



# 2020 Virginia General Assembly Legislative Summary Report



Virginia Recycling Association

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**This report prepared by the Virginia Recycling Association**

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## Introduction

The purpose of this report is to summarize waste reduction (reduce, reuse, and recycling) legislation introduced in the Virginia General Assembly during the 2020 Legislative Session. The mission of the Virginia Recycling Association (VRA) is to advance recycling and waste reduction through the advocacy of sustainable practices to benefit Virginia's environment, communities, and economy. The VRA achieves this by 1) developing policies pertinent to recycling and waste reduction in the Commonwealth; 2) fostering communication among professionals, organizations and government agencies, and; 3) providing educational opportunities through outreach and marketing. Currently, the VRA has adopted the following policies:

- *Supports legislation that would give local municipalities the authority to impose, by ordinance, a ban or tax on certain disposable plastic bags*
- *Supports any effort to update the Commonwealth's existing Computer Recovery Act and efforts to reduce the improper disposal of computer and electronic equipment*
- *Recognizes the value of glass as a recycling commodity and supports the development of regional processing facilities for source-separated glass in Virginia*
- *Supports all business and organizations that are involved in the collection and processing of recyclable materials in the Commonwealth as they help to return valuable commodities to the marketplace which can be used as feedstock by manufactures making new products (preferably in Virginia)*

## Session Highlights

- **Waste Diversion and Recycling Task Force** – request the Department of Environmental Quality to establish a Waste Diversion and Recycling Task Force to discuss ways to increase waste diversion and recycling. The Task Force should include stakeholders to discuss (i) methods of improving recycling, reducing waste, and diverting waste from landfills; (ii) recommendations to reduce waste at the source, such as composting and recycling of organic material; and (iii) whether current recycling rates required by Virginia law should be increased and whether state policy should be changed to give landfills a greater role in the management of organic material. It also requests that the Task Force discuss potential improvements in the goals and efficiency of the grant program funded by the Litter Control and Recycling Fund, which under current law is used to fund local litter prevention, recycling grants to localities, and statewide and regional litter prevention and recycling educational program grants.
- **Disposable Plastic Bags** – there were six bills to tax and/or prohibit the distribution of certain types of plastic bags provided to consumers by certain retailers.
- **Litter Tax** – there were several pieces of legislation approved that will increase the revenue generated by the litter tax. Funds generated by the litter tax is the primary source of state funding support local litter prevention and recycling programs.

- **Plastic Waste Prevention Advisory Council** - establishes a council in the executive branch of state government to study and make recommendations regarding plastic pollution problems in the Commonwealth with the mission of eliminating plastic waste and contributing to the achievement of plastics packaging circular economy industry standards.
- **Tax Incentives** – there were five bills related to tax exemption or incentives for certain types of recycling equipment which could benefit recycling processors and other large generators in the Commonwealth.
- **Prescription Drug Disposal Program** – the Board of Pharmacy was directed to assemble stakeholders to enhance public awareness of prescription drug disposal and awareness and develop strategies to increase the number of permissible drug disposal sites and options for the legal disposal of drugs in the Commonwealth.
- **Expanded Polystyrene Food Service Containers** – prohibits certain food sellers from dispensing prepared food to customers in a certain type of single-use expanded polystyrene food service containers. The bill also requires certain chain restaurants to stop using such containers by July 1, 2023 and sets the date for compliance by all food vendors as July 1, 2025. However, the provisions of this act shall not become effective unless reenacted by the 2021 Session of the General Assembly.

#### Waste Reduction Legislation by Topic

- *Plastic bags (6)\**
- *Taxation (5)*
- *Tax incentives (4)*
- *Single-use plastics (4)*
- *Government/studies (3)*
- *Permitted SWM facilities (3)*
- *Litter prevention (1)*
- *Education (2)*
- *Food waste composting (1)*
- *Pharmaceuticals (1)*

