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Active Shooter Situation Preparation

The mass shooting at Pittsburgh's Tree of Life Synagogue serves as a grim reminder that we must all take responsibility for our safety. Given the ongoing active shooter incidents across the country, we thought it was important to provide ISRI members with a common sense approach to address an Active Shooter situation. ISRI Director of Law Enforcement Outreach Brady Mills had a 28-year career within the U.S. Secret Service prior to joining ISRI and offers the following guidance. If you have any questions, please contact [Brady Mills](#) at (202) 662-8526.

Law enforcement does an excellent job responding to active shooter incidents, but...first responders are just that, first responders. Meaning, the incident is already taking place or has taken place. Whether at places of worship, business, movies, or local restaurants, we must all be aware of our surroundings and give thought to what we might do in case of such an emergency.

The Department of Homeland Security suggests one of three responses; run, hide and, if all else fails, fight.

- **Run** – Plan ahead. Know where the exit is. Better yet, identify two ways out. Leave everything behind and move, warning others along the way.
- **Hide** – If unable to run, find a place to hide. Lock the door and barricade if possible. Protect yourself behind heavy items such as file cabinets.
- **Fight** – Look for anything that can be used as a weapon; scissors, fire extinguishers, furniture, objects that can be thrown, etc. Look for an opportunity; weapon malfunction or reloading.

It is also important to understand the role of law enforcement in these cases. It is the responsibility of first responders to neutralize the shooter(s), not care for victims. If injured, you may have to treat yourself. Also, keep in mind that everyone is a suspect until proven otherwise. Obey any and all law enforcement commands.

Below are links to provide further detailed information. Remember, plan ahead.

[Active Shooter: How to Respond Booklet](#)
[Los Angeles County Sheriff's Department Surviving An Active Shooter](#)
[Surviving an Active Shooter - LA County Sheriff](#)

In the States

2018 State Sessions Roundup

As state legislators start preparing for 2019, recyclers need to be on the watch for “Prefile” legislation and the return of troublesome measures from the current session.

- bills in **Virginia** and **New Jersey** will carry over
- all other states will be starting fresh
- 21 states will have begun pre-filing legislation by the end of November
- 45 states will be starting their 2019 sessions in January.

Why this matters: Legislators and regulators can change the requirements for your business with the stroke of a pen. Use [ISRI's State Resources and Tracking](#) page to make sure you know what amendments are being considered before they're passed.

State Issues

Transportation Initiatives Get Mixed Results in States

“Fix our damn roads” was the cry from Colorado supporters for increased transportation funds during the 2018 midterm election cycle.

But, but, but, it did not seem to excite voters enough to convince them to raise taxes on themselves so the state could fix its crumbling infrastructure. Three high-profile ballot measures to increase transportation funding failed during the midterm elections in Colorado and Missouri, but California voters upheld a \$5.2 billion transportation tax increase, which gives hope to those in other states that there may still be a chance to find funding for desperately needed transportation projects.

It's a Rocky Road Ahead in Colorado as the 2018 *Fix Our Damn Roads Transportation Bond* initiative in Colorado was intended to raise funds to help repair and support new infrastructure but was rejected by those who would benefit from it, as was the *Go Colorado* initiative to raise sales taxes for transportation needs. Even in light of the emphatic “No,” we already know Centennial State voters will be asked about transportation funding in the 2019 elections. That's because the Colorado General Assembly included language in SB 1 (2018) laying out a contingency plan if both ballot measures failed. The plan calls for a legislatively referred measure to hit the ballots in 2019 seeking approval for \$2.34 billion in bonding—less than either of the 2018 measures—as well as certain general fund transfers to the transportation fund.

Why is this important? Because moving scrap materials on the nation's roadways is becoming more difficult with the declining quality of the nation's roads and transportation infrastructure. When the roads are crumbling and bridges are no longer able to sustain the weight of trucks hauling scrap, moving scrap becomes difficult. The problems are systemic and threatening states' economies.

Show Me State Shows Gas Taxes the Door. Missouri voters defeated (with a 53 percent “no” vote) a 10-cent gas tax increase sent to the ballot by the state legislature (HB 1460). Proposition D was on the

ballot due to constitutional requirements for voter approval of any tax increase above a certain threshold. It is unknown what the response will be within the state legislature. However, it's a good bet that transportation funding will return to legislative chamber floors in some fashion, albeit carrying a scarlet letter from the voters.

