

# EXPRESS

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## The End of Garbage



Adam Davis

Now that everybody wants to recycle, is there enough trash to go around?

**“F**or years, garbage companies tried to halt the recycling bandwagon, and thwart the grass-roots activists who had built the movement. Now they don't just want to get on the bandwagon. They want to buy the whole thing and kick the others off. ”

BY JOHN BYRNE BARRY / PHOTOGRAPHS BY PHYLLIS CHRISTOPHER

**O**n a sunny but blustery Monday afternoon, a steady stream of pickup trucks, hatchbacks, vans, and station wagons backs into a warehouse open on two sides. A carpenter unloads construction debris. A group of landscapers throws tree branches and clumps of ivy onto the concrete slab. A brave soul who cleaned out her garage over the weekend pushes bulging black plastic bags from her van. In the center of the warehouse rises a mountain of garbage twenty feet high. A yellow John Deere earth mover rumbles through the rubble, chirping a high-pitched *decent, decent, decent* above the din of growling engines. The machine scrapes the garbage toward the mountain, then shovels it onto the peak, where it slides down the sides. Seagulls bark from the top of the pile, *chee, chee, chee*. It doesn't smell pleasant, but it's not too bad. There's no rotting food being unloaded this afternoon. All but two of the city garbage trucks have already completed their routes, and they're washed and parked along a cyclone fence fronting the railroad tracks.

Welcome to the Berkeley Transfer Station, just north of Gilman on 2nd Street, where (continued on page 10)



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garbage is unloaded, sorted, and crammed into the trailer trucks that will carry it to the landfill. At least some of it. Not all of what is unloaded here will make it to the landfill. More and more of what was once buried is now reused, recycled, or composted.

The driver of a nimble white Bobcat tractor pops out of his cab, pulls a twisted pipe from the debris, and hurls it into a dumpster marked "iron." A city worker directs a rusting pickup to unload its garden debris in the back corner, where compostable materials are piled before they're trucked to a composting facility in Marin. And through the dust and clamor calmly strolls Tyrone Osborne, a stocky man in an orange hard hat and vest marked "Urban Ore Staff." He has picked up an electrical outlet and three clocks, all in pretty good shape, and is carrying them over to a truck parked just outside the warehouse. Stacked neatly inside the truck are a large doctor's office scale, two doors, a rug, several chairs, a bicycle, a rocking horse, a stack of four-by-fours, a wine barrel, dusty pottery—and, now, three clocks. How does Osborne know what to take? "I work at the store the rest of the week," he says, "so I know what customers want."

That Tyrone Osborne and his colleagues at Urban Ore can look at the mountain of trash at the transfer station as a lucrative resource is an important change in the way we think about garbage. But even more important is the fact that, day by day, the mountain itself is getting smaller due to the efforts of residents who put their bottles and cans in curbside bins, office workers who separate their wastepaper, and gardeners who compost their yard waste. The diminishing mountain of garbage is a tribute to the success of the recycling ethic. Ironically, however, it may also symbolize



Dan Knapp (on the right) at Urban Ore

sweeping changes within the garbage industry—which may in turn result in the cooptation of that ethic.

The tide has turned. What was once radical is now mainstream. Nationally, almost twenty percent of all garbage is recycled; in cities like Berkeley and El Cerrito with strong recycling traditions, it's closer to a quarter. In 1989, the California legislature passed the Waste Reduction and Recycling Act, better known as AB 939, which mandates cities to reduce or recycle 25 percent of their waste by 1995 and 50 percent by the year 2000. Thirty-eight other states have passed similar measures.

Aided, no doubt, by the recession,

recycling has significantly reduced the waste stream—and brought some surprising consequences. The once widely touted landfill shortage is now mostly a myth—locally, there's a surplus of landfill capacity—and the real garbage crisis, for garbage companies in California at any rate, may be that there's not enough garbage to go around. Today, garbage companies are fighting for what they used to fight against.

"For years," says Steve Lautze of Berkeley, president of the Northern California Recycling Association, "cities and garbage companies tried to halt the recycling bandwagon, and thwart the grassroots activists who had built the move-

ment. Now they don't just want to get on the bandwagon. They want to buy the whole thing and kick the others off."

Recycling used to be about saving the planet. Now it's about capitalism.