**Note:** \*denotes topics for which the VRA currently has adopted policies

**2020 Waste Reduction Bill Sponsorship Summary**

<i>House Bill Sponsors</i>	<i>Senate Bill Sponsors:</i>
<ul style="list-style-type: none"> <li>• <i>Adams, Dawn M.</i></li> <li>• <i>Carr, Betsy B. (2)</i></li> <li>• <i>Convirs-Fowler, Kelly K.</i></li> <li>• <i>Gooditis, Gwendolyn “Wendy” (2)</i></li> <li>• <i>Guy, Nancy D.</i></li> <li>• <i>Guzman, Elizabeth R.</i></li> <li>• <i>Hope, Patrick A.</i></li> <li>• <i>Jenkins, Clinton L.</i></li> <li>• <i>Kory, Kaye</i></li> <li>• <i>Krizek, Paul E. (2)</i></li> <li>• <i>Levine, Mark H.</i></li> <li>• <i>Lopez, Alfonso H. (5)</i></li> <li>• <i>McNamara, Joseph P.</i></li> <li>• <i>Plum, Kenneth R. (3)</i></li> <li>• <i>Price, Marcia S.</i></li> <li>• <i>Rasoul, Sam (2)</i></li> <li>• <i>Samirah, Ibraheem S. (2)</i></li> <li>• <i>Subramanyam, Suhas</i></li> <li>• <i>VanValkenburg, Schuyler T.</i></li> <li>• <i>Ware, R Lee (2)</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Boysko, Jennifer B. (2)</i></li> <li>• <i>Ebbin, Adam P.</i></li> <li>• <i>Favola, Barbara A. (3)</i></li> <li>• <i>Hanger, Emmett W. (3)</i></li> <li>• <i>Hashmi, Ghazala F.</i></li> <li>• <i>Lewis, Lynwood W. (3)</i></li> <li>• <i>Locke, Mamie E.</i></li> <li>• <i>Mason, T. Montgomery “Monty”.</i></li> <li>• <i>Morrissey, Joseph D. (2)</i></li> <li>• <i>Petersen, J. Chapman (2)</i></li> <li>• <i>Vogel, Jill Holtzman.</i></li> </ul>

**Legislation Passed, Failed, and Carried Over**

Below is a summary of waste reduction legislation pass, failed or carried over during the 2020 General Assembly Session. The VRA wishes to thank and acknowledge LegiScan for providing the data as well as the tool used to monitor legislation during the session this year.

**Passed**

*House Legislation:*

**HB502** - Litter tax; penalty. Adds \$100 to the existing penalty for litter tax delinquency. Sponsor: Krizek, P., Hope, P.

**HB533** - Expanded polystyrene food service containers; prohibition; civil penalty. Prohibits the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill. The bill requires certain chain restaurants to stop using such

containers by July 1, 2023 and sets the date for compliance by all food vendors as July 1, 2025. The bill exempts nonprofit organizations from the definition of "food vendor" and provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of not more than \$50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. The penalties collected are to be deposited in the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate. A portion of the penalties deposited in the Fund are to be used for public information campaigns to discourage the sale and use of expanded polystyrene products. Finally, the bill directs the Department of Environmental Quality to post to its website information on compliance and the filing of complaints. Sponsors: Carr, B., Krizek, P., Plum, K., Kory, K., Levine, M. Similar to HB1046 and HB1347.

**HB534** - Plastic bag fee. Imposes, beginning July 1, 2021, a statewide fee of five cents per bag on disposable plastic bags provided to consumers of tangible personal property, with certain bags being exempt from the fee. Revenues from the fee are collected by the Tax Commissioner and distributed equally into the Virginia Water Quality Improvement Fund and the Litter Control and Recycling Fund. The bill also allows every retailer that collects the fee to retain one cent of the five-cent fee, provided that such retailer discounts are accounted for in the form of a deduction when submitting the tax return and the amount due is paid in a timely manner. Plastic bag fee. Imposes, beginning July 1, 2021, a statewide fee of five cents per bag on disposable plastic bags provided to consumers of tangible personal property, with certain bags being exempt from the fee. Revenues from the fee are collected by the Tax Commissioner and distributed equally into the Virginia Water Quality Improvement Fund and the Litter Control and Recycling Fund. The bill also allows every retailer that collects the fee to retain one cent of the five-cent fee, provided that such retailer discounts are accounted for in the form of a deduction when submitting the tax return and the amount due is paid in a timely manner. Sponsors: Carr, B., Guzman, E., Lopez, A., Ware, L. Similar to SB11.

**HB1154** - Litter taxes; amount of tax. Increases the annual litter tax from \$10 to \$20 and the additional annual litter tax from \$15 to \$30. Both taxes are imposed on manufacturers, wholesalers, distributors, and retailers of certain products; however, the additional tax applies to fewer businesses. Sponsor: Lopez, A.

**HB1173** - Tax exemption for certified pollution control equipment and facilities; timing of certification by the state certifying authority. Provides that, upon the request of a political subdivision, the state certifying authority having jurisdiction shall certify the tax-exempt status of certain pollution control equipment and facilities on a prospective basis. The property eligible for such treatment shall be equipment and facilities intended for use by a political subdivision in conjunction with the operation of its water, wastewater, stormwater, or solid waste management facilities or systems. Sponsor: Lopez, A. Similar to SB685.

