

# ENVIRONMENTAL SYNOPSIS

## The Chairman's Corner

Rep. Scott E. Hutchinson, Chairman



Among the most recent issues to be taken up by the Joint Legislative Air and Water Pollution Control and Conservation Committee (Committee) is electronic waste (e-waste) recycling. It should be an issue of concern to all Pennsylvanians, as well.

The reasons for the Committee's interest – and your concern – should be self-evident, but just in case the e-world is not where your attention has been focused, what to do with e-waste is a rapidly growing problem. The U.S. Environmental Protection Agency (EPA) estimates that two million tons of electronic waste is generated annually in the United States, while the Consumer Electronics Association estimated that in 2005, about 304 million electronic items (with approximately two-thirds still in working order) were removed from U. S. households. Continued rapid advances in technology mean that electronic products are becoming obsolete more quickly.

Explosive sales in consumer electronics also mean that more products are ultimately being disposed of in landfills and incinerators, a concern in and of itself. The EPA reports that in 2005, between 1.5 million and 1.9 million tons of discarded e-waste were landfilled, while only about 345,000 – 379,000 tons were recycled. Simply shipping e-waste overseas to sub-standard facilities, endangering low-paid workers' health and lives and allowing for improper handling of hazardous materials is not the answer. Pennsylvania needs to do better than that.

To further the discussion about how we can do better, the Committee has issued a "hot off the presses" report containing e-waste recycling recommendations for Pennsylvania.

The report follows a public hearing the Committee held in the fall of 2007 on the issue, a roundtable discussion with stakeholders, examination of systems in place in other states, and Committee sponsorship of an e-waste simulation using two existing systems used in other states to get a feel for what kind of system might work in Pennsylvania. Based on these activities and further Committee research and discussion, in late June 2008 the Committee issued its report and recommendations entitled "*E-Waste Recycling Programs and Policy Options*." The text of the report is available on the Committee website (<http://jcc.legis.state.pa.us>) on either the "Current Events" or "Reports" pages, or by contacting Lynn Mash in the Committee office at (717) 787-7570 for a copy.

Before delving into the "meat" of the report, you will find that the report is divided into several sections. In addition to an overview of the general issue and the Committee's set of recommendations it provides:

- a look at current legislative proposals regarding e-waste in Pennsylvania;
- a summary of the testimony received at the Committee's public hearing;

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# NOTES FROM THE DIRECTOR

CRAIG D. BROOKS, EXECUTIVE DIRECTOR

## RGGI Staff Report Recommends Cutting Energy Demand

The 10 states participating in the Regional Greenhouse Gas Initiative (RGGI) should implement programs that reduce energy demand to prevent electricity generators from importing power outside the RGGI region, according to a report released by the initiative. RGGI is a cap-and-trade initiative designed to control carbon dioxide emissions from electric power plants.

The recommendation is one of several in the report to prevent what has become known as electricity emissions “leakage” – the purchase of electricity by power companies in the 10-state region from generators in states not covered by the cap-and-trade initiative. The report suggests that the potential for electricity leakage would be eliminated if a national cap-and-trade program were enacted, and recommends that given the possibility of a national plan, RGGI states should focus their efforts on programs that can be implemented quickly and have been proven effective. There is legislation currently pending in Congress that could establish national cap-and-trade programs addressing greenhouse gas emissions.

Under RGGI, the 10 states have agreed to stabilize carbon dioxide emissions from electric power plants from 2009 to 2014 and then to reduce emissions by 2.5 percent per year over the next four years. RGGI will hold its first auction of carbon allowances in September 2008.

According to the report, revenue generated from the auction or sale of RGGI CO<sub>2</sub> allowances could significantly support further investment in end-use energy efficiency. The report suggests that if 100 percent of the RGGI participating states’ CO<sub>2</sub> emissions budgets are auctioned, the resulting

revenue could result in a 15 percent to 664 percent increase in state per capita spending on energy efficiency market transformation programs (assuming an allowance price of \$3 per ton).

The report goes on to recommend that RGGI participating states should pursue a leakage mitigation approach of aggressive increases in energy-efficient market transformation programs, and implement and expand policies such as building energy codes and appliance and equipment efficiency standards that accelerate the use of energy efficiency technologies and measures. The report has been approved by the 10 participating states and will be used as a guide for the RGGI.

