

# ENVIRONMENTAL SYNOPSIS

## The Chairman's Corner

Rep. Scott E. Hutchinson, Chairman

*What does "GreenCircle Certified" mean?*

GreenCircle Certified is a brand new system of voluntary certification of recycled content. Established in Pennsylvania, it is expected to help Pennsylvania companies and products that use recycled materials stand out and become more competitive in the marketplace. It is also intended to let customers know that they can trust the recycled contents of GreenCircle Certified Pennsylvania products which otherwise might have had questionable recycled content credentials.



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The new system to certify products with recycled content was announced just last month by the Pennsylvania Recycling Markets Center (RMC) and GreenCircle Certified LLC (GCC), a Schwenksville, PA company that developed the system. The partnership between RMC and GCC is the only such nonprofit/for-profit partnership in the nation.

As a result, Pennsylvanians will soon begin seeing the "GreenCircle Certified" mark on a wide variety of goods, including building materials, furnishings and general consumer goods. Said RMC Executive Director and President Robert Bylone, Jr. at a press conference unveiling the system, "Recycled content has become an added value many consumers look for. The certification mark will help them reliably identify products made with recycled materials and the companies that make them."

And make no mistake, Pennsylvania is home to a vigorous recycling industry. According to the RMC, Pennsylvania has 2,265 operations involved in the collection and processing of recyclables, 484 manufacturers and demand-side users of recycled materials, and 1,054 operations involved in reuse and remanufacturing.

Further, a 2009 study conducted by the Northeast Recycling Council stated that establishments involved in recycling or involved in reuse and remanufacturing generated 52,316 jobs with an annual payroll of \$2.2 billion in Pennsylvania. These establishments brought in gross receipts of \$20.6 billion.

(continued on page 8)

# NOTES FROM THE DIRECTOR

CRAIG D. BROOKS, EXECUTIVE DIRECTOR



The Environmental Council for the States (ECS) estimates that state agencies will need at least \$2 billion in program grants in fiscal year 2013 to account for inflation and to implement new federal rules, guidance and initiatives that are expected to be finalized by the Environmental Protection Agency (EPA).

Issued in June 2011, the State Environmental Agencies' Statement of Need and Budget Proposal for EPA's 2013 Categorical Grants STAG Budget is seeking a two percent increase above 2011 appropriations for all programs. The ECS warned against further federal funding cuts in the state revolving funds (SRF) for wastewater and drinking water infrastructure, particularly among the drinking water revolving funds.

Congress provides assistance to states primarily through the state assistance grants, known as STAG, which are made up of categorical grants to assist with operation of programs and infrastructure funds that make up the SRFs. Categorical grants can only be spent for narrowly defined purposes and have extensive restrictions.

In EPA's budget of \$8.7 billion for FY 2011, Congress appropriated \$3.76 billion for state and tribal grants. That figure included \$1.10 billion for state categorical program grants. But ECS estimates that state agencies will need at least \$2 billion to carry out the core categorical programs for air, wastewater from point and nonpoint sources, drinking water and waste.

In addition to funding core environmental programs, ECS listed 60 new rules that states will be expected to implement in 2013. These new rules include environmental laws dealing with air quality, water pollution, drinking water standards and solid waste disposal, among others. In addition, ECS listed another 50 rules that the Office of Management and Budget is currently reviewing that may be implemented in FY 2013.

With state and federal budget cuts expected in FY 2012, ECS suggests that it is more than doubtful

whether the current pattern of around 100 new rules per year is sustainable. EPA and the states will have to come to some kind of agreement on how to proceed if additional funding is not available.

In the area of air quality, the National Association of Clean Air Agencies (NACAA) estimated that state and local air agencies will need \$775 million annually to implement air pollution control programs. However, federal appropriations have only been approximately \$225 million per year.

The report suggests that states will need funds to ensure that national ambient air quality standards are met.

