

Analysis of State Recycling Definitions: Environmental Research & Educational Foundation Report



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The Environmental Research & Educational Foundation (“Foundation”) issued a 2019 report titled:

Analysis of State Recycling Definitions (“Report”)

The *Report* represents an effort by the Foundation to “document the various ways recycling may be defined” by the 49 state agencies that use that term in some statutory or regulatory context.

As the *Report* notes, definitions for the terms “recycle”, “recycling”, and/or similar phrases are found in various state statutes and codes. The *Report* states that such definitions were identified for 49 of the 50 states. The only exception was the State of North Dakota.

The definition of recycling can be critical from the standpoint of whether or not materials are encompassed by the term solid waste, applicability of tax credit programs, availability of grants, etc.

The *Report* analyzes the definitions based on various components which are stated to include:

- the activities considered to be part of recycling (e.g. collection, sorting, separating, processing, etc.),
- the end product of recycling (e.g. raw material, product, commodity, substitute for commercial product),
- the end uses considered as recycling (e.g. reuse, remanufacturing, composting, waste-to-energy),
- any special wastes specifically included in the definition (e.g. waste oil, household hazardous), and
- whether recycling occurs to waste materials, or materials prior to becoming waste.

The *Report* concludes that while state definitions of what constitutes recycling can vary. The Foundation identifies at least 18 distinct ways that recycling is defined throughout the United States.

Activities included in recycling, by way of example, are stated to include:

- separation or sortation (29 states),
- collection (25 states),
- processing (21 states), and
- the sale or return to the economic stream (14 states).

States include what is described in the *Report* as possible outputs of the “recycling process” in their definition. Those commonly referenced are described in the *Report* as:

- raw materials (28 states),
- ingredients or inputs for manufacturing (10 states),
- commodities (3 states), and

- as products themselves (23 states).

A key question is whether materials that are recycled are considered part of the solid waste stream. This issue is addressed in the *Report*.

The *Report* includes a list of state statutes or codes and how they address these terms.

A copy of the *Report* can be downloaded [here](#).