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Via Electronic Transmission

Re: Designation of Waste and Recycling Collection as Critical Infrastructure

March 19, 2020

Hon. Chad F. Wolf
Acting Secretary of Homeland Security
Nebraska Ave. Center, NW
Washington, DC 20528

Dear Mr. Secretary,

The National Waste & Recycling Association (NWRA) requests that the Department of Homeland Security designate waste and recycling collection as critical infrastructure during times of declared national emergencies under the 16 Critical Infrastructure Sectors contained in *Partnering for Critical Infrastructure Security and Resilience*. In our review of these 16 sectors, the waste and recycling industry is not mentioned nor inferred.

NWRA is the voice in the nation's capital for the private-sector waste and recycling industry that is essential to maintaining the quality of American life by way of collecting, processing, and managing waste (including medical waste), recyclables and organics. History has shown that where there is poor sanitation, disease and illness spread. In such times as we are experiencing now with COVID-19, it is crucial that regular waste collection be maintained in order to protect the public health.

Additional regulatory flexibility should be provided to the solid waste industry to address issues related to managing medical, residential, and commercial waste during the COVID-19 state of emergency. NWRA is a not-for-profit trade association representing private solid waste and recycling collection, processing, and management companies that operate in all 50 states.

At this time, every state and Washington D.C. have declared a state of emergency due to the COVID-19 situation in order to limit the spread and threat of the disease and to ensure necessary services are available. With this in mind, NWRA members would like to be prepared for what we anticipate may be upheavals in the way material is managed. These disruptions are anticipated to occur for a variety of reasons, such as:

- Impacts to collection and facility operations as a result of employees becoming ill from community spread of the virus;
- Limited availability of personal protective equipment (PPE) due to panic buying by the public;
- Difficulties in achieving social distancing of employees based upon logistical requirements;
- Employee availability due to issues such as childcare arising from school closings;
- Uneven demand due to potential facility consolidation if personnel availability becomes severely limited;
- Difficulty marketing or moving recyclables materials due to limited exporting capacity and additional constraints at material recovery facilities.

Any or all of these could limit the operational efficiencies potentially causing temporary facility closures which could burden other facilities with increased demand.

Therefore, NWRA requests that flexibility to current regulations be considered. We request that the government consider granting relief from the following restrictions:

- Transportation during curfews – Solid waste and recycling operations are essential services. Any curfews or traffic checks should exempt solid waste and recycling operations and their employees traveling to and from their jobs.
- Hours of service – Staff shortages and supply limitations may require remaining truck drivers to work longer hours. Flexibility should be provided to hours of service trucking rules.
- Hours of operations – Demand for services could shift if facilities need to close. Open facilities may subsequently be subject to greater demand which could result in the need for expanded hours of operation.
- Tonnage limits – Facilities that are subject to greater demand may receive greater quantities of material. Tonnage limits should be eased.
- Storage times – Transporting materials out of facilities could be challenged due to availability of staff or supplies. Storage times limits should be eased.
- Disposal bans – Staff shortages, lack of end markets and in order to meet sorting distance guidance at facilities, recyclables or yard waste may need to be disposed of temporarily. States and/or contractual obligations should provide relief from disposal bans.
- Compliance timelines – Regulations or permits often stipulate timelines for completing and/or documenting tasks such as sampling. Staff shortages may result in missed timelines. When delaying these tasks or missing timelines do not hinder remedial measures required to protect the public and the environment, enforcement of these provisions should be suspended. Additionally, when events render it impossible to complete these tasks without violating other laws or placing people at risk, enforcement of regulatory timelines requirements must be suspended. Simple notification (such as an email) sent by the affected parties to a regulatory agency should be sufficient to document tasks that are delayed.

NWRA urges the quick consideration of this request so that our members can appropriately manage and stage material in response to COVID-19. NWRA appreciates your consideration of our comments and would appreciate the opportunity to discuss these comments further to clarify any points. Should your staff have any questions, please have them contact Anne Germain at 202-364-3724 or agermain@wasterecycling.org.

Most respectfully,



Darrell K. Smith
President and Chief Executive Officer
National Waste & Recycling Association