# Controlling Solid Waste

## Comparing and contrasting the European Union and United States of America legislative approach taken to controlling solid waste

### Introduction

Waste is an issue that has an effect on every individual. Every household produces waste. As noted by European Commission (2018, p.1), Europe’s annual usage of materials per individual is 16 tons and 6 tons of those materials turn into waste. Such waste has undesirable effects on the environment as it leads to pollution and produces greenhouse emissions that affect the climate (European Commission 2018, p.1). In the US, Environmental Protection Agency (2016, p.1) noted that the amount of trash produced in 2013 was approximately 25 million tons, but the recycling rate was at 34.3%. Many counties have come up with policies that ensure waste reduction. However, the development of waste management law has taken different paths across the globe because legal system differs from state to state. The paper compares and contrasts the legislative approach used in controlling solid waste in EU and USA.

## EU Waste Management Legislation

As seen in the European Commission Brochure (2011, p. 4), the EU waste management policies aimed at reducing both health impacts and environmental impacts and improve the efficiency of the Europe resources. The long-term aim is turning Europe into recycling community, avoid waste, and utilize unavoidable waste as resources when possible. European Union waste management policies have been defined in its thematic strategy. The primary objective of this strategy is to avoid waste, and use that waste as a resource mainly for raw material purposes or use it to produce energy (Krstić & Milenković-Kerković, 2017, p.224). European Union waste policy has been changing over the past 30 years following various environmental action plans and legislative framework which aim at minimizing negative impacts on human health and the surroundings and become an economy that utilizes energy and resources efficiently.

The European Commission brochure (2011, p. 6) shows that the EU follows a waste hierarchy approach when managing its waste. In this hierarchy, the priority order is followed in shaping the waste management policy and in waste management at the operational level. Prevention is given the first priority followed by reuse or the preparation for reuse. The third item in the priority is recovery and the least preferred option is the disposal that entails landfilling and incineration. The EU 7th environmental action programme has set various waste policy objectives based on their priority. The first objective is reducing the amount of waste produced, minimizing recycling and reuse, restraining combustion of materials that cannot be recycled, pulling off landfills to both nonrecoverable and nonrecyclable waste and the final objective is ensuring total implementation of the waste policy targets in every member state (European Commission (2018. p.1).

## USA Waste Management Legislation

Just like the European Union, the US waste management follows a hierarchy that starts by preventing pollution as the main priority, followed by reducing waste, reusing it, recycling .resource recovery, incinerate, convert to energy and landfilling (American Planning Association. 2018, p.1). In the USA, the Environmental Protection Agency EPA) is responsible for regulating household, commercial, manufacturing and industrial and other waste following the Resource Conservation and Recovery Act (RCRA). Westage (2017, p. 14) highlights that RCRA requires added government involvement. This makes solid waste management in the US a collaborative effort between all levels of government.

The aim of the solid waste policy in the US is to develop and implement proper mechanisms that manage solid waste effectively. The US recognizes that effective solid waste policy requires inputs from stakeholders such as residents, businesses, community groups, NGOs and research related organizations. Inputs from these stakeholders, therefore, form the basis of the US policy framework which influences the decision on solid waste management.

## Similarities and Differences between EU and US Waste Management Legislation

According to Johnson (NY. p.1), USA follows a state-based approach to waste legislation contrary to the European Union that follows a supranational legislative coordination. Both the EU and the US appear to share the same bottom-up approach in their waste management legislation (Johnson, NY. P.1). This is because their decision making towards waste management seems to be close to the individual occurrences at the local levels and then proceeds at higher levels of the government. As noted by Dreher and Pulver, (2008, p.308), starting 1989, the EU has been in the forefront in advocating the ban of trade hazardous waste. On the contrary, the US has been opposing the ban and advocated on continuous trade

### Approaches used

The European Union waste management legislation uses command and control approach. Using the command and control regulation approach, the European Union have imposed direct regulatory measures through setting standards. The European Union has set framework and standards and has gone ahead to prohibits some practices and practices. For instance, mixing of the various hazardous waste compound in one container is prohibited. As noted by the Institute of European Environmental Policy (2018, p.1) use of in market-based instruments in the EU is currently a key goal in its policy as it has become aware of the importance of combining command and control regulation with the market –based instruments. This means that EU might begin using this approach soon.

