

April 13, 2023

Via Email

Commissioner Bonnie Heiple
Massachusetts Department of Environmental Protection
100 Cambridge St. Suite 900
Boston, MA 02114

Re: Zero Waste Priorities for MassDEP

Dear Commissioner Heiple:

The undersigned environmental, conservation, and environmental justice organizations are grateful that your vision for the Department of Environmental Protection (MassDEP) will center transparency and equity, and that you will prioritize fighting climate change and protecting the public from the dangers posed by toxic chemicals like PFAS. In keeping with those important priorities, and MassDEP's mission, we urge you to take immediate, nation-leading action to implement bold Zero Waste solutions that will protect the health, safety, and welfare of all people, and ensure a clean and safe environment for future generations.

MassDEP and the Commonwealth have not achieved any of the goals set forth in MassDEP's 2020 Solid Waste Master Plan. In fact, Massachusetts disposed of significantly more waste in 2020 than in 2010. Furthermore, MassDEP has historically been held hostage to the solid waste companies' narrative to build disposal capacity, rather than taking bold action to enact policies that significantly reduce the need for disposal.

The Commonwealth's ongoing dependence on waste incineration and landfilling is expensive, toxic, and contributes significantly to the climate crisis. Burying waste in landfills produces climate-damaging methane, other dangerous gases, and toxic leachate. Burning waste in incinerators releases carbon dioxide and a host of toxic air pollutants. It also generates toxic ash, which must be landfilled.

Massachusetts does not need to stay trapped in this false choice between burning or burying waste. Instead, MassDEP can make the Commonwealth a leader when it comes to reducing, diverting, composting, and recycling waste. The undersigned urge MassDEP to immediately take the following actions to set the Commonwealth on a nation-leading path to Zero Waste:

1. **Ban all food scraps from disposal.** Food waste comprises about 21% of all municipal solid waste in Massachusetts.¹ This marks significant progress for the Commonwealth — food scraps were about 26% of the waste stream as recently as 2016.² But we must do better if Massachusetts is going to meet its target of producing net zero greenhouse gases

¹ MassDEP, Organics Action Plan 1 (2022), <https://www.mass.gov/doc/massachusetts-organics-action-plan-january-2022/download>.

² *Id.*

by 2050.³ Food waste, especially when landfilled or incinerated, is a significant source of greenhouse gas emissions. MassDEP must act by amending the Commonwealth's solid waste management facility regulations at 310 CMR 19.017 and banning all food scraps from solid waste disposal. Vermont has already taken this approach.⁴ If Massachusetts follows Vermont's lead, it can avoid climate-damaging emissions and save money for cities, towns, and businesses.

2. **Enforce existing waste bans.** Massachusetts already bans the disposal of certain materials in landfills and incinerators, including yard waste, mattresses, recyclable paper, and recyclable plastic, glass, and metal containers.⁵ Unfortunately, these waste bans are not enforced, and yard waste and recyclable materials make up a significant portion of the Commonwealth's waste stream. MassDEP must use funds allocated in the Governor's budget to hire staff dedicated to enforcing existing waste bans, keeping compostable and recyclable materials out of landfills and incinerators, and identifying and promoting the right alternatives to disposal for Massachusetts residents.
3. **Prohibit mixture of food waste with sewage sludge.** As towns and cities across Massachusetts implement programs to divert food waste from landfills and incinerators, some — including Boston and Cambridge — are unfortunately mixing the recovered organic material with sewage sludge before anaerobically digesting the combined slurry. Co-digesting food waste with sewage sludge poses significant toxic risks, including contaminating soil with PFAS.⁶ Diverting food waste and other organics will only remain a viable, non-toxic, climate friendly Zero Waste solution if MassDEP prohibits the co-processing of diverted organic waste with sewage sludge.
4. **Implement statewide dual-stream recycling.** Many towns and cities in Massachusetts have shifted from dual-stream recycling (in which paper and cardboard are separated from other materials) to single-stream recycling (in which all materials are combined in a single bin). This transition has neither increased recycling rates nor lowered recycling costs — in fact, single-stream recycling has led to higher contamination rates and lower commodity values. Holyoke, for example, recently decided to revert to dual-stream recycling to lower costs, increase revenues, and improve recycling.⁷ MassDEP can help improve curbside recycling systems by requiring that all Massachusetts programs revert to dual stream.
5. **Support Bottle Bill modernization.** Beverage container deposit return systems (aka Bottle Bills) are the best option for reducing litter and diverting recyclable materials from the waste stream. Unfortunately, in the 40 years since Massachusetts first implemented a Bottle Bill, the Commonwealth's system has fallen behind. By modernizing the Bottle Bill through an increased deposit value, updated handling fee, and expanded scope of covered

³ Massachusetts 2050 Decarbonization Roadmap 7 (2020), <https://www.mass.gov/doc/ma-2050-decarbonization-roadmap/download>.