The report recommends that states give a lower priority to measures that are designed to reduce leakage by directly lowering carbon emissions from

generators. The report suggests that measures such as emission portfolio standards have too many “administrative complexities and challenges” and are untested.

The report recognizes the financial incentive for generators to import

power from outside the RGGI region because the implementation of a carbon cap on power plants is expected to increase the cost of electricity generation in the RGGI region.

The report also recommends that states support New Jersey in its efforts to investigate measures to control leakage. On January 13, 2008, the State of New Jersey enacted legislation requiring the New Jersey Board of Public Utilities to adopt, by July 1, 2009, rules establishing a greenhouse gas emissions portfolio standard or another regulatory mechanism to mitigate emissions leakage. The standard would apply to all electric suppliers and basic generation service providers that supply electricity to customers within the state.

The RGGI staff report is available at <http://www.rggi.org/docs/20080331leakage.pdf>.

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**The Regional Greenhouse Gas Initiative report makes a number of recommendations to improve its cap-and-trade prospects... including a possible national cap-and-trade program**

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# 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.

## Millions of Pounds of Trash Found On Ocean Beaches

-- Tony M. Guerrieri, Research Analyst

On every third Saturday in September for the last 22 years, the Ocean Conservancy (formerly the Center for Marine Conservation) has hosted the International Coastal Cleanup (ICC). The ICC includes countries and territories bordering every major body of water on Earth, and is the largest volunteer effort to clean up the environment and collect marine environmental data from both land and underwater sites.

The Ocean Conservancy's newest annual report on trash in the ocean, which includes new data from the 2007 ICC, provides a comprehensive global snapshot of the harmful impacts of marine debris. According to the report, "*Start a Sea Change*", over 378,000 volunteers spent a few hours on September 15, 2007 removing trash and debris from beaches, lakes, rivers and other waterways, not only to clean up, but also to identify the sources of the debris.

Volunteers scoured 33,000 miles of shoreline worldwide and found six million pounds of debris, ranging from cigarette butts and food wrappers to abandoned fishing lines and plastic bags that threaten seabirds and marine mammals.

Over 7.2 million items were collected as the volunteers combed beaches and rocky shorelines in 76 countries from the shores of Argentina to the beaches of Vietnam and in 45 states from southern California to Maine. On average, the volunteers collected 182 pounds of trash for every mile of shoreline, both ocean coastlines and beaches on inland lakes and streams worldwide.

More specifically, volunteers in Canada collected 74 pounds per mile and those in Mexico, 157 pounds per mile, the report said. About 65 pounds of trash were collected per mile in China and 46 pounds per mile in New Zealand. Volunteers covered one mile in Bahrain and found 300 pounds of trash.

The most extensive cleanup was in the United States where 190,000 volunteers covered 10,110 miles – about a third of the worldwide total – and picked up 3.9 million pounds of debris, according to the report. By comparison, that is 390 pounds of

trash per mile, among the highest rates of any country, although the high number also reflects the large number of volunteers who took part.

Within the United States, the biggest haul came from California, where over 61,000 volunteers collected 906,524 pounds of marine debris. The quantity of trash collected in California is likely explained by the state's vast coastline. Following California, states that yielded the most coastal trash collected in the 2007 ICC include: North Carolina (731,298), Florida (443,664), Texas (379,891), Virginia (283,798), New York (142,243) and Alabama (102,255).

Pennsylvania participated in the annual coastal cleanup program, and 766 volunteers covered 81 miles, picking up 19,511 debris items that weighed 30,439 pounds. Among the ICC participants in Pennsylvania were three divers, who removed 60 pounds of debris from below the water's surface.

### The United States had one of the highest rates of any country in trash per mile

Overall, 77 percent of the debris found in Pennsylvania originated from shoreline and recreational activities such as picnics, festivals, sports, and days at the beach. Litter washed from streets, parking lots, and storm drains also contributed to this category of debris. Worldwide, these activities accounted for 57 percent of the debris collected. Smoking-related activities, in the form of cigarette filters, cigar tips, and tobacco packaging, accounted for 13.7 percent of the debris found in Pennsylvania. Globally, debris from smoking-related activities made up 33 percent of the debris collected. Debris items from ocean and waterway activities – activities that originated offshore – accounted for 7.1 percent of the debris found in Pennsylvania. Worldwide ocean and waterway activities represented only 6.3 percent of the debris collected during the ICC.

