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RECYCLING AS A NATION

Kate Juon*

“Reduce, reuse, and recycle” is a slogan that resonates throughout the world as the quintessential words that encapsulate the basis for sustainable waste management.¹ Though the “Three Rs” originated in the United States,² many other countries have more effectively applied the principles of the Three Rs within their own waste management systems.³ Even compared to countries that developed waste management systems much later,⁴ the United States continues to lag behind.⁵ For example, in South Korea, sustainable waste management is a top priority and requires all citizens to “reduce the generation of wastes to the maximum extent possible and [to treat] generated waste in an environmentally-friendly manner.”⁶ Under this federal regulation, South Korea has not only created one set classification of waste and rules for all waste discharge and treatment, but it standardized responsibility for the national and local governments.⁷ South Korea’s Ministry of Environment plans, frames, supports, and implements this policy for the local governments.⁸ Could the United States be falling behind in its overall goal to reduce the amount of waste generated because waste management has been and continues to be a state or even city-mandated responsibility?

In the United States, the Resource Conservation and Recovery Act (RCRA) remains the only federal legislation requiring the Environmental Protection Agency (EPA) to create guidelines for solid waste disposal and regulations.⁹ Yet, RCRA only mentions recycling via a call to increase the federal purchase of products made with recycling content.¹⁰ Without any mention of an enforcement mandate, the responsibility of creating policy and implementation of these policies are left to state and local governments like the District of Columbia (DC).¹¹

With the passage of the Sustainable Solid Waste Management Amendment Act¹² in 2014, D.C. has made some progress in advancing a more sufficient recycling program. Included in this Act is the implementation of a public list of recyclable materials and a compost collection program throughout D.C., and the mandatory source separation of solid waste into three categories: recyclable materials, compostable materials, and trash.¹³ Other provisions include the addition of many items to the recyclables list in January 2018,¹⁴ the nickel-a-bag tax,¹⁵ and the ban on the use of polystyrene or foam.¹⁶ D.C.’s Department of Public Works has even set goals to divert 80% of its waste by 2032.¹⁷ With ambitious goals to become the “healthiest, greenest, and most livable city in the United States” with a goal to zero waste,¹⁸ D.C. has made improvements but there are still many challenges that the city faces before it can truly become “Zero Waste D.C.”

The majority of waste management policy focuses on post-treatment of waste and less so on the actual generation of waste prior to disposal.¹⁹ Instead of focusing on creating a shared

responsibility between governments and its citizens, D.C., and generally most cities in the United States, utilize an enforcement strategy that makes it easier or more desirable for citizens to recycle.²⁰ For example, D.C. had failed in an attempt to encourage more recycling by replacing the thirty-two gallon bins with ones that are 50% larger.²¹ With varying lists of recyclable items across the United States, many residents “experiment” by putting objects into the recycle bins, believing that it “could” be recycled.²² Since rules and community awareness varies considerably state to state and even city to city, recycling is a confusing endeavor that many Americans find inconvenient and time-consuming.²³ Most people do not realize that non-recyclables actually contaminate recyclables and decreases the value of its recyclability.²⁴ As a transient city, D.C.’s recyclable list does not even coincide with the lists of neighboring cities.²⁵ With these differing lists, mistakes and confusion are more likely to occur in a city like D.C. where thousands are commuting from neighboring counties like Fairfax and Arlington²⁶ as the rules do not cross state or even city lines.

In countries like South Korea, however, recycling has become a habitual part of daily life and even welcomed by communities.²⁷ The Wastes Control Act was created in 1986 to extend responsibility beyond local government²⁸ and share the burden of waste management with all citizens.²⁹ Essentially a polluter-pay system,³⁰ all citizens are obligated to buy and strictly use the designated bags for each type of recyclables.³¹ In addition, since 2013, citizens are now obligated to pay for food waste.³² This regulation has contributed to a 10% decrease in overall food waste in South Korea’s capital, Seoul, alone.³³ Today, Seoul has five factories that process food waste and turn it into animal feed.³⁴ Additionally with biogas, a byproduct of food recycling, each plant can create enough renewable energy to meet about 90% of its electricity needs.³⁵ Though a strict and rather intrusive system, South Korea’s “shared responsibility” system has enhanced the people’s outlook of waste management as well as broader environmental issues in the country.³⁶ With the implementation of the Wastes Control Act, Korea has even seen the recycling rate increase from under 10% to 80%.³⁷

