Those local governments who do not make a good faith effort to achieve the goal should be ineligible for receiving grants from DEP.
- ♻️ The Legislature should specify that local governments under the population thresholds above will not be held to the goal, but shall at least provide the opportunity to recycle to their residents.
- ♻️ The Legislature should promote the adoption of PAYT by creating a grant program to assist local governments in the design and startup costs of implementing PAYT.
- ♻️ The Legislature should direct DEP to review in five years the number of local governments who have implemented PAYT and advise the Legislature as to whether additional measures should be taken to increase the adoption of PAYT.
- ♻️ The Legislature should require that all C&D be processed at a materials recovery facility prior to disposal.
- ♻️ The Legislature should require commercial recycling in counties over 100,000 population and cities over 50,000 population. The Legislature should also provide grants to local governments to help implement this requirement. For purposes of this recommendation, utilize the traditional waste collection business definition of commercial, meaning that multi-family residential units (apartments, condominiums, etc.) are included in the sector.
- ♻️ The Legislature may wish to consider a phased approach to requiring commercial recycling, focusing first on office buildings and retail establishments, second on multi-family residential units.

**(e) Programs by which the department can provide technical assistance to municipalities and counties in support of their recycling efforts.**

The Solid Waste Management Act of 1988 gave counties the responsibility to initiate recycling programs and to track local waste reduction and recycling activities. All counties were required to initiate recycling programs by July 1, 1989. Counties were encouraged to work with their cities on recycling programs through interlocal agreements.

For several years after the adoption of the 1988 Solid Waste Management Act, DEP annually provided an extensive week-long Recycling Coordinator Training course. The training was provided to county/city recycling coordinators to provide quality technical training on recycling and waste reduction practices, clarify statutory obligations and share success stories of thriving local recycling programs.

DEP stopped offering that course in the late 1990's when the Solid Waste Association of North America developed a similar course at the national level. SWANA has an excellent course, but several Florida recycling professionals have told DEP that they would like to see a more extensive course that is more focused on Florida's recycling environment, as was DEP's course throughout the 1990's. An added advantage of a DEP course is it would be held in Florida, not in some other part of the nation, as SWANA's course most often is.

All counties are required to submit annual solid waste management data to DEP. *It should be noted that DEP is planning on counties to continue this reporting.*

With the exception of 2008, the DEP Recycling Program has provided two limited training opportunities per year for Solid Waste Management Data Training. This half day training is for county recycling coordinators who are responsible for the annual reporting of solid waste management data to DEP. The purpose of the training is to explain the benefits of reporting, demonstrate how to properly complete the report and how to analyze the results. These reports are used in determining the success of existing recycling programs and where there is room for improvement.

In an effort to help local governments with solid waste and recycling program planning and to assist with the annual county solid waste reporting requirements to DEP, the Legislature funded an Innovative Recycling Grant project in 2001 to develop WasteCalc. WasteCalc is an online advanced waste composition model that is used as a tool to estimate the composition of municipal solid waste generated in Florida Counties. Due to the constant changes in the waste stream the model needs updating.

With the statutory inclusion of renewable energy counting towards the new recycling goal, how counties should measure renewable energy's contribution towards the goal presents a challenge. DEP intends to appoint an ad hoc Technical Advisory Group to help develop a methodology for calculating that contribution.

***PRELIMINARY RECOMMENDATIONS***

- ♻️ The Legislature should allocate funds for DEP to offer new extensive and detailed technical training for recycling coordinators and solid waste staff of local governments on a frequency of at least every other year.
- ♻️ The Legislature should create a Recycling Business Assistance Center, which would include the function of helping to provide technical assistance in recycling market development to local governments. (See more discussion about RBAC in the section in this document dealing with market development.)

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