

SWANA TECHNICAL POLICY POSITION

SWANA Policy on Solid Waste Disposal Bans

I. BACKGROUND

Some units of government have implemented bans or otherwise restricted specific products, materials or a classification of a particular waste component from disposal in a solid waste disposal facility. Some of the items that have been banned include computers and electronic products, cathode ray tubes, tires, lead-acid batteries, landscape waste, motor oil, products containing metal, mercury, newspapers, beverage containers and other materials.

Solid waste disposal facilities are governed by laws, rules, regulations and standards whose goal is to ensure human health and environmental protection. These facilities, when properly designed and operated, can safely dispose of municipal solid waste. Disposal bans/restrictions are instituted, however, for a variety of reasons or needs which include the enhancement of waste diversion goals, or in response to a perceived risk to human health and environment.

It is SWANA's position that the implementation of a disposal ban or restriction should only be implemented when there is a legitimate need and when the product or waste component in question can alternatively be managed in a reasonable manner. In making this assessment, policy makers need to recognize that the integrated municipal solid waste system is a system made up of several elements including collection, diversion and disposal. Each of these elements must participate in the waste ban/restriction process.

Prior to implementing a disposal ban or restriction, the infrastructure must be in place to regulate, collect, store, transport, re-use, recycle or re-manufacture the banned or restricted material. A source of funding to implement alternative management must be identified and must not place an unfunded mandate on either the government and/or the owner(s) of the integrated solid waste system.

II. PURPOSE

The purpose of the policy on Solid Waste Disposal Bans is to establish guiding principles for SWANA and its members to use, in collaboration with legislators, interest groups, regulatory agencies and others, who have an interest in the management of the integrated solid waste system, when considering or developing a waste restriction/disposal ban.

III. ISSUES TO BE ADDRESSED IN IMPLEMENTING A SOLID WASTE DISPOSAL RESTRICTION OR BAN

Prior to the implementation of a disposal ban or restriction, policy makers must clearly evaluate the proposal's rationale and all impacts to public health, the environment and cost. Policy makers must avoid placing unfunded mandates on local governments or the owners of solid waste disposal systems by implementing a waste ban and requiring the local governments to determine and provide the infrastructure. Policy makers should:

1. Identify the material to be banned/restricted, and explain why.

2. Consult with government, regulatory agencies, distributors, producers, generators, and representatives for the integrated solid waste system concerning its impacts, including effects on other jurisdictions.
3. Identify and quantify the potential impacts on the environment and human health of continuing to dispose of the product or material in existing disposal facilities
4. Identify alternative management methods to handle the reuse, recycling or disposal of the proposed restricted or banned product or material including:
 - Availability of vendors to accept the materials and process for reclamation and re-use and in accordance with environmentally sound practices
 - Demonstrated capacity to handle the estimated quantities of the banned/restricted material
 - Infrastructure components required to separate the banned/restricted material, collect, store, and transport to sites for processing
 - Ability to put infrastructure components in place prior to the initiation of the material ban/restriction
 - Impact on the collection and transportation of the material to a site for processing and reclamation in accordance with regulations or recognized international standards
5. Determine the costs and how to distribute it for processing the restricted or banned material, and enforcing the ban.
6. Establish a mechanism to fund the alternative system requirements and to fairly allocate these costs to producers, distributors, retailers, consumers and solid waste managers.
7. Establish a mechanism to periodically review disposal bans or restrictions.
8. Establish a mechanism to temporarily set aside the restrictions or ban in order to alleviate an economic, public health or environmental emergency, created by an unforeseen situation.

CERTIFIED to be correct and complete statement
of the matters duly approved by the Executive
Committee on October 14, 2001.



Allen Lynch, International Secretary
Dated October 14, 2001

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