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**T**hree days after he arrived in the Bay Area from Eugene, Oregon, in 1979, Dan Knapp was wading through the Berkeley dump, retrieving anything he thought he could sell. Within a year, he had founded Urban Ore, a "store" that sells goods salvaged from the dump. Today, it's a \$1-million-a-year business.



Building materials dominate the Urban Ore yard four blocks east of the transfer station on Gilman Street: doors and windows, lumber, stacks of bricks, insulation, fencing. Inside a warehouse are file cabinets, bookshelves, bicycles, lawnmowers. It's like a giant ongoing garage sale, but with fewer children's clothes and a lot more bathtubs.

On the brisk afternoon that I visit, Knapp is sitting near the tubs—at the end of a row of sinks and toilets. He is bent over one of the toilets, removing the hardware with a wrench. The clankety-clank of the RMC Lonestar gravel company across the street echoes through the yard. Above Knapp's head a sign reads "\$15 a bowl, \$15 a tank."

"We aim for the highest and best use," he says. "That means reuse before recycling. But these are toilets we haven't been able to sell. So we dismantle them and sell the brass and iron to a scrap dealer. We truck the porcelain to a quarry company that mixes it into gravel."

Knapp is a solidly built man with gray hair and hairy arms. He wears a blue apron over his clothes and a straw hat with a turquoise band. A tape measure and keys hang from his belt. Knapp earned a PhD in sociology and has parlayed that degree into a career as a salvage artist and often-quoted national recycling expert. He is a tireless talker. Some consider him to be a visionary; others call him a crackpot.

What most of us call waste, Knapp calls discards. "Waste isn't waste until it's wasted," he argues. He asserts that garbage companies don't collect waste as much as create it. They mix the discards together, which degrades them and lowers their value. (Of course, we consumers do our share of mixing as well.) By keeping materials separate, recyclers and salvagers like Knapp are able to derive greater value from the discards. This is the competitive advantage that recyclers enjoy, he says. There is more income, ton for ton, from separating discards and processing them for resale than there is

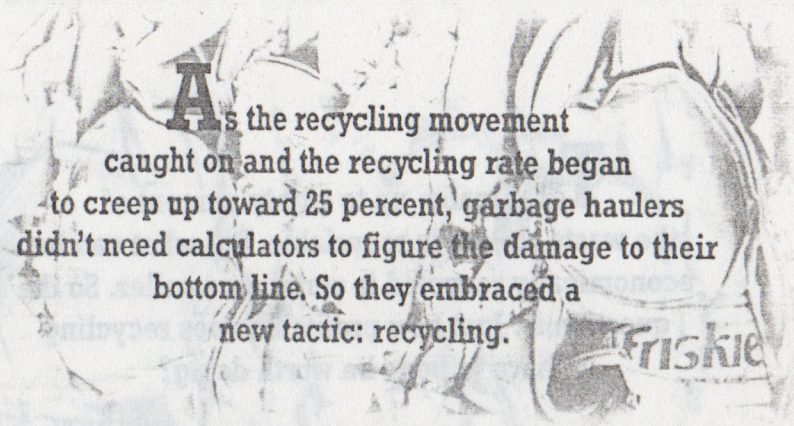
from burying or burning them.

While we talk, customers, many of whom seem to know Knapp, wander by and ask where things are and what he has: "Got any tempered glass?" "I'm looking for doorstops." "Any skylights come in?" The clanking from across the street doesn't let up.

Shortly after he arrived in the East

tors were planned in the early 1980s—in Brisbane, Redwood City, Bryan Canyon (Cupertino), Fremont, and Richmond. All were defeated.

Meanwhile, says Knapp, the number and diversity of recycling enterprises grew. "Today there are hundreds of [recycling] businesses with thousands of employees just in California."



**As the recycling movement caught on and the recycling rate began to creep up toward 25 percent, garbage haulers didn't need calculators to figure the damage to their bottom line. So they embraced a new tactic: recycling.**

Bay, Knapp became embroiled in the first of many altercations with the local garbage hauler, which in Berkeley is the city itself. The closure of the Berkeley dump was imminent and the city wanted to build a garbage-burning incinerator on a site at 2nd and Gilman, where the transfer station is today.

