

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 823

Short Title: NC Managing Environmental Waste Act of 2019. (Public)

Sponsors: Representatives Warren, McGrady, Harrison, and Grange (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Environment, if favorable, Finance, if favorable, Rules, Calendar, and Operations
of the House

April 18, 2019

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE "NC MANAGING ENVIRONMENTAL WASTE ACT OF 2019" TO ADDRESS THE ISSUE OF SINGLE-USE PLASTICS BY, AMONG OTHER MEASURES, INCREASING REVENUE DISTRIBUTED TO CITIES AND COUNTIES WITH PROGRAMS TO REDUCE PLASTIC WASTE, ESTABLISHING A PILOT PROGRAM TO REDUCE THE USE OF SINGLE-USE PLASTICS AT STATE-OPERATED FOOD SERVICE FACILITIES, AND DIRECTING THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE ISSUE OF SINGLE-USE PLASTICS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-187.63 reads as rewritten:

"§ 105-187.63. Use of tax proceeds.

From the taxes received pursuant to this Article, the Secretary may retain the costs of collection, not to exceed two hundred twenty-five thousand dollars (\$225,000) a year, as reimbursement to the Department. The Secretary must credit or distribute taxes received pursuant to this Article, less the cost of collection, on a quarterly basis as follows:

(1) Fifty percent (50%) to the Inactive Hazardous Sites Cleanup Fund established by G.S. 130A-310.11.

(2) ~~Thirty seven and one half percent (37.5%)~~ Thirty-two and one-half percent (32.5%) to cities and counties in the State on a per capita basis, using the most recent annual estimate of population certified by the State Budget Officer. One-half of this amount must be distributed to cities, and one-half of this amount must be distributed to counties. For purposes of this distribution, the population of a county does not include the population of a city located in the county.

A city or county is excluded from the distribution under this subdivision if it does not provide solid waste management programs and services and is not responsible by contract for payment for these programs and services. The Department of Environmental Quality must provide the Secretary with a list of the cities and counties that are excluded under this subdivision. The list must be provided by May 15 of each year and applies to distributions made in the fiscal year that begins on July 1 of that year.

Funds distributed under this subdivision must be used by a city or county solely for solid waste management programs and services.



1 (2a) Five percent (5%) to cities and counties in the State that provide plastics
2 recycling services within their jurisdictions. Funds distributed to cities and
3 counties pursuant to this subdivision shall be distributed on a per capita basis,
4 using the most recent annual estimate of population certified by the State
5 Budget Officer. One-half of this amount must be distributed to cities eligible
6 under this subdivision and one-half of this amount must be distributed to
7 counties eligible under this subdivision. For purposes of this distribution, the
8 population of a county does not include the population of a city located in the
9 county.

10 The Department of Environmental Quality must adopt a rule establishing
11 the criteria for eligibility under this subdivision and must provide the
12 Secretary with a list of the cities and counties that are eligible under this
13 subdivision. The list must be provided by May 15 of each year and applies to
14 distributions made in the fiscal year that begins on July 1 of that year.

15 Funds distributed under this subdivision must be used by a city or county
16 solely for plastics recycling and single-use plastics reduction programs and
17 services, including for the procurement of alternatives to single-use plastics
18 for packaging and food service ware to be used by the city or county.

19 (3) Twelve and one-half percent (12.5%) to the General Fund."

20 **SECTION 2.(a)** G.S. 143-58.2 reads as rewritten:

21 **"§ 143-58.2. State policy; bid procedures and specifications; identification of products.**

22 ...

23 (d) The Department of Administration, in cooperation with the Division of ~~Pollution~~
24 ~~Prevention and Environmental Assistance and Customer Service~~ of the Department of
25 ~~Environment and Natural Resources, Environmental Quality~~, shall identify materials and
26 supplies with recycled content that meet appropriate standards for use by State departments,
27 institutions, agencies, community colleges, and local school administrative units.

28 ...

29 (f) On or before October 1 of each year, each State department, institution, agency,
30 community college, and local school administrative unit authorized to purchase materials and
31 supplies shall report to the Division of ~~Pollution Prevention and Environmental Assistance and~~
32 ~~Customer Service~~ of the Department of ~~Environment and Natural Resources, Environmental~~
33 ~~Quality~~, the amounts and types of materials and supplies with recycled content that were
34 purchased during the previous fiscal year and its progress toward reaching the goals under
35 G.S. 143-58.3. On or before December 1 of each year, the Division of ~~Pollution Prevention and~~
36 ~~Environmental Assistance and Customer Service~~ shall prepare a summary of these reports and
37 submit the summary to the Joint Legislative Commission on Governmental Operations. The
38 summary of these reports shall also be included in the report required by G.S. 130A-309.06(c).

39 (g) The Department of Administration and the Department of ~~Environment and Natural~~
40 ~~Resources Environmental Quality~~ shall develop guidelines for minimum content standards for
41 materials and supplies with recycled content and may recommend appropriate goals in addition
42 to those goals set forth in G.S. 143-58.3, for types of materials and supplies with recycled content
43 to be purchased by the State.

44 (h) The Secretary of Administration may adopt rules to implement the provisions of this
45 section and G.S. 143-58.3.