In FY 2013, states

will have to develop state implementation plans for lead, ozone, nitrogen oxides, sulfur dioxides and fine particulate standards that will involve compiling emissions inventories, expanding monitoring networks and developing state regulations.

Furthermore, states will need federal funds to implement the new greenhouse gas permitting requirements for stationary sources, both major and minor. States will also have to implement new regulations for hazardous air pollutants at power plants, cement kilns, solid waste incinerators and industrial boilers.

As for water-related rules, ECS said that many states are concerned that water quality programs are already suffering from staffing cuts, hiring freezes and furloughs, and that additional funding shortfalls will further impact a state's ability to implement critical federally-mandated clean water programs. As an example, over the next 12 to 18 months, states will have to implement electronic reporting for National Pollutant Discharge Elimination System (NPDES) permits, new regulations for cooling water intake towers at power plants, a storm water rule, discharge permits for pesticide application over water bodies, NPDES streamlining and water quality standard updates.

None of these new programs are slated to receive new federal funds.

The ESC report is available at; [http://www.ecos.org/files/4482\\_file\\_ECOS\\_Proposal\\_for\\_EPAs\\_3013\\_STAG\\_Budget.pdf](http://www.ecos.org/files/4482_file_ECOS_Proposal_for_EPAs_3013_STAG_Budget.pdf).

**The need for program grants for state agencies to meet EPA standards is growing, according to the Environmental Council for the States**

# RESEARCH BRIEFS

Each month, the committee's staff researches and prepares a number of "briefs" on several topics relevant to the Joint Conservation Committee's mission.

Very often, these briefs include references to reports and further research on the topics so that readers may pursue issues on their own.

*Please Note: The information and opinions expressed in the Research Brief articles do not necessarily represent the opinions or positions of the Joint Legislative Air and Water Pollution Control and Conservation Committee, nor those of the Pennsylvania General Assembly.*

## Clean Economy Jobs Grow in Pennsylvania

-- Tony M. Guerrieri, Research Analyst

Pennsylvania ranks fourth in the overall size of its clean-technology economy, according to a report by the Metropolitan Policy Program of the Brookings Institution. Pennsylvania has 118,686 clean-tech economy jobs, defined as positions related to advancing a cleaner environment. That's 2.1 percent of all jobs in the state, ranking PA's clean economy 20th in the nation.

The report, *"Sizing the Clean Economy: A National and Regional Green Jobs Assessment"*, ranks 100 cities and each state in terms of size, concentration, growth, export value and annual wages of their clean economies.

Nationally, according to the report, 2.7 million jobs count as part of the clean economy. About 26 percent of those jobs are in manufacturing, compared to nine percent of the overall economy. The report adds that the clean economy offers greater opportunity and better pay for low- and middle-skilled workers than the national economy as a whole. In 2009, clean economy firms generated nearly \$54 billion in goods and services exports.

Between 2003 and 2010, Pennsylvania added 19,352 clean jobs for an annual growth rate of 2.6 percent. Nationwide, the clean economy sector grew by 3.4 percent between 2003 and 2007, slower than the 4.2 percent growth of the overall economy, according to the report.

The estimated median annual wage in Pennsylvania's clean economy sector is \$39,266, slightly higher

than the \$36,939 for all jobs in Pennsylvania. A sampling of Pennsylvania's green employers listed in the report includes Lutron Electronics in Coopersburg (energy-saving consumer products), Mechanical Operations Company in Pittsburgh (professional energy services), Plextronics Inc. in Pittsburgh (solar photovoltaic), Philadelphia-based Westinghouse Lighting Corp. (lighting) and Windurance, headquartered in Coraopolis (wind energy).

### **Pennsylvania ranks fourth in the nation in the size of its clean-technology economy**

The Philadelphia clean energy economy was ranked fifth among the country's largest metro areas. The report indicates that Philadelphia has 54,325 clean jobs, which can include public transportation, waste removal and recycling, alternative energy and other environmentally friendly industries.