Knapp and others in the recycling community opposed the garbage-burner because its voracious appetite for fuel would take away the supply of discards with which recyclers were building their businesses. Incinerator opponents wrote letters, lobbied city officials, and promoted comprehensive recycling as a more viable and ecological alternative. In 1982, the city's voters passed Measure U, which imposed a five-year moratorium on garbage-burning, effectively killing the plant. Five other Bay Area incinera-

"Now the garbage haulers are concerned about losing market share," he says. "We're succeeding at their expense."

**T**he fight between garbage companies and recyclers used to be simple. The garbage haulers wanted to bury or burn the discards. Recyclers wanted to recover them. But as the recycling movement caught on and the recycling rate began to creep up toward twenty-five percent, garbage haulers didn't need calculators to figure the damage to their bottom line. So they embraced a new tactic: recycling.

And with the entry of powerful garbage companies into the recycling effort, the competition is not just over market share, but also over new technologies and the values underlying them. Knapp and other garbage activists view garbage as

a social problem rather than an engineering problem and tend to support programs that require people to separate their recyclables from their garbage. The result is cleaner and higher-value materials—and less waste. Kathy Evans of the Ecology Center (which runs Berkeley's curbside recycling program) recalls the early 1970s study that showed—to the surprise of many at the time—that the volume of recycled materials and the volume of garbage added up to less than what the garbage stream would have been without recycling. "Our conclusion," she says, "was that when people recycle, they are also more likely to reuse things, buy less stuff, compost, and so on."

Garbage companies, on the other hand, spend little time worrying about reducing the waste stream from which their profits flow. For them, the key concept is convenience—for the customer, and for themselves. They are now developing waste processing programs where the garbage collectors pick up everything at once, and pull out the recyclables at a materials recovery facility (MRF) (rhymes with smurf): "Pick the best; grind the rest." This approach is easy for consumers and requires no more community education than does a wastewater treatment plant.

Knapp and other critics are not impressed. Not only are the recovered materials of lower quality, he says, but workers on the "disassembly" lines face unsafe working conditions. "The garbage companies need something that costs a lot up front, continues the need for convenience, and continues their control over the waste stream. A decade ago, they were pushing incinerators; now they're pushing MRFs."

Knapp and others of the true believers who built the recycling movement have fought garbage companies before and are prepared to fight again. But now that shrewd and well-capitalized multinational garbage companies have entered the



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recycling arena, are environmentalists in danger of being left behind?

**M**ost of Alameda County's garbage is buried in the Altamont landfill, set deep in the hills east of Livermore, under treeless ridges lined with windmills. It's probably a dusty, windy hellhole in August, but when I visit in spring after months of rain, it is positively pastoral. Wild mustard accents the verdant hillsides. Cows bake in the sun. Bales of hay in a nearby meadow sprout tufts of green hair. The windmills above are still.

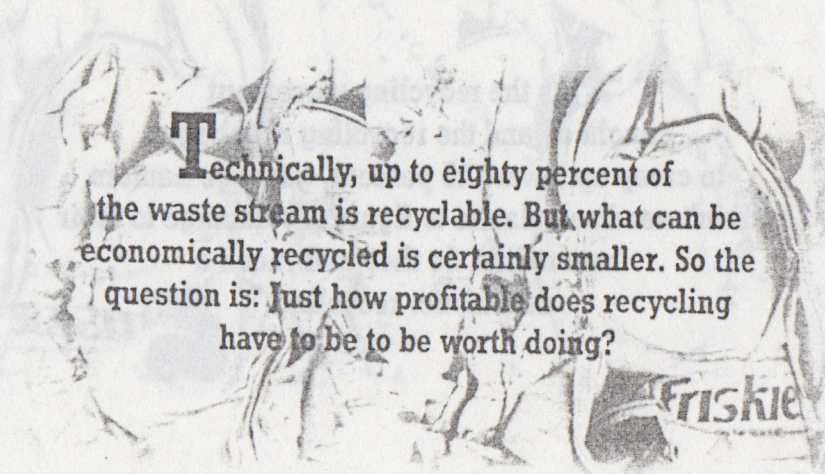
Environmental engineer Michael Leggins drives me up the winding gravel road to the dumping area. He is a tall wiry man with a graying mustache. His jeans have a stripe of caked clay on the calf. We're both wearing white hard hats bearing the maroon logo of Waste Management, Inc., the world's largest garbage company. "We're driving over trash now," he says.

