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March 16, 2020

Via Electronic Transmission:

Re: COVID-19 State of Emergency Declaration – exemptions for handling requirements for municipal solid waste, yard waste and recycling

Dear ----,

On behalf of the solid waste industry, the National Waste & Recycling Association (NWRA) requests that additional flexibility be provided to the industry to address issues related to managing waste and recycling during the state of emergency over COVID-19. NWRA is a not-for-profit trade association representing private solid waste and recycling collection, processing, and management companies that operate in all fifty states.

At this time, all fifty states and Washington D.C. have declared a state of emergency due to the COVID-19 situation in order to limit the spread and threat of the disease and to ensure necessary services are available. With this in mind, NWRA members would like to be prepared for what we anticipate may be upheavals in the way material is managed. These disruptions are anticipated to occur for a variety of reasons, such as:

- Difficulty marketing or moving recyclables materials due to limited exporting capacity and additional constraints at material recovery facilities;
- Impacts to facility operations as a result of employees becoming ill from community spread of the virus;
- Limited availability of personal protective equipment (PPE) due to panic buying by the public;
- Difficulty in achieving social distancing of employees based on sort line configurations;
- Employee availability due to issues such as childcare arising from school closings;
- Uneven demand due to potential facility consolidation if personnel availability becomes severely limited.

Any, or all of these could limit the operational efficiencies potentially causing temporary facility closures which could burden other facilities with increased demand.

Therefore, NWRA requests that flexibility to current regulations be considered. We request that the state consider granting relief from the following restrictions:

- Transportation during curfews – Solid waste and recycling operations are essential services. Any curfews or traffic checks should exempt solid waste and recycling operations and their employees traveling to and from their jobs.
- Hours of service – Staff shortages and supply limitations may require remaining drivers to work longer hours. Flexibility should be provided to hours of service rules.
- Hours of operations – Demand for services could shift if facilities need to close. Open facilities may subsequently be subject to greater demand which could result in the need for expanded hours of operation.
- Tonnage limits – Facilities that are subject to greater demand may receive greater quantities of material. Tonnage limits should be eased.
- Storage times – Transporting materials out of facilities could be challenged due to availability of staff or supplies. Storage times limits should be eased.
- Disposal bans – Staff shortages, lack of end markets and in order to meet sorting distance guidance at facilities, recyclables or yard waste may need to be disposed of temporarily. States and/or contractual obligations should provide relief from disposal bans.
- Compliance timelines – Regulations often govern timelines for completing tasks such as sampling. When delaying these tasks or missing timelines do not result in environmental impacts, enforcement of these provisions should be suspended.

NWRA urges the quick consideration of this request so that our members can appropriately manage and stage material. NWRA appreciates your consideration of our comments and would appreciate the opportunity to discuss these comments further to clarify any points. Should you have any questions, please call Anne Germain at 202-364-3724 or e-mail at agermain@wasterecycling.org.

Very truly yours,



Darrell K. Smith
President and Chief Executive Officer
National Waste & Recycling Association