The debris ranges from the relatively harmless, although annoying and an eyesore, to items that annually result in the death of hundreds of thousands of seabirds and marine mammals caught in abandoned fishing lines and netting.

Smokers may be society's worst litterbugs. Volunteers collected and catalogued nearly 2 million cigarette butts, filters and cigar tips in 2007. Fast-food fans who fail to properly dispose of their containers are apparently runners-up to smokers, as the second-most numerous items collected included a little more than 1.7 million food wrappers, containers, cup lids, plates and eating utensils. And volunteers found 587,827 bags and nearly 1.2 million bottles and beverage cans.

### **Among the world's biggest offenders: smokers and fast food aficionados**

More than 8,300 divers also scoured waters offshore, collecting about 160,000 pounds of debris from cigarette waste and food containers to more threatening items: abandoned fishing lines, plastic bags, rope, fishing nets and abandoned crab and lobster traps.

The report also focused attention on the damage these items can do. The volunteers came across 81 birds, 63 fish, 49 invertebrates, 30 mammals, 11 reptiles and one small amphibian that all had become entangled in various debris, most often discarded fishing line, rope or plastic bags, according to the report. Among other items that entangled animals and birds were balloon ribbons and string, building material, vehicle tires, wire, and beverage six-pack holders.

The information collected at the cleanups is analyzed and used to find solutions for reducing marine debris. A copy of the report, "*Start a Sea Change*", can be downloaded at [http://www.oceanconservancy.org/site/DocServer/ICC\\_AR07.pdf?docID=3741](http://www.oceanconservancy.org/site/DocServer/ICC_AR07.pdf?docID=3741).

## **Report Says Warming, Sprawl Hinder Bay Restoration Efforts**

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

**G**lobal warming, population growth and residential and commercial development are among the many factors making restoration efforts in the Chesapeake Bay difficult, the U.S. Geological Survey (USGS) said in a recent report. According to the report, many factors, some unrecognized until recently, are responsible for the bay's degraded water quality.

The USGS report comes 25 years after the federal government and the bay states began their push to restore the bay ecosystem. The report suggests that contemporary agriculture, sprawl and industrial pol-

lution from decades ago are damaging the nation's largest estuary.

The report found that:

- Nitrogen and phosphorus concentrations have declined at many sites in the watershed. However, concentrations have not declined at a rate that would reduce nutrient loads to the bay enough that the loading would meet water quality standards by 2010 (the deadline set by the 1990 consent decree aimed at getting the bay off the Environmental Protection Agency's list of impaired waterways).

- Impervious surfaces in the bay's 64,000 square mile watershed increased 41 percent during the 1990's – five times as fast as the population increased. Impervious surfaces such as parking lots, buildings, and roads, as well as agricultural runoff speed up the delivery of nutrients to the bay tributaries and increase sediment loading.

- Actions to reduce sediment need to be focused in several key areas: the high sediment generating areas in the Piedmont; and the forested plateau between the Atlantic coastal region and the Appalachian Mountains that runs through 10 eastern states, including six bay states and the District of Columbia.

- Widespread low level synthetic organic pesticides, along with emerging contaminants such as human pharmaceuticals and hormones, are being detected throughout the watershed and need further monitoring to determine effects on fish populations in the Potomac River.

- Although concentrations of DDT and certain other pesticides have declined since the 1970's, concentrations of PCBs have remained mostly unchanged.

- Climate change and population growth have played a significant role in the low dissolved oxygen levels found in much of the bay, levels that have been much more extensive and severe during the past four decades than in the past.

- Sea level rise and land subsidence will continue to cause losses in tidal wetlands, which are important filters of sediment and nutrient pollution. Sea level rise is also causing sediment erosion in low lying shoreline areas that reduces water clarity in the bay.

The 72 page report, "*Synthesis of USGS Science for the Chesapeake Bay Ecosystem and Implications for Environmental Management*" can be found at <http://pubs.usgs.gov/circ/circ1316/>.