The hillsides are terraced and crisscrossed with black and gray pipes. The lower terraces are lush with grass; above us, they're brown, the color of the clay on Leggins's jeans. One set of pipes collects the liquid that percolates through the landfill and diverts it to a leachate pond; the other set collects methane gas, which is produced when organic matter decomposes without oxygen, and sends it to an electrical generator on the crest of the hill. "We generate enough electricity to support 9,000 homes," says Leggins.

A maroon trailer truck carrying garbage from San Leandro snakes up the road ahead of us, its engine grumbling in low gear. At the top, it backs onto a dock at the edge of a short cliff. A hydraulic machine tilts the trailer high into

the air until it's almost perpendicular to the ground, and the garbage slides out over the edge of the cliff. Bulldozers roll over the emptied cargo to compress it. Each day's garbage is covered with soil to keep pests away and litter down. When an area is full, it is covered with four feet of dense soil and a foot of regular topsoil and vegetation. Then they let the cows back in.

When we climb out of the van to look over the hillside where the dumping is



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occurring, the odor slaps me in the face like a flyswatter. "Do you notice the smell?" I ask.

Leggins sniffs. "Money, money, money," he says. And smiles.

He's not really joking. Altamont charges about twenty dollars for every cubic yard it buries—one cubic yard is about how much an average pickup truck can carry. The capacity of the current fill area is 44 million cubic yards. With expansion, it will be 300 million cubic yards. You do the arithmetic.

But tonnage is down at Altamont and other local landfills. "We're still profitable," says Leggins, "but not as much so as we'd like to be."

If Altamont's proposed expansion is

approved—and Leggins expects it will be, though he also expects there will be opposition—it could last for 75 or more years. The Alameda County Waste Management Authority has also purchased land near Altamont and is exploring the option of opening a public landfill there or a combination landfill and compost facility.

Waste management officials are hesitant to say out loud that there does not appear to be a landfill shortage locally.

landfills. Instead of the more than 10,000 local dumps we had in the '70s, we'll have about 1,000 large regional dumps, most owned by big garbage conglomerates. Many communities are facing a troublesome choice: play host to one of these big burial grounds or pay the high cost of shipping garbage elsewhere.

Garbage companies make money (bundles of it; it's a \$30 billion-a-year industry) either by charging businesses or residences for collection or by charging for burying (or burning) the collected garbage. In many cities, such as Oakland, the same company does both. The traditional capitalist precepts of supply and demand are reversed for garbage collectors. Instead of paying to get something we want, we pay a garbage hauler to take away something we don't want. But even these inside-out supply-and-demand relationships don't necessarily apply where garbage haulers have been able to establish a local or regional monopoly. In the past few decades, the shortage of landfill space (both real and imagined), the difficulty of siting new landfills, and increasingly stringent regulations have driven up the price of dumping garbage, concentrated the business in fewer hands, and made some landfill operators very rich.

The shortage we've heard so much about was real for a number of years (and is still very real in some areas). But sometimes the truth takes so long to catch on that by the time it does it's no longer true. Today there is more landfill capacity here—and nationally—than ever before. What *are* scarce are landfills that are inexpensive, convenient, and not in anyone's backyard.

The Davis Street landfill in San Leandro, which served Oakland and South County cities, closed in 1980. Berkeley's dump shut down in 1982, Albany's in '84. Richmond's dump is still open, but its years are numbered. We're nearing the end of a process that has resulted in a massive restructuring of the nation's

The largest of these operators is Illinois-based Waste Management, Inc. (WMI), which was formed in 1968 when Dean Buntrock, today the company's CEO, merged three garbage haulers. It has grown primarily through acquisition, within the US and abroad, especially during the merge-and-purge 1980s. Its total revenues grew from \$76 million in 1971 to more than \$6 billion in 1990. In 1986 it acquired the Oakland Scavenger Company, which had opened the Altamont landfill in 1980, and which collects garbage and recyclables from most Alameda County cities.

In addition to gobbling up dozens of companies over the past two decades, WMI has amassed a string of criminal charges and penalties, like the \$4 million



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fine it recently paid for landfill violations in Kettleman City, California. The company has generally avoided going to court over its alleged crimes, preferring to pay settlements without admitting wrongdoing.