Twenty-six percent of the jobs, or 14,556, were in mass transit. Other big employers were waste management and treatment, 6,353 jobs; nuclear energy, 3,894; energy-saving building materials, 3,013; and organic food and farming, 2,739.

The fastest-growing segments of Philadelphia's clean economy are in wind energy (71 percent), solar thermal (69 percent) and solar photovoltaic (60 percent). The report found wages for "green jobs" in Philadelphia averaged \$43,913 per year. That compares with \$42,722 for all jobs in Philadelphia.

The Pittsburgh metro area's clean economy has 21,963 clean-tech jobs. These jobs, according to the

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report, account for 1.9 percent of all jobs in the region, which ranks the city 37th in the nation. For Pittsburgh, the clean economy's annual growth rate was 3.7 percent, just above the national average.

In the local economy, the largest segment of clean jobs was in mass transit, responsible for 5,714 jobs. Other sectors reporting large numbers of employees were waste management and treatment, professional environmental services, and recycling and reuse.

Pittsburgh's fastest-growing clean economy sectors were solar photovoltaic and pollution reduction, which saw jobs grow by 59 percent and 27 percent respectively, from 2003 to 2010. Recycled-content product jobs grew by 22 percent, the report found. The Pittsburgh region's green jobs pay slightly better than traditional jobs: \$37,906 per year compared with \$36,153 for all jobs.

The report recommends that states adopt clean energy standards that promote energy efficiency and the state and federal government should boost the sector's financing with tax reforms and the creation of risk-tolerant finance entities.

The 68-page report is available at: [http://www.brookings.edu/~media/Files/Programs/Metro/clean\\_economy/0713\\_clean\\_economy.pdf](http://www.brookings.edu/~media/Files/Programs/Metro/clean_economy/0713_clean_economy.pdf).

## **EPA Expects to Issue Final Guidance on Pharmaceuticals Disposal by End of 2011**

**-- Craig D. Brooks, Executive Director**

**A** final version of guidance for disposal of unused pharmaceuticals will be released before the end of 2011, according to the Environmental Protection Agency (EPA). The guidance reflects the growing concern at EPA and in the general public about unused drugs being flushed into the nation's water supply. According to EPA, a key theme of the guidance will be that it is no longer acceptable to dispose of unused drugs in the sewage system.

It was just a few years ago that the public became increasingly focused on the issue of what to do about unused pharmaceuticals in the nation's waters. Even

though the concentrations of pharmaceuticals have been very low in surface and drinking waters to this point, EPA decided that the public concern weighed heavily on issuing some kind of guidance for disposal. EPA has been studying the problem of unused pharmaceuticals in the health care sector since 2003 and as a result, began to develop guidelines on the best management of these unused drugs.

Flushing unused drugs down the toilet has been a standard practice in the health care industry. In fact, many long-term health care facilities had oversized disposal units in specific areas in their facilities. Any unused medications would be disposed of daily and flushed, according to EPA.

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### **Will the flushing of unused pharmaceuticals become a practice of the past?**

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The draft guidance was released in September 2010 with the purpose of helping the entire health care industry take a new approach to disposing of unused drugs. It was developed after consultation with 700 stakeholders and more than 30 health care organizations. In addition, EPA worked with other federal agencies in developing the document, among them the Food and Drug Administration (FDA), the Drug Enforcement Administration (DEA) and the Centers for Medicare and Medicaid Services.

One important theme of the guidance is that health care facilities need to maintain an accurate inventory of drugs they are purchasing and dispensing, and that the inventory should be in electronic form. EPA suggests that health care facilities should reduce the amount of unused drugs they generate by maintaining good stock rotation practices and reducing bulk purchasing, especially when the drugs are not being fully used. In addition, unused pharmaceuticals must be appropriately managed and sorted, especially controlled substances or substances that are considered hazardous waste.