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# Environmental Group Contends Vinyl Shower Curtains Pose Toxic Risk

– Tony M. Guerrieri, Research Analyst

**T**hat distinctive, pungent smell given off by new vinyl shower curtains when they are fresh out of the package is not just annoying, it might also be hazardous to your health.

After analyzing the chemicals released by new shower curtains, an environmental advocacy group is charging that at least part of the familiar “new shower curtain smell” is toxic, and that it can elevate air toxins in your home for more than a month.

The report, “*Volatile Vinyl: The New Shower Curtain’s Chemical Smell*”, comes from the Center for Health, Environment and Justice (CHEJ), a Falls Church, Virginia-based group. It reports that new shower curtains made with the plastic vinyl polyvinyl chloride, or PVC, contain many chemicals that can harm human health, including a number of volatile organic compounds (VOCs). The curtains also contain high levels of phthalates – a group of chemicals which are often added to make plastic more pliable. Aside from the VOCs and phthalates, other chemicals such as organotins, which are chemicals used as heat stabilizers, and traces of metals such as lead, cadmium and mercury are found in PVC shower curtains.

Individuals are exposed to these chemicals through inhalation. The U.S. Environmental Protection Agency (EPA) has ranked indoor air pollution fourth in cancer risk among the top 13 environmental problems analyzed. According to the CHEJ’s report, toxic chemicals released from PVC shower curtains can lead to serious health problems including nausea and headaches; respiratory irritation; damage to the central nervous system, liver and kidneys; and loss of coordination.

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## Are your new shower curtains “showering” you with hazardous substances?

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Tests were conducted on five common PVC shower curtains purchased from major retailers. The tests were in two phases. In phase one, the investigators tested the concentration of several hazardous chemicals in the shower curtains at the time they were bought. Like the smell, the chemical effect eventually wears off, typically after a few weeks. In phase two, the investigators measured the levels of chemicals in the curtains for up to 28 days after they had been unwrapped and hung up.

The CHEJ report’s main findings were:

- 108 different VOCs were released into the air over 28 days.
- After one week, 40 different VOCs were detected in the air, 16 VOCs were detected after 14 days; 11 after 21 days; and four after 28 days.
- The total VOC level was over 16 times the recommended guideline for indoor air quality as determined by the U.S. Green Building Council, violating these guidelines for seven days.
- One new curtain had so many total VOCs that it saturated the analytical equipment and caused the investigators to switch it off so it would not be damaged.
- All five curtains tested in phase one contained a phthalate known as di(2-ethyl hexyl) or DEHP, with levels up to 25 percent by weight, and another, diisononyl (DINP), at up to 39 percent by weight, chemicals that California, Washington, and the European Union have banned from children’s toys.

The tests did not simulate the exact conditions typically found in a shower, such as temperature and humidity, but if they had, the report suggests the results would have shown greater concentrations of chemicals.

The report noted that seven of the chemicals – toluene, ethylbenzene, phenol, methyl isobutyl ketone, xylene, acetophenone and cumene – found in the shower curtains are classified as hazardous air pollutants by EPA under the federal Clean Air Act. EPA has also tested vinyl shower curtains and in 2002 said it had found many of the same chemicals listed in the CHEJ’s report.

The CHEJ and other health and environmental groups are calling for safeguards to stop people from being exposed to toxic PVC shower curtains. The report advises consumers to not purchase shower curtains made with PVC, and to avoid shower curtains that have no label showing what they are made of. The report calls for manufacturers and retailers to phase out PVC curtains and to replace them with safer alternative materials, suggesting organically produced cotton or naturally antimicrobial bamboo as options.

Many retailers such as Bed Bath & Beyond, Marks and Spencer, Ikea, JC Penney, Sears/Kmart, Macys, and Target are planning to offer more PVC-free shower curtains.

The CHEJ is a non-profit organization that works to prevent threats to health posed by chemicals in the environment. The full CHEJ report, “*Volatile Vinyl, the New Shower Curtain’s Chemical Smell*”, is available online at: <http://www.chej.org/documents/VolatileVinyl.pdf>.