**HB1352** - Solid waste disposal; unpermitted sites and open dumps; regulation and cleanup. Prohibits the disposal of solid waste in an unpermitted facility and provides that the presence of unpermitted solid waste on a person's property is prima facie evidence that the person allowed solid waste to be disposed of on his property without a permit. The bill adds open dumps to the types of site that the Department of Environmental Quality is authorized to require to be cleaned up and provides that the party

responsible for such cleanup shall include any party who caused the site to become an open dump or caused the improper management of waste at the site. Sponsor: Gooditis, W.

**HB1354** - Plastic Waste Pollution Prevention Advisory Council. Establishes in the executive branch of state government the Plastic Waste Pollution Prevention Advisory Council to study and make recommendations regarding plastic pollution problems in the Commonwealth, with the mission of eliminating plastic waste and contributing to the achievement of plastics packaging circular economy industry standards. The bill has a sunset date of June 30, 2023. Sponsors: Plum, K., Adams, D., Price, M., Rasoul, S., Samirah, I., Subramanyam, S.

**HB1531** - Prescription drug disposal program; methods to enhance public awareness. Directs the Board of Pharmacy to enhance public awareness of proper drug disposal methods by assembling a group of stakeholders to develop strategies to increase the number of permissible drug disposal sites and options for the legal disposal of drugs, including requirements that pharmacies, or in-house pharmacies of hospitals or clinics, provide such information to customers. The bill directs the Board to report its findings and recommendations to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health no later than November 15, 2020. Sponsor: Jenkins, C.

*Senate Legislation:*

**SB11** - Local disposable plastic bag tax. Authorizes any county or city, beginning no earlier than January 1, 2021, to impose a tax of five cents per bag on disposable plastic bags provided to consumers by certain retailers, with certain bags being exempt from the tax. The bill allows every retailer that collects the tax to retain a portion of the five-cent tax and provides that the revenue accruing to the county or city shall be used for certain purposes including environmental cleanup and the provision of reusable bags. The measure authorizes the Tax Commissioner to administer the tax. Sponsors: Ebbin, A., Favola, B., Locke, M., Petersen, J., Morrissey, J. Similar to SB26, SB198 and HB534.

**SB590** - Advanced recycling; incentives in income tax, sales tax, and machinery and tools tax. Postpones from 2020 to 2025 the sunset date of the income tax credit for purchase of equipment for processing recyclable materials. Starting in taxable year 2020, the bill makes eligible for the credit purchases of equipment used in advanced recycling, defined in the bill. Sponsors: Hanger, E., Lewis, L.

**SB685** - Tax exemption for certified pollution control equipment and facilities; timing of certification by the state certifying authority. Provides that, upon the request of a political subdivision, the state certifying authority having jurisdiction shall certify the tax-exempt status of certain pollution control equipment and facilities on a prospective basis. The property eligible for such treatment shall be equipment and facilities intended for use by a political subdivision in conjunction with the operation of its water, wastewater, stormwater, or solid waste management facilities or systems. Sponsor: Mason, M. Similar to HB1173.

**SB1039** - Classification of solar energy and recycling equipment. Provides that, for purposes of the real property tax exemption for certified solar energy and recycling equipment, the exemption shall be retroactive to the date of installation if the taxpayer obtains certification from the Department of

Environmental Quality within one year of installation. Under current law, the exemption is effective in the next tax year after the taxpayer obtains certification. Sponsor: Vogel, J.

**SJR42** - Department of Environmental Quality; Waste Diversion and Recycling Task Force; report. Requests the Department of Environmental Quality to establish a Waste Diversion and Recycling Task Force to meet to discuss ways to increase waste diversion and recycling. The resolution requests that the Task Force include stakeholders to discuss (i) methods of improving recycling, reducing waste, and diverting waste from landfills; (ii) recommendations to reduce waste at the source, such as composting and recycling of organic material; and (iii) whether current recycling rates required by Virginia law should be increased and whether state policy should be changed to give landfills a greater role in the management of organic material. It also requests that the Task Force discuss potential improvements in the goals and efficiency of the grant program funded by the Litter Control and Recycling Fund, which under current law is used to fund local litter prevention, recycling grants to localities, and statewide and regional litter prevention and recycling educational program grants. Sponsor: Hanger, E.

## Failed

### *House Legislation:*

**HB272** - Department of Education and Department of Environmental Quality; sixth grade science curriculum. Directs the Department of Education to coordinate with the Department of Environmental Quality to update the "Window into a Green Virginia" curriculum developed by the Departments for sixth grade science to include a unit on the benefits, including the energy benefits, of recycling and reuse. Sponsor: VanValkenburg, S.