The document also underlines the fact that proper management of drugs entails following federal and state requirements using EPA-recommended practices for disposing of pharmaceutical waste. Proper training of staff is also recommended in the guidance.



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Basically, according to EPA, health care facilities need better drug management systems in place.

According to EPA however, there appears to be a disconnect between DEA, FDA and EPA on unused pharmaceuticals policies. For example, FDA maintains a list of 30 drugs that are considered hazardous and/or controlled substances, which FDA says must be flushed down the toilet. Many in the health care industry suggested that the guidance is too broad and that there is a need to streamline the different recommendations and tailor them for different sectors of the health care industry.

More information on the guidance and comments received concerning the document is available at: [http://www.nacwa.org/index.php?option=com\\_content&view=article&id=1111&Itemid=37](http://www.nacwa.org/index.php?option=com_content&view=article&id=1111&Itemid=37).

## **NRDC Report Ranks Pennsylvania Second for Power Plant Emissions**

**-- Tony M. Guerrieri, Research Analyst**

Pennsylvania's electric power plants – namely those that burn coal – emit more toxic air pollutants than plants in most other states, according to a report by the Natural Resources Defense Council (NRDC). The Commonwealth ranked second on the report's list of the states whose power plants emit the highest levels of harmful air pollutants.

The NRDC report, *"Toxic Power: How Power Plants Contaminate Our Air and States"*, used public data from the U.S. Environmental Protection Agency's (EPA) Toxic Release Inventory, a national database of toxic emissions reported by industrial sources. Data on pollution control systems at specific plants was drawn from the EPA's National Electric Energy Data System database.

Among the key findings: Nationwide, electricity generation was the largest source of emissions. Coal fired plants were responsible for nearly half (49 percent) of all industrial toxic air pollution in 2009, emitting nearly 382 million pounds. Electricity generation in the U.S. accounted for about 75 percent of all mercury air pollution, emitting nearly 71,000 pounds in 2009.

Exposure to toxic pollution from power plants, including hydrochloric acid, mercury, and other metals, is known or believed to contribute to or exacerbate a wide variety of health conditions including cancer and birth defects, the report said.

The three worst states for power plant air pollutants tracked in the report are Ohio (with 44.5 million pounds of chemicals), Pennsylvania (41.4 million pounds) and Florida (33.4 million pounds), followed by Kentucky (31.9 million pounds) and Maryland (27 million pounds). Rounding out the NRDC's top 10 power plant emitters were, in order, Indiana (26.8 million pounds), Michigan (22.7 million pounds), West Virginia (21.5 million pounds), Georgia (18.2 million pounds) and North Carolina (14.9 million pounds).

Pennsylvania released 50,527,280 pounds of industrial toxins in 2009, including the 41,459,532 from electric power plants. Power plants were the primary source of toxic air pollution in Pennsylvania, producing 82 percent of the state's hazardous emissions. The paper products industry, the next largest sector, emitted about four percent, according to the report.

Pennsylvania also was found to account for 11 percent of the nation's air pollution from power plants. By way of comparison, Maine is the third-lowest state for toxic emissions from the electric sector, with just six pounds of chemicals released in 2009, the report revealed.

Pennsylvania also ranked second among the states for mercury emissions from power plants, with over 4,500 pounds emitted in 2009. Power plants accounted for 71 percent of the state mercury air pollution and six percent of U.S. electric sector pollution. Texas ranked first among all states in mercury air pollution for power plants with nearly 10,820 pounds emitted in 2009. There are 18 states with mercury controls, but Pennsylvania is not one of those.

The Keystone power plant in Armstrong County was listed by the NRDC report as the nation's single-biggest "power plant polluter" in 2009. More than 15.4 million pounds came from the plant. The report notes that the plant is undergoing upgrades that will substantially reduce emissions in future years.