Not all its alleged transgressions have been environmental, however. WMI has also been accused of illegal business practices, such as price fixing, bribery, bid rigging, predatory pricing, and other attempts at discouraging competition. Last year, San Diego County District Attorney Edwin Miller advised the county against contracting with WMI because of the company's connection with organized crime. (Miller defines "organized crime" as not necessarily the Mafia, but "any enterprise organized to circumvent the law for profit.")

Browning-Ferris Industries, the Avis to WMI's Hertz, has also grown huge through acquisition, and has also accumulated a long list of criminal charges and fines. Though the two garbage giants are going after recyclers now, they are more often at each other's throats. One of their more contentious and expensive turf battles has been playing out over the past decade in Contra Costa County. Browning-Ferris wanted a landfill at one site, WMI wanted one elsewhere, and they slugged it out until the voters decided for BFI in a 1990 ballot measure. Keller Canyon Landfill, near West Pittsburg, opened in May of last year.

Despite their adversarial relationship, WMI and Browning-Ferris have also joined forces with each other—at least one time more closely than the law allows. In 1990, they were charged with conspiracy to fix prices in thirteen states, and settled for \$50 million. In the last decade, WMI and Browning-Ferris have invested hundreds of millions of dollars in recycling, often by acquiring recycling firms. WMI has 125 processing plants; Browning-Ferris has 70. After decades of operating an unpopular business and raking in huge profits, the garbage giants now are running a popular enterprise—recycling—and finding profits elusive.

Whether they're wearing Waste Management, Inc. helmets or T-shirts from the Ecology Center, the folks that pick up our bottles and cans are not truly recyclers; they're collectors of separated materials. In order for recycling to happen, the process has to go full circle: the accumulated materials must be manufactured into new products and someone has to buy and use these products. The success of recycling is ultimately tied to the development of strong markets for the materials collected. So far, most of the growth in recycling has been on the collection end; as many cities have jumped on the recycling bandwagon, supply has outstripped demand, which has sent prices plummeting over the past few years.

Aluminum is the easiest commodity to sell; it's valuable and it's both more economical and environmentally sound to make aluminum from scrap than to mine and refine bauxite. Berkeley's Community Conservation Center, which runs two drop-off sites and a buyback center in Berkeley, sells its aluminum to Anheuser-Busch, which melts it down and makes it into new beer cans. Glass bottles and jars collected in the East Bay, after being smashed into tiny sand-like pieces called "cullet," might end up in new bottles manufactured at the Owens-Brockway glass plant in Oakland. The cullet might also be mixed with asphalt for roadbed material or incorporated into fiberglass. Still-intact wine bottles are sold to ENCORE, a for-profit offshoot of the Ecology Center which washes them and sells them back to wineries.

The Berkeley Buyback Center sells its paper to the Jefferson Smurfit company in Oregon, which makes it into newsprint, or to a boxboard manufacturer in

Stockton. Paper has the widest range of markets; it makes up the highest volume but gets the lowest price. The wastepaper you put on your curb several months ago could have been made into a cereal box, toilet paper, animal bedding, or insulation by now. It could have been mixed in with wood pulp to make the newsprint for this very issue of the *Express*.

A big chunk of the wastepaper collected locally is exported—to Korea, Japan, Indonesia, or other Asian countries. Wastepaper is the United States' top export—by volume. It is coveted in the Far East because, unlike the wastepaper there, which has usually been recycled several times already, it is practically guaranteed to be virgin. While it would not seem to make much commercial sense to ship such a low-value product as wastepaper thousands of miles, it does because of the US trade deficit. Wastepaper merchants don't have to pay large shipping costs to Asia because the ships, which had been loaded with consumer goods from Asia on the first half of their trips, would otherwise head back with empty space in their holds.

The export market for paper has slumped recently, but the domestic market is coming on strong. Many states, including California, have passed minimum-content laws requiring manufacturers, e.g. papermakers, to use some recycled materials in their goods. Today recycled newsprint constitutes about sixty percent of the newsprint made in North America, compared to just fifteen percent five years ago. And in the next several years, dozens of new paper-making enterprises dependent on recycled fibers will start up, which will boost the price of wastepaper.