46 (i) On or before October 1 of each year, each State department, institution, agency,
47 community college, and local school administrative unit authorized to purchase materials and
48 supplies shall report to the Division of Environmental Assistance and Customer Service of the
49 Department of Environmental Quality, the amounts and types of materials and supplies with
50 recycled content that were purchased during the previous fiscal year and its progress toward
51 reaching the goals under G.S. 143-58.3. On or before December 1 of each year, the Division of

1 Environmental Assistance and Customer Service shall prepare a summary of these reports and
2 submit the summary to the Environmental Review Commission. The summary of these reports
3 shall also be included in the report required by G.S. 130A-309.06(c).

4 (j) On or before October 1 of each year, each State department, institution, agency,
5 community college, and local school administrative unit shall report to the Division of
6 Environmental Assistance and Customer Service of the Department of Environmental Quality,
7 the amounts and types of materials collected for recycling within the department, institution,
8 agency, community college, and local school administrative unit. On or before December 1 of
9 each year, the Division of Environmental Assistance and Customer Service shall prepare a
10 summary of these reports and submit the summary to the Environmental Review Commission.
11 The summary of these reports shall also be included in the report required by
12 G.S. 130A-309.06(c)."

13 **SECTION 2.(b)** G.S. 130A-309.06(c) is amended by adding a new subdivision to
14 read:

15 "(c) The Department shall report to the Environmental Review Commission and the Fiscal
16 Research Division on or before January 15 of each year on the status of solid waste management
17 efforts in the State. The report shall include:

18 ...

19 (20) A summary of the reports by each State department, institution, agency,
20 community college, and local school administrative unit authorized to
21 purchase materials and supplies detailing the amounts and types of materials
22 and supplies with recycled content that were purchased during the previous
23 fiscal year and the progress toward reaching the goals under G.S. 143-58.3,
24 as required by G.S. 143-58.2(i)."

25 **SECTION 3.** The Environmental Review Commission shall study the issue of
26 single-use plastics. In conducting this study, the Commission shall examine all of the following
27 matters:

- 28 (1) The environmental impacts of plastics pollution.
- 29 (2) The State's current requirements for plastics recycling.
- 30 (3) Estimates of the proportionate volume of plastics recycled versus plastics
31 disposed of in landfills in the State.
- 32 (4) Recycling markets and available information on the fate of plastics collected
33 for recycling in the State, including data on plastics used as feedstock for
34 in-State recycling, and national and international markets.
- 35 (5) Pending and enacted legislation in other states to regulate single-use plastics,
36 including bans on single-use plastic packaging and food service ware.
- 37 (6) Current private sector initiatives to reduce plastics pollution and additional
38 financial and market tools that may be employed by private sector interests
39 for this purpose.
- 40 (7) Alternatives to use of single-use plastics for packaging and food service ware.
- 41 (8) Any other issue the Commission deems relevant.

42 In conducting the study, the Commission shall consult with stakeholders, including
43 the Department of Environmental Quality, the Department of Health and Human Services, the
44 Department of Administration, representatives of the environmental community, the North
45 Carolina Retail Merchants Association, and the North Carolina Beverage Association. The
46 Environmental Review Commission shall report its findings and recommendations, including
47 any legislative proposals, to the 2020 Regular Session of the 2019 General Assembly upon its
48 convening.

49 **SECTION 4.(a)** The Legislative Services Officer shall evaluate all opportunities to
50 reduce the use of single-use plastics in food establishments operated by the General Assembly
51 and implement such measures at the earliest date that (i) does not result in disposal, prior to use,

1 of single-use plastics already procured on the date this act becomes law and (ii) does not impair
2 contracts for purchase of such food service ware in effect on the date this act becomes law. The
3 Legislative Services Officer shall issue a preliminary report on implementation of the
4 requirements of this section to the Environmental Review Commission no later than September
5 1, 2019, and shall provide a final report to the Commission no later than March 1, 2020.

6 **SECTION 4.(b)** The Department of Administration shall implement a pilot program
7 to eliminate the sale or provision of food or beverages for consumption on or off the premises,
8 in or with single-use plastics at State agencies or agencies of a political subdivision of the State
9 that is using State funds. In implementing this pilot, the Department shall identify five food
10 service establishments operated by State agencies to implement measures to eliminate single-use
11 plastics at the earliest possible date that (i) does not result in disposal, prior to use, of single-use
12 plastics already procured by the agency on the date this act becomes law and (ii) does not impair
13 contracts for purchase of such food service ware in effect on the date this act becomes law. The
14 Department shall issue a preliminary report on implementation of the requirements of this section
15 to the Environmental Review Commission no later than September 1, 2019, and shall provide a
16 final report to the Commission no later than March 1, 2020.

17 **SECTION 5.** For purposes of Sections 3 and 4 of this act, the term "single-use
18 plastics" means noncompostable single-use disposable products food service ware used by a food
19 provider for serving or transporting prepared, ready-to-consume food or beverages including
20 plastic or polystyrene plates, cups, bowls, trays, utensils, straws, cup lids, and hinged or lidded
21 containers.

22 **SECTION 6.** The Department of Environmental Quality shall adopt rules to
23 implement G.S. 105-187.63(2a), as enacted by Section 1 of this act.

24 **SECTION 7.** Section 1 of this act becomes effective July 1, 2020. The remainder of
25 this act is effective when it becomes law.