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In terms of total pounds of toxic emissions in 2009, the Homer City power plant in Indiana County (6 million pounds), Hatfields Ferry in Greene County (3.4 million pounds) and Portland generating station in Northampton County (3 million pounds) rounded out the list of the top four power plant polluters in Pennsylvania.

The NRDC report is available at: [http://docs.nrdc.org/air/files/air\\_11072001a.pdf](http://docs.nrdc.org/air/files/air_11072001a.pdf).

## **EPA, Others to Begin Review of Rules to Update Regulatory Programs**

**-- Craig D. Brooks, Executive Director**

**D**ue to nationwide budgetary cuts within state regulatory agencies, the Environmental Protection Agency (EPA) now intends to review 31 rules under a broad range of environmental laws to determine if the regulations are duplicative, outdated or overly burdensome, according to a preliminary plan released this summer. The regulatory review plan released by the Office of Management and Budget identified rules that will be reviewed in the short-term, including an effort to clarify Clean Water Act permitting requirements, and longer-term actions such as a review of permitting under Title V of the Clean Air Act.

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**The federal government is undertaking a review of environmental rules to try to reduce those that may be duplicative, outdated or overly burdensome**

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EPA and 29 other federal departments and agencies will take steps to revise outdated or overly burdensome rules in an effort to save states hundreds of millions of dollars annually in regulatory implementation costs. According to EPA, the regulatory review is a result of budgetary constraints by state agencies and also the issuance of a 2011 Executive Order that calls for federal agencies to identify existing rules that are unnecessary and overly burdensome and to revise or eliminate them as necessary.

EPA is one of the top three agencies or departments in the number of rules it will revisit. The De-

partment of Transportation leads with 70 rules and the Department of Health and Human Services intends to review over 50 rules. The Energy Department and the Department of the Interior also will be reviewing regulations related to energy and the environment.

According to EPA, many of the rules identified for changes will involve technological advances made over the past 40 years and will seek to broaden initiatives such as electronic reporting, improved transparency, innovative compliance approaches and integrated problem-solving. EPA's preliminary plan lists 31 priority regulations for review. Sixteen of them are "early actions" which should be completed by the end of this year.

Among these early actions are:

- Sanitary sewer overflow and peak flow wet weather discharges - clarifying permitting requirements;
- Gasoline and diesel regulations - reducing reporting requirements;
- Lead renovation, repair and painting program - considering new post-work requirements designed to ensure cleaning meets clearance standards.

Of the 31 priority regulatory reviews, EPA lists 15 longer-term actions. Among these are:

- Electronic manifest for waste under the Resource Conservation and Recovery Act - reducing burden;
- Water quality trading - improving approaches;
- Water quality standard regulations - simplifying and clarifying requirements.

The regulated community, including business and state and local governments, has applauded the few steps the agency has taken to curb unnecessary regulations that cost billions of dollars annually, but has suggested that the Administration needs to go much further if it's going to require unfunded mandates to be met.

EPA's regulatory review document is available at: <http://www.whitehouse.gov/files/documents/2011-regulatory-action-plans/EnvironmentalProtectionAgencyPreliminaryRegulatoryReformPlan.pdf>.

# ON THE HORIZON...

A LOOK AT UPCOMING EVENTS

- ✓ Thursday, September 8, 2011, 10 a.m., Celebration Hall, 2280 Commercial Boulevard, State College, PA – Legislative Forestry Task Force meeting.
- ✓ Tuesday, September 13, 2011, 10 a.m., Room G-50, K. Leroy Irvis Building, Capitol Complex, Harrisburg, PA – Public hearing on mandatory waste collection in Pennsylvania.

Check the Committee website at <http://jcc.legis.state.pa.us> for events that may be added to the schedule.

## Don't forget to Visit Our Website

Learn More at  
<http://jcc.legis.state.pa.us>

To learn more about the Joint Legislative Air and Water Pollution Control and Conservation Committee, simply pay a visit to our website.

