

Clothing Collection Bins: An Equitable Regulatory Response

Introduction

Collection bins provide a convenient recycling service. Studies and surveys have shown that the most sustainable option to increase recovery rates is to bring recycling close to where waste is generated.¹ By locating collection bins within strategic population areas, it is possible to effectively divert items from entering the waste stream.

Local communities have warmly welcomed collection bins for aluminum, plastic, glass, and paper; however, special focus must be given to clothing collection bins since recycling of textiles is missing from most curbside recycling programs. With 24 billion pounds of textiles going into landfills every year, these bins can play an important role in waste diversion.² Clothing collection bins are part of a fairly new but growing industry and they are by and large unregulated. Unfortunately, some operators have not managed their bins properly; failing to provide timely pick-ups, misrepresenting their business status, and overall misleading the public they claim to help.

State, local, and municipal governments have struggled to ensure that clothing collection bin operators properly maintain their bins to community standards and operate transparently. The increased proliferation of clothing collection bins has become a concern for local governments who have responded to the issue in various ways, from strict ordinances to outright bans. These regulations are not always without reason, but neither extreme approach is conducive to providing a convenient service to residents and increasing recycling rates.

The key issue that must be addressed is that there is not a uniform and equitable regulatory response to the placement and service of clothing collection bins across local communities. Read on to get a deeper understanding of the benefits made available by the textile recycling industry and a reasonable regulatory approach to guarantee communities continue to reap the benefits of the conveniently placed clothing collection bins, while avoiding problematic issues and costs that may impact some communities.

The Benefits of Clothing Collections Bins

Bins Provide Easy Access to Recycling

Clothing collection bins offer a convenient service for communities, accessible 24 hours a day and 7 days a week. The bins are located in high traffic areas like gas stations,

¹ Travis P. Wagner, "Examining the Concept of Convenient Collection: An Application to Extended Producer Responsibility and Product Stewardship Frameworks," Waste Management, 2012.

² <http://www.epa.gov/osw/conserves/materials/textiles.htm>

grocery stores, schools, shopping malls, and apartment buildings, allowing people to use them conveniently in the normal course of their day.

Although the common notion is that thrift stores and charities already collect most unwanted clothing, the facts do not support this line of thinking. In 2012, 28.6 billion pounds of textiles were generated, but only 15.7 percent were recovered for reuse and recycling – wasting nearly 24 billion pounds.³ This means there must be significant changes to the recycling options that are currently provided to communities. Studies and surveys show people are more likely to recycle if the opportunity is easily accessible to them.⁴ Clothing collection bins fill this void for easy access to recycling demand, encouraging more communities to help divert textile waste.

Bins Help the Environment

It is estimated that the textile industry accounts for 10 percent of the world's entire carbon impact.⁵ In the United States alone, it is the 5th largest contributor to CO₂ emissions lagging only behind primary metals, nonmetallic mineral products, petroleum, and chemicals.⁶ Further, landfilled textiles emit methane and other greenhouse gases, and may take hundreds of years to decompose.⁷

Extending the lives of textiles by putting them back in the use cycle has a high greenhouse gas reduction level of impact compared to other recyclables. A recent study by the U.S. Environmental Protection Agency found that 4.5 billion pounds of textiles were recycled in 2012.⁸ The greenhouse gas benefits associated with this diversion alone is equivalent to removing over one million cars from the road in a year.⁹ That is more than 6 times the impact of recycled yard trimmings, more than 5 times the impact of glass recycling, nearly double the impact of recycled plastics, and nearly the same impact as recycling aluminum.¹⁰ To get a better understanding of this number, the average passenger car generates around 9,700 pounds of CO₂, meaning around 10 billion pounds of emissions were prevented from entering the atmosphere by recycling textiles.¹¹

Bins Keep Community Costs Down

It costs millions to dispose of textiles in landfills, paid through curbside collection of waste and transport and tipping fees to dump materials in landfills. The average charge

³ <http://www.epa.gov/osw/conserves/materials/textiles.htm>

⁴ Travis P. Wagner, "Examining the Concept of Convenient Collection: An Application to Extended Producer Responsibility and Product Stewardship Frameworks," Waste Management, 2012.

⁵ http://www.textileworld.com/Issues/2010/July-August/Dyeing_Printing_and_Finishing/Climate_Change-Carbon_Mitigation_And_Textiles

⁶ <http://oecotextiles.wordpress.com/2009/05/25/carbon-footprint-of-the-textile-industry/>

⁷ <http://oecotextiles.wordpress.com/2009/05/25/carbon-footprint-of-the-textile-industry/>

⁸ http://www.epa.gov/wastes/nonhaz/municipal/pubs/2012_msw_fs.pdf

⁹ http://www.epa.gov/wastes/nonhaz/municipal/pubs/2012_msw_fs.pdf

¹⁰ http://www.epa.gov/wastes/nonhaz/municipal/pubs/2012_msw_fs.pdf

¹¹ <http://www.epa.gov/otaq/consumer/420f08024.pdf>

for unloading or dumping waste at a landfill is about \$44 per ton.¹² Keeping textiles out of landfills would save more than \$500 million per year in these fees alone.