**HB302** - Litter tax. Repeals the annual litter tax. The bill does not affect any litter tax levied prior to July 1, 2020. Sponsor: McNamara, J.

**HB507** - Release of balloon prohibited; civil penalty. Prohibits any person, with certain exceptions, from knowingly releasing or causing to be released any balloon outdoors and provides that any person convicted of a violation shall be liable for a civil penalty of not less than \$250 or more than \$2,500, to be paid into the Litter Control and Recycling Fund. A court may, as an alternative to imposing the penalty, require the performance of at least 10 hours of community service in litter abatement activities. Current law prohibits a person from releasing 50 or more balloons within an hour and sets the civil penalty at \$5 per balloon, with the proceeds deposited into the Lifetime Hunting and Fishing Endowment Fund. Sponsors: Guy, N., Convirs-Fowler, K.

**HB1046** - Expanded polystyrene food service containers; prohibition; civil penalty. Prohibits the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill, beginning January 1, 2021. The bill exempts certain institutions, including correctional facilities and public schools, from the definition of "food vendor" and provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of \$50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. The bill directs the penalties collected to the Litter Control and Recycling Fund or to the treasury of the relevant

locality, as appropriate. Finally, the bill directs the Department of Environmental Quality to post on its website information on compliance and the filing of complaints. Sponsor: Krizek, P. Similar to HB533.

**HB1151** - Plastic bag tax; use of revenues. Allows localities to impose a five-cent (\$0.05) per bag tax on plastic bags provided to customers by retailers in grocery stores, convenience stores, restaurants, or drugstores. Certain products are exempt from the tax. The bill directs revenue from the local tax to be deposited into the Virginia Water Quality Improvement Fund and the Virginia Natural Resources Commitment Fund. The bill allows every restaurant or retailer that collects the tax to retain one cent of the five-cent tax if the tax is paid in a timely manner. Sponsors: Lopez, A., Samirah, I. Similar to HB1673. PENDING.

**HB1347** - Expanded polystyrene food service containers; prohibition; civil penalty. Prohibits the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill. The bill requires certain chain restaurants to stop using such containers by July 1, 2023, and sets the date for compliance by all food vendors as July 1, 2025. The bill exempts certain institutions, including correctional facilities and public schools, from the definition of "food vendor" and provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of \$50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. The penalties collected are to be deposited in the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate. Finally, the bill directs the Department of Environmental Quality to post to its website information on compliance and the filing of complaints. Sponsor: Plum, K. Similar to HB533.

**HB1673** - Plastic bag tax; use of revenues. Allows localities to impose a five-cent (\$0.05) per bag tax on plastic bags provided to customers by retailers in grocery stores, convenience stores, or drugstores in the Commonwealth. The bill also (i) requires every retailer to provide recycling receptacles at its place of business for such disposable plastic bags and (ii) allows every retailer that collects the tax to retain one cent (\$0.01) of every five cents (\$0.05) collected. The tax is to be administered in the same manner as the retail sales and use tax, and all revenues from the tax shall be deposited in equal sums into the Virginia Water Quality Improvement Fund and the Virginia Natural Resources Commitment Fund. Sponsor: Ware, L. Similar to HB1151. PENDING.

**HJR116** - Study; Department of Environmental Quality; Waste Diversion and Recycling Task Force; report. Requests the Department of Environmental Quality to establish a Waste Diversion and Recycling Task Force to study ways to increase waste diversion and recycling. The resolution requests that the Department work with stakeholders to develop recommendations to reduce waste at the source such as composting and recycling of organic material. It also requests that the Department study potential improvements in the goals and efficiency of the grant program funded by the Litter Control and Recycling Fund, which under current law is used to fund local litter prevention, recycling grants to localities, and statewide and regional litter prevention and recycling educational program grants. The Department shall (i) study methods of improving recycling, reducing waste, and diverting waste from landfills, (ii) develop recommendations to reduce waste at the source, such as composting and recycling of organic material, and (iii) consider whether current recycling rates required by Virginia law should be

increased and whether state policy should be changed to give landfills a greater role in the management of organic material. Sponsors: Gooditis, W., Lopez, A.

*Senate Legislation:*

**SB26** - Plastic bag tax in the Chesapeake Bay Watershed. Imposes a five-cent per bag tax on plastic bags provided to customers by certain retailers in localities located wholly within the Chesapeake Bay Watershed and directs revenues to be used to support the Chesapeake Bay Watershed Implementation Plan. The bill also allows every retailer that collects the tax to retain one cent of every five cents collected. Sponsors: Petersen, J., Boysko, J., Morrissey, J. Similar to SB11.