Could the lack of a federal regulation be the fundamental reason that the United States is lagging in its ability to increase the impact of the Three Rs? And if so, would a system similar to Korea’s waste management system be welcomed in the United States? With states like Arizona facing resistance to even the nickel-a-bag tax,³⁸ it is hard to imagine how a polluter-pay system could work in a country that has, since its inception, practiced a more “make-it-easier” approach to recycling.³⁹ However, what could be a potentially viable first step is to create a national

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recyclable list that is adopted by all states. Many Americans do not make an effort to recycle because of the confusion of recyclable and non-recyclable items across state and even city lines as well as the inaccessibility, inconvenience, and time-consuming nature of a nonstandard and unstructured system that the United

States continues to attempt to implement.⁴⁰ With the United States not likely being receptive to a national fine-based system, nationwide awareness of what can and cannot be recycled would positively increase the overall recycling rate.



ENDNOTES

¹ C. R. C. Mohanty, *Reduce, Reuse and Recycle (the 3Rs) and Resource Efficiency as the basis for Sustainable Waste Management*, UNCRD, 29, (May 9, 2011), www.un.org/esa/dsd/csd/csd_pdfs/csd-19/learningcentre/presentations/May%209%20am/1%20-%20Learning_Centre_9May_ppt_Mohanty.pdf.

² Rachele Gordon, "Reduce, Reuse, Recycle." *It's a familiar phrase to most, but where did it come from?*, RECYCLE NATION (May 11, 2015), <https://recyclenation.com/2015/05/history-of-three-r-s/>.

³ See WASTE MGMT. REVIEW, (July 17, 2015), <http://wastemanagementreview.com.au/south-korea-legislates-towards-a-zero-waste-society/> (finding that with the introduction of the Waste Management Law in 1986, South Korea's landfill rates have dropped from over 90% to 10% and its recycling rates have grown from 10% to 80% by 2015).

⁴ *Id.* ("[P]ivotal moment in South Korea's waste management was the Waste Management Law, which came into effect in December 1986"); see also *Why No National Recycling Law in the U.S.?*, BUS. ETHICS (Nov. 21, 2010), <http://business-ethics.com/2010/11/21/why-no-national-recycling-law-in-the-u-s/> ("[In 1976], Congress passed the Resource Conservation and Recovery Act (RCRA), which remains the cornerstone of federal solid waste and recycling legislation.") [hereinafter BUS. ETHICS].

⁵ See Alex Gray, *Which Countries Recycle the Most?*, WORLD ECON. FORUM (Dec. 18, 2017), <https://www.weforum.org/agenda/2017/12/germany-recycles-more-than-any-other-country/> (finding that South Korea recycles 53.7% of its municipal waste and is third in the list of top ten recyclers, United States, with under 35%, is 25th); see also Diane Rehm Show: *New Challenges to Recycling in the United States* (July 7, 2015), <https://dianerehm.org/shows/2015-07-07/new-challenges-to-recycling-in-the-united-states> (finding that recycling rates overall is 34% but some states are above 50% and others well under 10%) [hereinafter *New Challenges*].

⁶ Wastes Control Act, Act No. 3904, Dec. 31, 1986, amended by Act. No. 14532, Jan. 17, 2017 (S. Kor.).

⁷ Legislative Council of the Hong Kong Special Administrative Region: Delegation of the Panel on Environmental Affairs, Report on the Duty Visit to the Republic of Korea to Study its Experience on Waste Management 5 (2013), <http://www.legco.gov.hk/yr13-14/english/hc/papers/hc1129cb1-412-a-e.pdf> [hereinafter LC PAPER].

⁸ *Id.* at 6.

⁹ BUS. ETHICS, *supra* note 4 (distinguishing 1965's Solid Waste Disposal Act, America's very first federal solid waste law, which did not mention recycling).

¹⁰ *Id.*

¹¹ *New Challenges*, *supra* note 5 (explaining how recycling rates differ state-by-state as some states like California and Oregon have very comprehensive laws driving up the overall recycling rate of the United States whereas D.C. increased the size of its blue bins as a way to encourage people to recycle more); see generally Aaron C. Davis, *American recycling is stalling, and the big blue bin is one reason why*, WASH. POST (June 20, 2015), https://www.washingtonpost.com/local/dc-politics/american-recycling-is-stalling-and-the-big-blue-bin-is-one-reason-why/2015/06/20/914735e4-1610-11e5-9ddc-e3353542100c_story.html?utm_term=.a42b04442eb4 (explaining how consumers are increasing the amount of garbage that is being mixed with recyclable material because of the bigger bins thereby contaminating the recycled goods).