Website visitors will find information such as the Environmental Issues Forums schedule; the *Environmental Synopsis* monthly newsletter; Committee members; current events; Committee reports; staff contact information; Committee history and mission; and links to other helpful sites.

The website address is <http://jcc.legis.state.pa.us>. Stop by the website often to keep up with Committee information and events. We hope you enjoy it.

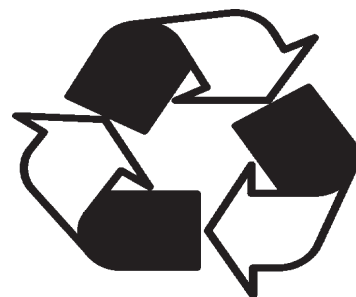


## Want To Go "E-Synopsis"?

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If readers would like to change the method in which they receive the *Synopsis* from mailed hard copy to an e-mailed version, please contact Geoff MacLaughlin at 717-787-7570, or by e-mail at [gmaclaughlin@jcc.legis.state.pa.us](mailto:gmaclaughlin@jcc.legis.state.pa.us) requesting to be removed from the mailing list and added to the e-mail list. Remember to provide your e-mail address.

Readers are also reminded that the *Synopsis* is available on the committee website each month after the *Synopsis*' printing. The website address is <http://jcc.legis.state.pa.us>.



**Printed on  
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The voluntary certification program was announced at the site of one of Pennsylvania's recycling success stories – the Lebanon, PA headquarters of Regupol America LLC – which is also the first Pennsylvania manufacturer to earn the GreenCircle Certified mark. Regupol America is one of the world's largest manufacturers of sports and fitness flooring, tracks and turf underlayment using post-consumer recycled tire rubber.

Regupol is excited by the new certification system. Company President George Soukas commented, "This kind of voluntary certification program is a welcome step. It documents our long-standing recycling efforts, strengthens our brand among... existing customers and gives us a competitive point of differentiation to appeal to prospective customers."

**"...we've seen more and more companies making 'green claims' about their products and manufacturing operations. Our role is to validate the legitimate claims so they can be distinguished from those that are either inaccurate or misleading."**

**Tad Radzinski, co-founder and Certification Officer  
GreenCircle Certified LLC**

The expectation is that other Pennsylvania companies will welcome the voluntary program, too. Consumers should welcome it as well, because some reports have estimated that as many as 95 percent of consumer products claiming to be "green" either provide no proof, make only vague claims or actually misrepresent themselves. This new certification process will provide expert, reliable, independent, third-party authentication of recycled content.

GCC follows a detailed, uniform, independent process. Companies seeking certification must provide specifics and detailed back-up documentation of their recycled content claims. GCC then conducts a detailed evaluation of the product and its manufacturing operation, including performing manufacturing facility audits. Only after such rigorous evaluation and verification does GCC award certification of compliance. Companies must pay the cost of initial evaluation and an annual fee for recertification. If a company makes substantial changes to a certified product or the way it is made, it must go through the certification process again to make sure the product is still eligible.

To bring things even closer to home, the new partnership between RMC and GCC is a Pennsylvania-specific partnership, meaning its focus is on products made in Pennsylvania by Pennsylvania companies. While GCC will maintain the certification process as an independent program, the RMC will work with companies seeking certification, help companies expand their use of recycled materials – with an emphasis on Pennsylvania-sourced materials - and help eliminate barriers to markets for recycled products.

Pennsylvania has long been a leader in developing and utilizing a recycled product industry. The new voluntary certification system should help to strengthen and grow the industry. The Pennsylvania economy is the ultimate beneficiary.



## How to Contact The Joint Conservation Committee

Phone:  
717-787-7570

Fax:  
717-772-3836

Location:  
Rm. 408, Finance Bldg.

Internet Website:  
<http://jcc.legis.state.pa.us>

Mail:  
Joint Conservation Committee  
PA House of Representatives  
P.O. Box 202254  
Harrisburg, PA 17120-2254