**SB193** - Single-use plastic and expanded polystyrene products; local prohibition; local tax. Authorizes a locality to prohibit by ordinance the purchase, sale, or provision, whether free or for a cost, of certain single-use products that are not recyclable or compostable and for which there is a suitable and cost-effective compostable or recyclable alternative product available, with certain exceptions. The bill also authorizes any locality to impose a five-cent per item tax on single-use plastics and polystyrene products provided to customers by certain retailers, with certain products being exempt from the tax. The bill directs revenue from the local tax to be used by the locality imposing the tax for cleanup or education programs designed to reduce waste. The bill allows every restaurant or retailer that collects the tax to retain one cent of the five-cent tax if the tax is paid in a timely manner. Sponsors: Favola, B., Boysko, J.

**SB198** - Disposable plastic shopping bags; local option. Allows any locality by ordinance to prohibit the distribution, sale, or offer for sale of disposable plastic shopping bags to consumers. The bill exempts from any such prohibition reusable bags of a certain thickness, bags that are used to carry certain products, such as ice cream or newspapers, and garbage bags that are sold in multiples. Sponsors: Locke, M., Boysko, J. Similar to HB534, SB11, SB26 and SB198.

**SB591** - Economic development incentives for gasification facilities and pyrolysis facilities. The bill provides that gasification facilities and pyrolysis facilities, defined in the bill, shall be eligible for grants from the Commonwealth's Development Opportunity Fund under the minimum investment and job creation criteria for grants from the Fund, which under current law are a \$1.5 million investment and 15 new jobs. Sponsor: Hanger, E.

## Carried Over

*House Legislation:*

**HB1038** - Solid waste management facility; permit for landfill with capacity of more than 35 million tons. Prohibits the Virginia Waste Management Board from issuing (i) a permit for a new solid waste management facility or (ii) an amendment to a permit allowing the expansion of a facility or an increase in capacity, where such permit or amendment is likely to result in the creation of a landfill whose capacity exceeds 35 million tons. For the Board to issue such a permit or amendment, the bill requires the Director of the Department of Environmental Quality to determine that the amount of capacity in excess of 35 million tons will serve a public interest that outweighs any additional harms to human health and safety and the environment caused by such capacity in excess of 35 million tons. Sponsor: Rasoul, S.

*Senate Legislation:*

**SB409** - Local impact from large landfills. Requires the Director of the Department of Environmental Quality to analyze and determine, in writing, what impacts to local water, soil, and air quality are expected from the construction and operation of a new municipal solid waste landfill that will accept 3,500 tons or more of municipal solid waste per day and to impose additional conditions or requirements, including facilities, maintenance, or operation or closure practices, as are necessary to adequately protect local water, soil, and air quality. Sponsor: Hashmi, G.

**SB486** - Study; VDACS; sources, scale, and prevention of food waste in the Commonwealth; report. Directs the Virginia Department of Agriculture and Consumer Services (the Department) to study, in consultation with the Department of Environmental Quality and stakeholders, the sources, scale, and prevention of food waste in the Commonwealth. In conducting its study, the Department shall (i) assess the total annual statewide rate of preventable food waste received by landfills within the Commonwealth; (ii) identify the industry sectors within the Commonwealth that contribute to preventable food waste, and determine their rate of contribution to such waste; (iii) identify alternative uses of food that is wasted; and (iv) recommend policies to reduce the annual rate of preventable food waste in the Commonwealth with data-driven reduction targets and timelines, including food donation requirements for certain food waste from grocery stores and restaurants. The provisions of the bill are contingent on funding in a general appropriation act. Sponsor: Favola, B.

**SB779** - Department of Education and Department of Environmental Quality; sixth grade science curriculum. Directs the Department of Education to coordinate with the Department of Environmental Quality to update the "Window into a Green Virginia" curriculum developed by the Departments for sixth grade science to include a unit on the benefits, including the energy benefits, of recycling and reuse. Sponsor: Lewis, L.

**SB789** - Advanced recycling; incentives in income tax, sales tax, and machinery and tools tax. Advances from 2020 to 2025 the sunset date of the income tax credit for purchase of equipment for processing recyclable materials and makes eligible for the credit purchases of equipment used in advanced recycling, defined in the bill. The bill increases the dollar value of the credit from 20 percent to 100 percent of the purchase price of such equipment, eliminates the requirement that a taxpayer may only claim up to 40 percent of his tax liability in credit per year, and makes the credit refundable and transferable for credits issued starting in taxable year 2020. Sponsor: Lewis, L. See SB590.

[Acknowledgments](#)

The VRA Legislative Summary Report was prepared by the VRA Policy Committee.