¹² Sustainable Solid Waste Management Amendment Act of 2014, D.C. Code Ann. § 8-1031.01 (2014).

¹³ *Id.*; see also Cole Rosengren, *How 5 local governments just expanded their recycling programs*, WASTE DIVE (Nov. 7, 2017), <https://www.wastedive.com/news/how-5-local-governments-just-expanded-their-recycling-programs/510071> (referring to the recent and increased promotion of the Zero Waste DC initiative and nothing that the compost collection must be in place

but the D.C. government has begun an initiative to begin the compost program within the next five years).

¹⁴ Rosengren, *supra* note 13.

¹⁵ *Skip the Bag, Save the River*, DEP'T OF ENERGY & ENV'T, <https://doe.dc.gov/page/bags> (last visited Mar. 30, 2018).

¹⁶ *Food Service Ware*, DEP'T OF ENERGY & ENV'T, <https://doe.dc.gov/foodservice-ware> (last visited Mar. 30, 2018).

¹⁷ *Sustainable DC Plan*, D.C. MUN. GOV. 10 (2011), http://www.sustainabledc.org/wp-content/uploads/2017/03/SDC_Plan_2016_compressed2.pdf.

¹⁸ *Id.* at 2.

¹⁹ See *New Challenges*, *supra* note 5 (explaining the trend of states that an "easier way" is the "better way"); see also Davis, *supra* note 11 ("Environmental advocates believed that the only way to increase participation in recycling programs was to make it easier.")

²⁰ *Id.*

²¹ Aaron C. Davis, *D.C. said it was recycling – it wasn't. Nearly 53 tons of plastic trash cans sent to landfill*, WASH. POST (May 20, 2014), https://www.washingtonpost.com/local/dc-politics/pictures-show-dc-may-have-dumped-trash-cans-that-it-said-were-being-recycled/2014/05/20/1f4c2a24-df9a-11e3-810f-764fe508b82d_story.html?utm_term=.18d83c422eef (explaining how replacing the old, smaller cans actually congested the streets and while trying to dump the plastic bins, the city decided to incinerate instead of recycling the recyclable cans).

²² Davis, *supra* note 11 (explaining how this phenomena is likely caused by the fact that information is not properly dispersed throughout the communities).

²³ Drew Desilver, *Perceptions and realities of recycling vary widely from place to place*, PEW RES. CTR. (Oct. 7, 2016), <http://www.pewresearch.org/fact-tank/2016/10/07/perceptions-and-realities-of-recycling-vary-widely-from-place-to-place/>.

²⁴ Davis, *supra* note 11.

²⁵ *Compare District Recycling Fact Sheet*, ZERO WASTE DC (Jan. 1, 2018), https://dpw.dc.gov/sites/default/files/dc/sites/dpw/page_content/attachments/DC%20Recycling%20Fact%20Sheet.pdf (allowing paper cups and containers whereas Arlington and Alexandria do not allow disposable cups), *with Recycling at Home*, City of Alexandria, Va. (last updated Oct. 26, 2017 12:40 PM), <https://www.alexandriava.gov/RecyclingAtHome#acceptable> (specifying no "take-out containers" unlike D.C. and Arlington), and *What to Recycle in Arlington*, ARLINGTON CTY. GOV'T, <https://recycling.arlingtonva.us/residential/trash-recycling/> (allowing shredded paper into its recycling bins whereas Arlington specifically does not allow shredded paper).

²⁶ Nick Iannelli, *Report reveals habits of D.C. commuters*, WASHINGTON'S TOP NEWS (Aug. 14, 2015, 8:16 AM), <https://wtop.com/dc-transit/2015/08/report-reveals-habits-of-dc-commuters/slide/1/> (finding that in 2015, there were 95,323 commuters from Fairfax County per day and 48,944 from Arlington County).

²⁷ Karim Chrobog, *In South Korea, An Innovative Push to Cut Back on Food Waste*, YALE ENV'T 360 (May 20, 2015), https://e360.yale.edu/features/in_south_korea_an_innovative_push_to_cut_back_on_food_waste (describing how many Korean residents have embraced the "highly intrusive" measures for the common good).

²⁸ LC PAPER, *supra* note 7, at 5.

²⁹ *Id.*

³⁰ *Id.* at 7.

³¹ *Id.* at 7-8.

³² *Id.* at 10-11; see also Mori Rothman, *These policies helped South Korea's capital decrease food waste*, PBS NEWS HOUR (Mar. 19, 2017, 3:40 PM), <https://www.pbs.org/newshour/show/>

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