

# Recyclable Materials/Contamination: Florida Legislation Addresses Contract Definitions/Contaminant Reduction Strategies



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The Florida House of Representatives and Senate passed legislation on June 2nd that addresses a variety of issues associated with contaminants in recyclable materials.

The legislation is denominated House Bill 73 (“HB 73”) and the Florida Governor has until later in the month to decide whether to sign the legislation into law.

The legislation requires Florida counties and municipalities to address non-hazardous contamination of recyclable materials in contracts with residential recycling collectors and recovered materials processing facilities. Contamination of recyclable materials can be a significant issue for counties, municipalities, and private collection and processing facilities. Such contamination can occur from a residential standpoint when materials are placed into recycling bins that are not recyclable.

Material recovery or processing facilities can handle some non-recyclable materials. However, excessive or consistent contamination can increase the costs of recycling if it generates additional:

- Sorting
- Processing
- Energy Consumption
- Equipment downtime, repair, or replacement needs

The additional issues can include:

- Poorer quality recyclables
- Increased rejection
- Landfilling of unusable materials

This can pose a particular problem because of the significant drop in demand for certain recyclables from China and other countries. The decreased demand has led to a reduction in the value of certain recyclables.

These issues have on occasion led to tension and/or conflicts between parties to collection/processing contracts. For example, in 2019 a judicial Complaint was filed in Connecticut that a recycling facilities’ operations and maintenance agreement was violated because of a failure to prevent excessive levels of contamination in incoming recyclables. A blog post addressing the decision can be found [here](#). The

agreement is stated to have included terms that provided that loads of recyclables were deemed contaminated if they:

. . . consisted of more than five percent unrecoverable materials, or that originated from more than one municipality.

HB 73 requires that contracts involving recyclable materials between residential recycling collectors and recovered materials processing facilities renewed after October 1, 2020, must:

- Define the term “contaminated recyclable material” in a manner that is appropriate for the local community
- Include strategies and obligations of the parties to reduce the amount of contaminated recyclable materials being collected or processed
- Create procedures for identifying, documenting, managing, and rejecting contaminated recyclable materials
- Authorize remedies in handling contaminated containers
- Provide education and enforcement measures for collection contracts

A copy of HB 73 can be downloaded [here](#).