On average, the United States generates 91 pounds of textiles per year per person with 85% percent (or 78 pounds per person) going to landfills.¹³ That means that an urban area with a population of 50,000 pays for the handling and disposal of 3.9 million pounds of textiles annually. The pounds diverted by clothing collection bins represent big savings for local governments and residents. The bins also eliminate the need for municipalities to invest in capital-intensive recycling programs exclusively for textiles.

Bins Create Green Sector Jobs

The textile reclamation industry employs 85 times more workers than do landfills and incinerators on a per-ton basis.¹⁴ The industry creates local jobs from collection, to sorting for wholesale, to the thriving second hand clothing sales business. Collection bin operators, much like any company, are widely recognized as a source of good paying jobs and a means for strengthening the community. As such, they must make a substantial investment of time, money and labor in the local community to keep their operations running effectively.

On a global scale, only 10 to 20 percent of all clothing collected in the United States is domestically sold.¹⁵ The majority of all clothing collected by charities and other organizations is an export commodity. Around 30 percent of these exported clothes are remanufactured into industrial wiping cloths, 20 percent may be converted back to raw fiber, while the remainder becomes part of the ever-growing second-hand clothing market overseas.¹⁶

Bins Can Be Employed for Charitable Use

Clothing collection bins can also be employed to solicit charitable donations. Just as clothing collection bins provide individuals convenient easy access to recycling options, they provide individuals convenient ways to support charitable organizations and causes as well.

Further, in the legal realm, two federal courts have viewed clothing collection bins as a form of charitable solicitation, which is protected as free speech under the First Amendment.¹⁷ As such, local and state governments may regulate bins, but must do so reasonably so as not to limit the recognized constitutionally protected rights of charitable organizations.

¹² http://ecocycle.org/files/pdfs/WTE_wrong_for_environment_economy_community_by_EcoCycle.pdf

¹³ <http://www.epa.gov/osw/conserves/materials/textiles.htm>

¹⁴ <http://www.ilsr.org/recycling-means-business/>

¹⁵ <http://www.smartasn.org/consumers/lifecycleofrags.pdf>

¹⁶ <http://www.smartasn.org/consumers/lifecycleofrags.pdf>

¹⁷ *Linc-Drop, Inc. v. City of Lincoln*, 4:13-CV-03133-JMG-CRZ (N.E. Feb. 18, 2014); *National Federation of the Blind of Texas v. Abbott*, 647 F.3d 202 (5th Cir. 2011).

An Equitable Regulatory Response to Clothing Collection Bins

Clothing collection bins can provide significant benefits for a community; however, local governments need to regulate clothing collections bins in order to maintain the benefits of bins and balance the other interests of the community. Municipalities need to regulate the operation of clothing collection bins to mitigate issues that arise from improper management and promote responsible operations of collection bins. An effective clothing collection bin ordinance should impose disclosure and transparency requirements, require written consent, specify maintenance requirements, and provide for enforcement.¹⁸

Impose Disclosure and Transparency Requirements

As with any public service, regulation should require operators to display helpful information on clothing collection bins including contact information (*i.e.*, name, telephone, email, URL). This will ensure that members of the community can easily contact an operator to address any questions or concerns. Additionally, for transparency, regulations should require operators to indicate whether they are a for-profit organization or a not-for-profit charitable organization to prevent operators from falsely implying an affiliation with a charitable organization.

Require Written Consent of Property Owner or Owner's Agent

Regulation should require that the clothing collection bin operators have the written consent from the property owner or the property owner's agent before placing a clothing collection bin on any property. This promotes best practices of clothing bin operators while simultaneously protecting property rights.

Specify Maintenance Requirements

Reasonable and realistic maintenance requirements within regulations provide operators the opportunity to respond to potential issues, while maintaining collection bins to community standards. Operators should be required to safely secure collections, maintain the aesthetic condition of the bins, empty the bins at necessary and appropriate time intervals, and provide a Certificate of Liability Insurance.

Provide for Enforcement and Abatement

Unfortunately, a regulation is often meaningless unless it is enforced. In order to ensure that a regulation is effective, it should include tangible enforcement provisions for failure to follow the applicable rules. These provisions may include fines and penalties and in egregious cases, removal of the clothing collection bin and criminal charges.

Conclusion

Understanding the impact we have on the environment and the need to reduce our carbon footprint, the benefits of clothing collection bins are clear. They provide communities with an easy and convenient way to recycle textiles and prevent them

¹⁸ http://www.smartasn.org/government/SMART_bin_position_documents.pdf

from ending up in landfills with the added benefit of boosting local economies and charitable organizations. However, like any public service, clothing collection bins must be regulated. A uniform and equitable regulatory response to the placement and service of clothing collection bins across local communities would balance the benefits of clothing collection bins with the needs and standards of the community.

For more information, including a model ordinance for clothing collection bins, please visit the Secondary Materials and Recycled Textile (SMART) Association's Government Affairs webpage at: <http://www.smartasn.org/government/issues.cfm>.