Reduction and safe management of waste constitutes a traditional focus of modern environmental law. In the United States, core federal statutes most notably, the Resource Conservation and Recovery Act and Comprehensive Environmental Response, Compensation, and Liability Act impose complex requirements designed to prevent waste from contaminating environmental media and to dean it up when it does. In addition to the longrecognized imperative to reduce and manage waste to avoid soil, air, and water pollution, reduction and management of waste is now recognized as an integral part of reducing greenhouse gas emissions to limit climate change. Nearly a third of Nationally Determined Contributions submitted by parties to the Paris Agreement include <u>circular economy</u> <u>approaches</u> that would reduce emissions by promoting sustainable use of natural resources through smarter product design, longer use, recycling and more, thereby minimizing waste. The New York State Climate Action Council explained, in the <u>Final Scoping Plan</u> to achieve the emission reductions required by the Climate Leadership and Community Protection Act, that to meet its climate targets,

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a fundamental shift in consumer habits, including purchasing practices

The succinctly stated imperatives to

In 2018,

the average American generated <u>4.9 pounds of household waste per day, up from 2.68 pounds</u> <u>in 1960</u>. A 2020 study found that American households throw away ______ of the food they purchase. Recycling and composting by households increased significantly since 1960, but that increase has been overwhelmed by increases in the overall amount of household waste. The annual volume of household waste that is combusted or sent to landfills continues to rise.

Despite the long-standing attention in environmental law to managing waste, approaches for managing waste are often siloed, focused narrowly on disposal and certain types of waste without adopting a broader, circular economy approach. No federal law governs the volume of

environmental law does not address levels of consumption, and federal law generally does not require manufacturers to address end-of-life management of their products. Daunted by the prospect of attempting to regulate millions of households and of indirectly regulating consumption, federal policymakers exempt household waste which regularly indudes electronics, batteries, chemical deaning fluids from the definition of hazardous waste, thereby blessing the routine disposal of hazardous constituents in municipal landfills.

Household waste disposal is subject most directly to regulation by state and municipal governments. Municipalities often charge fees, typically indexed to volume or weight, for waste pick up and disposal. Some municipalities have adopted more extensive controls on household waste disposal. San Francisco, for example, adopted a <u>Mandatory Recycling and Composting</u> <u>Ordinance</u> that requires households separate their waste into recycling, compostables, and trash. Yet, in much of the United States, extremely high per capita consumption (including of ubiquitous, single-use plastics) and high per capita household waste generation remain the norm, with relatively low rates of diversion from landfills or incineration. This is in part because even where municipal and county level waste diversion programs exist, significant logistical barriers to participation, including infrequent and/or inconvenient drop-off or collection protocols.

Recognition of the need to adopt dircular economy approaches and reduce consumption and associated household waste is growing. Concerns about resource depletion, plastic and other pollution, and the greenhouse gas emissions from the extraes deplCorom