To encourage the development of markets for recyclables in California, the state has designated nine market-development zones, including one encompassing Berkeley, Emeryville, and Oakland, and another that includes Fremont and Union City. Businesses in these zones that manufacture products made from recycled materials are eligible for low-interest loans from the state. In 1990, the passage of Alameda County's Measure D established a \$6-a-ton surcharge on garbage. The measure designates some of the \$8 million it raises for market development and it includes provisions designed to stimulate purchasing of recycled products.

Still, recycling is not an easy way to make big bucks. Commodities markets are volatile. When the Russians recently boosted their exports of aluminum, prices in the US dropped sharply, affecting everyone in the recycling business all the way down to the poor souls wheeling their shopping carts full of cans to the buyback center.

In this difficult market, two kinds of recycling are reliably profitable, says Bernie Meyerson, a partner in EMS, an East Bay recycling business: drop-off and buyback centers, where individuals deliver and either donate or sell their recyclables; and ventures which only collect from large-volume customers, like office buildings. Recycling programs that collect from residences rarely pay for themselves because there are a lot of stops with a small take at each stop. About eighty percent of residential garbage costs are for the actual collection. Curbside recyclers either have to charge for the service, as garbage haulers do, or be subsidized.

Technically, up to eighty percent of the waste stream is recyclable. But what can be economically recycled is certainly smaller. So the question is: what determines the extent of our recycling efforts, sustainable profits or planetary health? Just how profitable does recycling have to be to be worth doing?

Manufacturers are only going to buy recycled materials if they are competitive in price with virgin resources. Here's the rub: often they aren't. Virgin resources are too cheap. If the *Express* buys non-recycled newsprint, it doesn't pay for the erosion on the hillsides where the forest was clear-cut, or the water pollution downstream from the papermaking

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plant. If these true costs were included in the price of the virgin paper, using recycled fibers would be far more economical.

These costs are what economists call "externalities," and it is in the interest of manufacturers to leave these out of the prices paid by consumers if they can. Mostly they succeed. If these costs are paid at all, taxpayers pick up the tab, often many years after they are incurred. (One reason landfilling is more expensive today is that dumping fees now incorporate more of the real costs, e.g. protecting groundwater. In the old days, when dumping was dirt cheap, those costs were ignored.)

All parties would probably agree that there comes a point where recycling doesn't make sense, economically or environmentally. If you drive twenty miles in a gas-guzzling pickup truck to recycle a dozen glass bottles, you're saving one resource by wasting another. But where that point is—that's what the recycling crusaders and the garbage companies are not likely to agree on. If you're passionate about conserving resources, then you're going to push the limits to recycle a low-value product like mixed waste-paper, even when it costs more to collect it than what you can sell it for. If you're

a corporation that has shareholders to satisfy, well, it's tough to justify the loss. Developing vigorous markets is obviously the way out of this dilemma, and all parties are following that path.

In some communities, however, the garbage companies are also pursuing the path that has always proved profitable in the garbage business—eliminating or buying out the competition and capturing a monopoly. And that is worrisome indeed to the many recycling pioneers who are still trying to make a living in an ever-more-crowded field.

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Three years ago, the small California desert community of Rancho Mirage granted an exclusive contract to Waste Management of the Desert, the local garbage hauler (and a subsidiary of WMI), to "collect and account for recyclables." The city and the garbage company agreed to split the profits from material sales. But Palm Springs Recycling, a small for-profit recycling outfit, had already been collecting, for free, separated recyclables from local restaurants since 1987.

The city of Rancho Mirage and WMD sued to stop them, claiming that the company was "skimming the cream of the recycling business"—which it undoubtedly was—and that the franchise agreement gave WMD the exclusive right to collect everything residents discarded. Palm

Springs Recycling filed a cross complaint, arguing that the franchise agreement was an unfair restraint of trade. The lower court found for WMD, then the appellate court in Riverside County reversed that decision, ruling that recyclables were excluded from licensed regulation. The case has been appealed and is now at the state Supreme Court.

The League of Cities, an association of more than eighty California municipalities, including recycling-friendly San Jose, has filed amicus briefs in support of WMD. Local authorities have tended to support exclusive garbage company franchises because they would rather transfer the responsibility for tracking waste and recyclables and meeting the AB 939's requirements. Some officials feel that granting a monopoly is the only way to meet those goals. In addition, many city treasuries have come to depend on huge franchise fees. Oakland, for example, receives about \$30 million a year from Oakland Scavenger.