⁴ See Vermont Food Scrap Ban Guidance, Vermont Universal Recycling Law (Act 148), <https://dec.vermont.gov/sites/dec/files/wmp/SolidWaste/Documents/Universal-Recycling/Food-Scrap-Ban-Guidance.pdf>.

⁵ See 310 CMR 19.017(3).

⁶ See Laura Orlando, Just Zero, Why We Need to Stop Mixing Food Waste with Sewage Sludge (2023), <https://just-zero.org/our-stories/from-my-experience/stop-mixing-food-waste-with-sewage-sludge/>.

⁷ Dennis Hohenberger, MassLive, Holyoke to Reimpose Dual-Stream Recycling Collection, Mar. 19, 2023, <https://www.masslive.com/news/2023/03/holyoke-to-reimpose-dual-stream-recycling-collection.html>.

containers, Massachusetts can save towns and cities money, reduce litter, divert bottles and cans from landfills and incinerators, create jobs, and significantly reduce climate-damaging emissions.⁸ MassDEP must support a modernized Bottle Bill this legislative session.

6. **Improve data collection and reporting.** Accurate and up-to-date waste and recycling data are essential to measure successes and failures and implement waste reduction and diversion strategies. And yet, MassDEP has not measured the Commonwealth’s recycling rates since 2012, nor has it released solid waste data for 2021 and 2022. MassDEP does not require materials recovery facilities or towns and cities to report recycling and waste data. Moreover, MassDEP does not collect any data on the destination of recyclable materials or whether those materials are in fact recycled. To help design and carry out needed reforms, MassDEP must collect and publicly report comprehensive waste and recycling data, including the destinations and outcomes of recyclable materials.
7. **Implement statewide pay-as-you-throw.** Pay-as-you-throw (PAYT) programs, in which residents pay a “per-unit fee” for their waste, are proven to dramatically reduce trash generation and disposal.⁹ MassDEP has recommended that towns and cities implement PAYT, but fewer than half have put these programs in place. To quickly and significantly reduce the amount of waste burned and buried in Massachusetts, MassDEP must require that all towns and cities in Massachusetts adopt PAYT programs.
8. **Put an end to waste incineration in Massachusetts.** Incineration is the most expensive and polluting form of waste disposal. Burning waste releases dangerous toxics like dioxins, lead, mercury, nitrogen oxides, and particulate matter, and it leaves behind toxic ash, which must be landfilled.¹⁰ Other forms of high-heat waste disposal — including gasification, pyrolysis, and so-called “advanced recycling” — pose the same risks.¹¹ MassDEP must prioritize waste reduction and diversion, phase out the existing waste incinerators in Massachusetts, and prevent the construction, permitting, or operation of any new facility that uses any type of technology to burn waste.

By taking the actions listed above, you have an opportunity to make Massachusetts a national leader — not only on eliminating, reducing, and diverting waste, but also on fighting climate damage and promoting environmental justice. We urge you to implement these Zero Waste solutions, and we welcome the opportunity to meet with you to discuss the contents of this letter in more detail.

Sincerely,

⁸ See Reloop, Modernizing Massachusetts’ Bottle Bill (2022), <https://bottlebillreimagined.org/wp-content/uploads/2022/03/Factsheet-MASSACHUSETTS.pdf>.

⁹ MassDEP, Fact Sheet: Pay-As-You-Throw (PAYT)/Save-Money-And-Reduce-Trash (SMART) (2021), <https://www.mass.gov/doc/paytsmart-in-massachusetts-fast-facts/download>.

¹⁰ See Energy Justice Network, Waste Incineration (a.k.a. “Waste-to-Energy”), <http://www.energyjustice.net/incineration/>.

¹¹ Neil Tangri & Monica Wilson, Global Alliance for Incinerator Alternatives, Waste Gasification & Pyrolysis: High Risk, Low Yield Processes for Waste Management 9 (2017), <https://www.no-burn.org/wp-content/uploads/Waste-Gasification-and-Pyrolysis-high-risk-low-yield-processes-march-2017.pdf>; NRDC, *Recycling Lies*: “Chemical Recycling” of Plastic is Just Greenwashing Incineration 6 (2022), <https://www.nrdc.org/sites/default/files/chemical-recycling-greenwashing-incineration-ib.pdf>.

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