California Gold Strike. California voters voiced a different opinion on transportation funding. Proposition 6, an effort to repeal legislatively enacted tax increases for transportation, failed with approximately 55 percent of voters choosing to keep the new taxes. This decision is likely to carry more weight nationally than either result in Colorado or Missouri because California's fight over gas taxes garnered national attention from political stakeholders. Some view it as a bellwether decision on any prospects of a national revenue increase for transportation.

What's Next? It is clear that maintaining the **status quo is not sustainable** and is having detrimental impacts on trade and the stream of commerce. The 2018 midterm ballot initiatives are likely the first of many more to come as states face increasing difficulty with funding transportation needs. Scrap recyclers need to be engaged at both local government and state meetings as elected and policy officials try to find ways to fill the gap. The money is going to have to come from somewhere and it appears that anything is on the table. If ISRI members are not at the table, they are on the menu. And, they really don't want to be on the menu!

Recycled Rubber/Synthetic Turf

States continue to introduce bills targeting synthetic turf infill made from recycled rubber. The year 2018 was a quieter year than usual. To date, there has been no adverse state legislation passed. Bills targeting funding in **Maryland** and **Massachusetts** both died. More typical moratoriums in **Connecticut**, **New Hampshire**, and **Virginia** failed, as well.

California AB 2908 came closest to passage, with a Tire Recycling Incentive Program that would have blocked synthetic turf infill and several other products from receiving payments. While the bill was vetoed, [the veto message](#) was focused on restrictions on the use of funds and directed CalRecycle to recommend an incentive program as part of its next budget.

Plastics/Packaging/Auxiliary Containers

If adverse news coverage concerning ocean plastics, straws, bags, and other products continues in 2019, **recyclers will likely see a growing movement in state legislatures to restrict** certain plastics and packaging. This year, [Rhode Island Executive Order 18-06](#) created the Task Force to Tackle Plastics, while **New Jersey** almost joined the ranks of **California** and **Hawaii** with AB 3267, imposing a statewide five cent fee on single-use carryout bags. Although [the bill was vetoed](#), it was for not going far enough, with Governor Murphy calling for "a more robust and comprehensive method of reducing the number of single-use bags in our State."

However, more states have ruled to prohibit local ordinances. **Mississippi** joined the list of states that have recently passed auxiliary container preemptions, while the **Texas** Supreme Court ruled in [City of](#)

[Laredo, Texas v. Laredo Merchants Ass'n](#) that [Texas Health and Safety Code § 361.0961](#) preempts a Laredo ban on plastic and paper checkout bags.

Taking a different route to encourage plastics recycling, California SB 854 creates market incentives for plastic beverage containers processed into plastic flake, pellet, sheet, or other forms, with both the "reclaimer" and manufacturers purchasing such stock receiving payments.

Materials Theft

Metals theft legislation being proposed and passed this year was focused less on sweeping changes, than seeking tweaks and corrections to existing law. The year began with a regulatory fix in Texas to ensure protections for recyclers who unknowingly acquire unexploded ordinance, followed by amendments in **Arizona, California, Kansas, Missouri, Oklahoma, and Wisconsin** (all updated in [ISRI's Metals Theft Law Database](#)).

The most significant legislative trend targeted areas where scrap metal purchase requirements overlap with vehicle detitling and dismantling statutes. **Wisconsin** SB 246 clarified that scrap metal processors must follow the same rules as motor vehicle salvage dealers when purchasing motor vehicles, while **Arizona, Oklahoma, and Missouri** amended motor vehicle and motor vehicle parts requirements in their metals theft statutes.

Vehicles

Continuing the issues overlap trend, California AB 2832 created a Lithium-Ion Car Battery Recycling Advisory Group to advise the legislature on policies for the recovery and recycling of these batteries by April 1, 2022. Electronics issues will continue to grow for vehicle recyclers as hybrid, electric and, potentially, autonomous vehicles take larger shares of the market.

The National Vehicle Mercury Switch Recovery Program (NVMSRP) was extended through December 31, 2021, with acting EPA Administrator Andrew Wheeler signing the continuation on America Recycles Day. The program provides for the transportation, acceptance, and recycling of vehicle mercury switches, as well as liability protections for participating recyclers and dismantlers.

Electronics

Illinois passed HB 1439, legislation that removes the need for accreditation by R2 or e-Steward for facilities that place CRT glass in storage cells for future retrieval. Accreditation organizations are also prohibited from penalizing recyclers and other parties that do so.

While none of the "right to reuse" bills considered this year passed as intended, the issue is beginning to gain traction in New England. **Vermont** passed HB 9(A), creating a task force to review the issue and report to the legislature by January 15, 2019. **New Hampshire** HB 1733 did not pass, but after an interim study group reviewed the bill it was recommended for the coming session.