"Our line," says the Northern California Recycling Association's Steve Lautze, "is that if cities are going to meet the AB 939 goals, they have to stop looking at garbage contracts as cash cows." In these fiscally tight times, however, cities are searching for as many cash cows as they can find.

Other examples of the fight over discards are closer to home. In December of 1991, Browning-Ferris sent a "cease-and-desist" letter to several firms in its

San Mateo territory that collect (and for the most part charge for) mixed recyclables. The letter claimed that "BFI has the exclusive franchise for the collection of garbage and recyclable materials from all residential and commercial properties." No legal action has been taken yet.

Earlier this year, in San Francisco, in a case pitting Waste Resources Technology, a family-owned recycling enterprise, against Norcal, the holding company for the city's garbage collectors, a Superior Court judge decided in favor of Norcal. Collecting everything but food waste from businesses, WRT separates the recyclables from the garbage, generally recycling about sixty percent of what it picks up. Judge Stuart Pollak ruled that since it collects material *for a fee*, WRT is, in fact, a garbage hauler, and its service should not be considered recycling.

Which raises another issue that is becoming very important in the crowded world of waste management: what is garbage? "As the range of materials we recycle increases," says Oakland recycling consultant Robin Boone, "then what recyclers are collecting starts looking more and more like what garbage used to look like. But now it's worth something. There's been a paradigm shift in the past five years. Recycling used to be what we saved and separated from the garbage. Today, garbage is what's left over after we recycle."

Increasingly, the competition for discards can be distilled to a simple legal



question: who owns what we throw away? When you buy a bag of groceries, you own it. You own the bottle that the juice comes in. But once you drink the juice and dispose of the bottle, who owns it then? If you put it in the garbage can, the garbage company does. If you put it in a recycling container, then the recycling organization owns it. Maybe. It depends on what kind of agreement the collector has with the city.

Recent legislation has treated recyclables as a subset of garbage, so the garbage companies argue that where they enjoy exclusive garbage contracts, they own the recyclables. Some franchise agreements explicitly spell that out. On the other hand, AB 939 acknowledges the right of any person to donate or sell their recyclable materials as they please, and the right of cities to grant exclusive recycling contracts.

As if the ownership issue weren't complicated enough, also competing for the materials are poachers, the folks who come by early in the morning with their shopping cart or pickup truck, take the bottles and cans you left on the curb, and sell them to a buyback center. According to the law, they are stealing—unless you give them permission to take the stuff, in which case, they aren't. It is this law assigning ownership, a section of AB 939, that Waste Management of the Desert is using in the case of Rancho Mirage. It is essentially casting Palm Springs Recycling as a poacher.

**I**t would be best for the planet if all discards were determined to be the property of the manufacturer, maintains Chris Clarke of the Ecology Center. "That way," he says, "we could assign

the manufacturer responsibility for proper disposal, which would mean it would have an incentive to design goods for durability and packaging for recyclability." (A scenario like this is already evolving in Germany and the Netherlands.)

A garbage company-backed bill working its way through the California legislature would eliminate all this ambiguity. Senate Bill 450, sponsored by Senator Ralph Dills (D-Gardena), would define all recyclables as solid waste and would al-



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As it stands now, however, manufacturers don't have to think about what happens after their product or its packaging is discarded. It's not their problem. The current system of garbage is essentially a form of municipal socialism, whereby public entities, and by extension, taxpayers and ratepayers, pick up after private companies.

Another pivotal legal factor is the fee. Except in Rancho Mirage, where WMD claims it is defending specific contract rights, the garbage companies are usually willing to let other organizations pick up recyclables for free or buy materials at a buyback center. It's in cases where the recyclers *charge a fee* that they make garbage haulers nervous.

low recyclers to pick up materials for free or buy them, but not charge a fee for picking them up. Mary Lou van Deventer of the NCRA (also of Urban Ore, and married to Dan Knapp) says SB 450 will force many recyclers out of business and strengthen the garbage companies' control over the waste stream. The bill passed the Senate floor, but has been stalled in the Assembly Natural Resources Committee and tabled until next year. While the League of Cities officially supports SB 450, the cities of Oakland and Los Angeles have recently come out against it. Meanwhile, a compromise bill, being pushed by Senator Charles Calderone (D-Montebello) would exempt recyclers from regulation, but

would require all recyclers to be certified.