# EPA Needs to Better Manage Cost Recovery from Mitigated Superfund Sites

– Craig D. Brooks, Executive Director

A report by the Office of the Inspector General (OIG) suggests that the Environmental Protection Agency (EPA) is not effectively managing its cost recovery program from potentially responsible parties after the agency cleans up superfund sites. As a result, the report says that EPA recovered only a little more than half the costs associated with cleaning up the sites reviewed. To be precise, the OIG found that EPA regions have recovered \$165 million of the \$295 million total, or 56 percent of those costs.

From January through August 2007, the OIG reviewed sites on EPA's National Priorities List that were associated with businesses that filed reports with the Toxic Release Inventory. The report suggests that EPA's automated data cost recovery system does not include enough information to determine cost recovery efficiency or track corrections, and shows a significant breakdown in controls over superfund cost recovery.



Responsible parties generally paid the amount for which they were billed, but problems with EPA's system have hindered the agency's efforts at full cost recovery. EPA has not recovered \$129 million, or 44 percent of the cleanup costs and has determined it will not attempt to recover between \$30 million and \$90 million of this amount.

The report also identified other problems. Some regions bill responsible parties every two years, some regions bill periodically. The report suggests that at times, EPA has no agreement with the potentially responsible parties to recover oversight costs, and the regions often do not find it cost effective to bill for small amounts.

In some cases, the report says, regions do not is-

sue written demands for payment unless they have a cost recovery agreement with the potentially responsible parties.

EPA regulations also specify that calculating interest on full payment cannot begin until the agency issues a written demand for payment.

For example, if a site incurred \$100,000 in costs over 10 years, the total would be \$1 million and the simple interest accrued would exceed \$100,000 at an interest rate of only 2.5 percent.

In another example, the OIG discovered that one site had last been billed in 1996 and approximately \$1.3 million of the total costs had not been recovered. Since this discovery, EPA and the particular region have added the site to their oversight billing inventory and have already sent a bill to recover costs.

## EPA's performance in cost recovery has been something less than "super"

The OIG recommended that EPA enhance cost recovery guidance to include procedures for annually reviewing superfund site costs and for ensuring costs are reviewed. The report also recommends that EPA implement mechanisms to track costs and corrections and implement performance measures to track cost recovery efficiency.

In response, EPA has agreed to issue new guidance for reviewing superfund site costs that will require each region to track and document unbilled or incorrect site costs.

The agency has also agreed to establish a baseline for developing performance measurement standards, implement performance measures to track cost recovery efficiency and provide cost recovery training.

The OIG report "*EPA Can Recover More Federal Superfund Money*", (No. 08-P-0116) is available at <http://www.epa.gov/oig/reports/2008/20080326-08-P-0116.pdf>.

## News to Use in the Environmental Synopsis... share it with a friend

The *Environmental Synopsis* is issued monthly.

The newsletter examines timely issues concerning environmental protection and natural resources.

If someone you know would like to receive a copy of the *Synopsis* each month, please contact the Committee office at 717-787-7570.



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# ON THE HORIZON . . .

A LOOK AT UPCOMING EVENTS

- ✓ The Governor's Sustainable Water Infrastructure Task Force (SWITF) has scheduled a series of meetings to discuss formulation of its report, which is to be issued by October 1. All meetings are to be held in Room 105 of the Rachel Carson State Office Building at 9:30 a.m. unless otherwise noted: Thursday, August 7; Wednesday, September 3; and Tuesday, September 23 in Room 109, Rachel Carson State Office Building.
- ✓ Thursday, September 18, 10 a.m., Penn Stater Conference Center, 215 Innovation Boulevard, State College, PA - Meeting of the Joint Legislative Air and Water Pollution Control and Conservation Committee's (Committee) Sewage Task Force. Please call the Committee office at (717) 787-7570 if you plan to attend.
- ✓ Thursday, October 2, 10 a.m., Penn Stater Conference Center, 215 Innovation Boulevard, State College, PA - Meeting of the Committee's Forestry Task Force. Please call the Committee office at (717) 787-7570 if you plan to attend.

Fall 2008 Environmental Issues Forums will be scheduled when the fall legislative session schedule is available.