Extended Producer Responsibility (EPR)

Although EPR/product stewardship legislation wasn't as prevalent in legislatures as in past sessions, bills targeting tires in **Connecticut** and packaging and other products in **Massachusetts** continue to pose a threat to existing recycling markets.

Go deeper: If you'd like to find out what changes could impact your company, visit [ISRI's State Policy](#) page or contact [Danielle Waterfield](#) if you have any questions about legislation that may impact your state.

International News

China Continues Its Path toward Recycling Self-Sufficiency

ISRI was recently in China to attend the China Nonferrous Metals Recycling (CMRA) conference in Guangzhou. The conference theme was “New Era, New Development,” with speakers who were laser-focused on preparing the metals recycling industry for China’s “new era” in self-sufficient recycling. Although an anticipated ban on “Category 7” metals (such as wires and electric motors, which require additional processing) is expected on December 31, 2018, and buying power has been limited by smaller import quotas, tight quality standards and “trade war” tariffs, the metals recycling industry generally has not yet seen a wholesale transformation. This is in direct contrast with the Chinese plastics recycling industry, which has been completely decimated following this year’s import ban on post-consumer plastics.

There is an expectation that industrial parks created in China specifically to process imported “Category 7” metals will either close or transition into other forms of recycling operations.

But, but, but, however that transformation takes place, it was evident from the conference speakers that the Chinese government sees recycling as critical to green growth and a pillar of a “green” Belt and Road Initiative. The Chinese government’s infrastructure development strategy is to link China with Western Europe and all the countries in between.

As part of the Belt and Road Initiative, Chinese companies are learning to do business outside of China. Chinese plastics recyclers that no longer have access to feedstock from abroad quickly moved to neighboring Southeast Asia, but they did so without complying with those countries’ environmental regulations and are now facing the consequences.

But wait, at the conference, there was an expectation that the metal recyclers would follow suit, and for that reason, the Chinese government called on the recyclers to “act more respectfully” in other markets.

Keep your eyes open, because the Belt and Road Initiative has reportedly been used as a platform for the Chinese to export their business values in other regions. It is a phenomenon to watch.

In the meantime, the Chinese government continues to direct “green financing” towards moving China up to a higher recycling value chain through improved domestic collection and recycling operations that

use more advanced technology while also being in full compliance with China's environmental protection rules.

Although it was a metals conference, **one senior Chinese official broke from prepared talking points** to firmly emphasize that the Chinese government will not reverse the ban on imported plastic scrap. But it was also clear from speakers and the CMRA hosts that work continues on how or whether the Chinese government will ban additional scrap metals. There was a general consensus that China's "resource bottleneck" (a euphemism for resource supply shortages) remains of great concern. No import policy announcement has been made on metals that are "furnace-ready" (nor higher paper grades, for that matter), which gives us a small reason to hope the Chinese market will not be completely cut off by 2020 (as some industry watchers have incorrectly interpreted a provision in a proposed Chinese policy), but we do expect China to continue to close the door to its market for imported recyclables.

International Trade: The recently agreed to USMCA will undergo congressional ratification procedures. This agreement and other free trade agreements and other trade issues will be top priorities for ISRI. Tariffs and other border adjustments will be under scrutiny from both political parties leading into the 2020 Presidential Election.

In Washington

Mid-term Elections: The Impacts on the Scrap Recycling Industry

With mid-term elections now in the rear view mirror, it is important to understand how this important election will impact the scrap recycling industry. Please find, below, an analysis of the mid-term elections on the scrap recycling industry.

U.S. House of Representatives

The balance of power in Washington changed, effective January 3, 2019, with Democrats picking up 40 House seats, giving them the majority. With the majority, Democrats will, effective January 3, 2019, have control of the U.S. House of Representatives. On that date, they will elect the Speaker of the House, which is a Constitutional, not a party, position.

Many long-time Democrats will become committee chairs for the first time including Rep. Frank Pallone (D-NJ), as Chairman of the House Energy & Commerce Committee which has jurisdiction over recycling most issues. Rep. Greg Walden (R-OR), who is the current chairman will become the Ranking Member next year. Rep. John Shimkus (R-IL) will become the Ranking Member of the Environment and the Economy Subcommittee rather than its current chairman. Representative Paul Tonko (D-NY) will become the Chairman of this subcommittee.