On the other hand, the US government uses different waste management approaches or policy instruments in an effort of accomplishing their task of ensuring solid waste is properly managed. One of the policy instrument used is the market- based instrument. For instance, many US communities use the “pay as you throw” pricing model for disposal of municipal waste (Halstead, J, Huang, J, & Saunders, S 2007, p.401). This model is applied at the municipal level where residents are charged depending on the unit of waste you produce as opposed to having a uniform charge. This is a form of tax on waste as the more waste a household produces, the more they will pay for disposal. This approach aims at discoursing waste productions and encourage people to form a habit of recycling.

Another approach used in the USA is the command and control regulation. When it comes to landfills, the company in charge of managing them must adhere to regulations set by the federal government in contamination prevention and monitor system. On the same issue of the landfill, EU has put a standard procedure in order to avoid risks. For instance, the standard requires waste treatment to be conducted prior landfilling (European Commission, 2016, p.1). In the US, the federal government has set some performance standards which dictate the number of emissions that can be released during waste management and disposal processes. The government has also set technology standards, which stipulate on different technology levels that must be used for ensuring safe storage and waste treatment.

## Waste Labeling

Just like EU regulation, the US regulation requires waste producers to label hazardous waste as well as the clinical waste. This is meant to ensure that people who come into contact with such waste know the nature of the waste. This also ensures such waste is handled properly and well disposed of. The other approach used in the USA is the voluntary regulation. Using this approach EPA offers substantial information regarding waste reduction and recycling on its website. Using this strategy, the government educated and creates awareness to the citizens on how they can minimize waste and ensure proper waste disposal in a non-coercive way

### Aims of policies

The EU waste management policies aimed at reducing both health impacts and environmental impacts and improve the efficiency of the Europe resource. On the other hand, the US waste management regulations aimed at creating and applying mechanisms that can ensure effective management of solid waste.

### Strictness

Compared to the US, EU has numerous laws related to recycling and processing of waste and there are stricter as compared to the US. For instance, in case of a hazardous waste which is highly risky to human and the surroundings, a more strict control regime is imposed. Article 17-20 of the 2008/98/EC directive call for additional labeling, monitoring and record keeping and control obligation from the producer of the waste to the final process of disposing or recovering (European Commission, 2016, p.1). The article further bans mixing of hazardous substances in one container in an effort of preventing risks to both human and the environment. As noted by Krstić, M, & Milenković-Kerković, T (2017, p.220), EU is known for its premier authority specifically when it comes to protecting the environment and in matters related to internal jurisdiction. This helps in explaining why EU is a bit stricter on its law related to waste management.

### The complexity of the policies

EU regulations on waste are much complex as compared to that of the US. For instance, the EU legislation in this area has laws and bylaws which regulate waste management. For example, the segments in waste management are many like the landfill order, waste framework, EU battery directives, directive restricting hazardous elements among others (European Commission, 2016, p.1). These waste streams show the complexity of EU waste regulations. On the other hand, the US legislation on solid waste is simpler as it contains a few laws and bylaws.

### Waste recycling

Both the US and EU legislation on waste management have shown the need for recycling and phase out landfilling. As noted by Briguglio (2016, p.497), averting public solid waste away from landfills is now a key policy objective for various counties.

### Critical evaluation comments on the legislation compared

The principal law which governs the disposal of solid waste and hazardous waste in the US (RCRA) has set goals for guarding the environment and people’s health, minimizing waste produces, ensuring proper management of waste and conservation of natural resources and energy. Resource Conservation and Recovery Act have three major programs which help in achieving these goals. These programs include the solid waste program that encourages states to come up with comprehensive plans of managing non-hazardous waste (European Parliament, 2015, p.11). The program also forbids dumping of solid waste in open spaces and sets the standards that are followed by those that manage disposal facilities and landfills. The hazardous waste program creates the system which controls hazardous waste from its generation point to its disposal point. The third program is the underground tank storage program which is concerned about the regulating underground storage tanks which contain hazardous materials and petroleum products.

The EU legislation gives much attention to waste diversion from landfills. EU waste management policies have been harmonized to avoid distortion in the internal market and to prevent unstable competition between the member states (Marques & Ferreira da Cruz, 2016, p. 3). The EU waste management policies contain various directives which regulate how waste is managed depending on the nature of waste. For instance, Directive 91/689 is concerned about hazardous waste. There are also directives for packaging waste, landfill waste, batteries/accumulators, waste incineration and electric waste (European Commission. 2016, p.1). Both the US and EU Waste management policies have indicated the need for prioritizing waste incineration.

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