# COMMITTEE CHRONICLES . . .

REVIEW OF SOME MEMORABLE COMMITTEE EVENTS

The Committee recently held an Environmental Issues Forum featuring the Pennsylvania Small Business Development Center (SBDC) Environmental Management Assistance Program (EMAP).

EMAP is a statewide program providing free and confidential environmental assistance to small businesses. Such areas of assistance include compliance with environmental regulations, helping new environmental technology and alternative energy businesses with start-up issues, aiding existing businesses to "go green" and save money by reducing energy consumption and waste disposal costs, and helping find funding sources for new projects and environmental upgrades.

*In the photo at right, EMAP Director Christopher Lynch (right) and Associate Director Nancy Crickman speak about the program's services, tools and results.*



*In the photo at left, Crickman and Lynch discuss environmental trends and issues that small businesses in Pennsylvania are facing with Committee Chairman Rep. Scott Hutchinson (center).*



*In the day following its appearance at the Committee's forum, the SBDC held an expo in the East Wing of the state Capitol (as shown in photo at right), showcasing the services and some of the success stories of the EMAP program.*

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- a review of e-waste programs established or proposed in other states; and
  - the draft legislation the Committee is proposing for Pennsylvania.

In brief, the Committee is recommending a system that seeks to incorporate the best of both of the existing approaches, while adding new features contained in model legislation language created by Dell, Inc. Simply put, the objective is to move toward an economical and environmentally sustainable series of actions that are designed to minimize waste generation, maximize the recovery of resources where economically viable and dispose of the remainder of materials in ways that protect human health and the environment. Waste reduction – keeping electronics out of landfills and incinerators – should be the preferred approach to electronic waste management. Reduction in the use of toxic materials in electronic devices should also be pursued in order to facilitate recycling and reuse.

Pursuing both of the goals above mean that we should not only be encouraging consumers to return electronic items to responsible entities instead of tossing e-waste in the trash or hoarding it in their closets, but also encouraging manufacturers to design electronic items that do not become obsolete but retain value for future use.

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**The Committee report “E-Waste Recycling Programs and Policy Options” is available on the Committee website at <http://jcc.legis.state.pa.us> or by calling the Committee office at (717) 787-7570**

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The e-waste recycling system the Committee envisions for Pennsylvania will focus first on computer-related electronics, leaving the more problematic area of television set recycling until the computer segment is up and running.

The responsibility for collection and recovery of electronic products to be recycled will rest with manufacturers and will involve no additional charge for consumers. In order to sell their products in Pennsylvania, manufacturers will have to establish a recycling and recovery program. Manufacturers should not have to act in a vacuum, however, and are encouraged to be flexible and innovative in setting up their systems, and in partnering with other manufacturers, retailers, collectors, non-profits and recyclers. Manufacturers will be encouraged to establish an “orphan waste” program with the same level of flexibility and innovation.

The system would be decidedly consumer-friendly. Consumers will be encouraged to cooperate in e-waste recycling by not having to pay a fee to bring in items to manufacturers. There will be no new taxes for consumers to pay to finance unwieldy collection programs. Programs to provide for free mail-in disposal and/or manufacturer collection programs, staffed collection and drop-off sites, periodic collection events and other convenient recycling methods will be included.

Government will play a role of initial approval, and then enforcement and education, but the system should not require massive new government programs or bureaucracies. State government will review and approve e-waste recycling programs and provide a list of “approved manufacturers”. After that, the intent is that government will partner with manufacturers and consumers in a competitive marketplace, allowing the parties to “do their thing” and stepping in only to educate and inform those who wish to use the system or to restore order where violations have occurred.

The system envisioned combines the best of approaches by other states and by the industry itself, combined with clearly defined roles for consumers, manufacturers, government, retailers, recyclers, non-profits and other entities who would be partners in this effort. The Committee believes it to be a system of simplicity, efficiency and effectiveness that by encouraging reduced waste and reduced toxins will increase responsible recycling and reuse.

The Committee’s recommendations reflect what the Committee has learned through research and discussion, its public hearing, its recycling simulation exercise and by what is happening in the marketplace. Healthy debate will continue and that is a positive step forward. It is hoped that the system that will result will be one of partnership, and one of innovation and initiative on the part of manufacturers, government and consumers.

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