Rep. Peter DeFazio (D-OR) will become Chairman of the House Committee on Transportation & Public Works (T&I) and Rep. Sam Graves (R-MO) becomes its Ranking Republican Member. The Transportation and Infrastructure Committee is where an infrastructure package will likely originate, even while other committees will eventually get their input. Rep. Richard Neal (D-MA) will take over as Chairman of the all-important House Ways and Means Committee and current Chairman Kevin Brady (R-TX) will become

its Ranking Republican Member. The Ways and Means Committee is the origin for all tax measures and also has jurisdiction over trade-related matters such as the taxing and tariff mechanisms related to trade agreements.

U.S. Senate

The Republicans managed to net two Senate seats raising their margin from 51 to 53. The leadership changes for the Senate are also important and may have an impact on the scrap recycling industry. Senator Chuck Grassley (R-IA) is trading in his Chairmanship of the Senate Judiciary Committee for his old perch as Chairman of the Senate Finance Committee. The committee has jurisdiction not only over taxes, but it also has jurisdiction over foreign trade. Senator Ron Wyden will retain his Ranking Member status of that Finance Committee. Senator John Barasso (R-WY) retains his Chairmanship of the Senate Environment and Public Works Committee (EPW) with Senator Tom Carper (D-DE) retaining his Ranking Member status. Senator Carper is one of the founders of the Senate Recycling Caucus and remains the Caucus' Democratic Chairman. The EPW Committee where infrastructure packages will likely originate in the Senate.

Federal Issues

Taxes and the Economy

The 2018 tax reforms included 100 percent accelerated depreciation, lower corporate, pass-through and individual tax rates, and in the end, retained the IC-DISC provisions. However, those tax reforms will expire in four more years if they are not extended. House Republicans had proposed a "Tax reform 2.0" package to make these provisions permanent.

But, but, but given the 2018 election results and a very short window of opportunity before adjournment for the 115th Congress, the likelihood of passage is very slim. The likelihood of these tax reforms becoming permanent in the 116th Congress are similarly slim especially as the reforms were unanimously opposed by the Democrats in both congressional chambers. Instead, the many Democrats ran on allowing these tax reforms to expire or to repeal them and use the revenues for infrastructure spending. Since the U.S. Senate remains in Republican control and the President is certain to oppose any repeal efforts, the tax reforms are probably safe until their expiration.

Energy and the Environment

Changing the regulatory treatment of recyclables and the activity of recycling will continue to be one of ISRI's priorities. ISRI will continue to look for legislative and regulatory opportunities to solve the problem of recyclables being treated as solid or hazardous waste. ISRI will be pushing the Administration, using Congress when necessary, to complete the federal study about crumb rubber used in synthetic playing fields and surfaces. ISRI will continue with the Department of Energy to advance REMADE efforts to help develop new markets for recycled materials and to solve technical issues related to recycled content.

Infrastructure

Both parties and both branches of government want some type of infrastructure package before the 2020 elections. Improving the nation's infrastructure is high on most organization's priorities.

The key questions are what will be the details and how it will be funded. To fund an infrastructure bill, both parties may have to accept an increase in the gas tax. There is also talk of finding ways of uniquely taxing electric vehicles. Using recycled content in infrastructure projects including roads and bridges, ports and waterways, and other large transportation projects (e.g., airports), will be among ISRI's priorities in an infrastructure bill. Additionally, using rubberized asphalt and plastics in infrastructure projects will be a specific priority. Both political parties have signaled their receptiveness towards passing infrastructure bills. As always in fashioning legislation, however, the "devil is always in the details." ISRI members have been brainstorming about additional ideas they would like to see included in infrastructure legislation including, but not limited to, workforce development and solutions for public-sector and private-sector operated materials recovery facilities (MRFs and PRFs).

Transportation

Transportation is adversely impacting every sector of the nation's economy including the scrap recycling industry. The continuing shortage of truck drivers, long-time rail service issues and a lack of regular ocean shipping makes it difficult to receive or ship scrap to customers. As the new Congress convenes in Washington in January, there will be a push to get the Surface Transportation Board (STB) members confirmed to achieve proper oversight of the railroads, get workforce development funding for more truck drivers, and improve inland waterways and ocean port facilities.

Conclusion

With the results of the mid-term elections come new opportunities to advance the scrap recycling industry's goals and priorities. Because ISRI takes a bi-partisan approach to its legislative activities, we will work with both sides of the aisle to advance ISRI's interests. The Congressional Recycling Caucus is an example of how we have fostered a bi-partisan group of policymakers to find solutions and highlight the important role that recycling plays in both environmental protection and economic growth. Our issues are not Republican or Democratic. In fact, recycling is one of the few issues that can truly transcend the partisan divide.