Though independent recyclers are generally troubled by their competition with garbage companies, Measure D organizer Ruth Abbe views it as a good symptom. "Surprisingly, things are happening fast," she says. "We're already at the stage where we're fighting over discards. I had suspected it would be several years. I believe the garbage companies realize that garbage is going to be a thing of the past. We're seeing them make a transition from garbage-making to resource conservation."

On the other hand, the garbage multinationals aren't just suing the independent recyclers; they're also hiring them. Adam Davis was an early manager of Recycled Wood Products, the Berkeley compost facility that closed earlier this year. He later was a manager at American Soil Products, located near west Berkeley's Aquatic Park, where I buy that wonderful Walt Whitman compost. He lived on a commune in Ithaca, New York, and studied environmental issues in school. Today he is the compost and recycling program manager for Oakland Scavenger/Waste Management.

"Before I came to work for this company I had to do some major soul-searching," says Davis. "Working for a big corporation—that was selling out. But my goal has been to prevent materials from being wasted. And I feel as though I've done more of that here than I ever could have anywhere else. We have the capital and resources to do the job."

"Most people think of Waste Management as a garbage company, but we're the largest recycling operation in the country," he says. In Alameda County,

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Waste Management provides curbside service to just under 200,000 households. It is one of three companies providing curbside recycling services in Oakland.

Davis praises the independent recyclers for promoting recycling when it wasn't economically viable, when it was just the right thing to do. "Recyclers have won," he says. "The conservation ethic is everywhere. Sixty-two percent of households in the country have curbside pickup of recyclables. It's beyond a fad." He denies that Waste Management wants to monopolize recycling. "We are happy to compete for contracts, and we're happy to compete in an open market," he says. But he is unhappy with the partisanship of the recyclers and their antagonism toward the big companies. "Within seven years," he says, "we have to recycle half the waste in California. That's a staggering challenge. We need everyone to get on board. We need to stop the bickering and start to focus on what we do have in common—a clear interest in market development. With all due credit to the recyclers, before the involvement of larger companies, there simply wasn't the capital or resources to

push the markets. There is now."

"I don't for a minute suggest that corporations will, or can, ultimately function for anything other than their own self-interest," he adds. "The name of the game is now redefining 'self-interest' to include a long-term view of community and environmental benefits. So much of the alienation from big companies stems from an intense anger at the role they have clearly played in degrading the 'natural world' in their quest for profits since the industrial revolution. But their presence is too large, and their potential to contribute to the solution too great, to simply write them off as beyond the pale of public policy debate. We must engage them to live up to the images they would have us believe, and would believe of themselves."

**S**o what's so terrible about the big garbage companies getting involved in recycling? Isn't that progress, like McDonald's swaddling its burgers in recycled paper or Ford making fuel-efficient cars? It's certainly far more complicated than just big bad multinationals against virtuous little do-gooders.

Independent recyclers, though wary of the big haulers, say they are ready and willing to compete with them. It's *not* being allowed to compete that is worri-

some. "We have no problem with garbage companies doing recycling," says Boone. "The problem is their attempt to gain exclusive contracts and keep other recyclers out." Ironically, recycling activists, who have long pushed for governments to underwrite recycling, now are established enough to say: "Let the free market work."

And they're not just crossing their fingers and hoping. They're writing letters and lobbying elected officials to defeat SB 450. They're helping Palm Springs Recycling prepare for its Supreme Court showdown with WMD. They're developing new programs and submitting them for consideration to city, county, and state bodies. They're writing and promoting more initiatives like Measure D.

They're also, as Dan Knapp puts it, "growing their enterprises aggressively, using the traditional American business formula: offering competing services that are cheaper, more efficient, and more convenient." The garbage companies, he adds, would do well not to eat up the competition, but to encourage the diversification of small and medium-sized companies. The recycling industry is likely to develop most quickly and vigorously if many companies are allowed to develop in many different ways.

Recyclers have indeed won. More and

more of the mountain of garbage on transfer station floors will be recovered and reincarnated. Fewer trucks will be crunching up the gravel path at Altamont to empty their loads. But the price of victory is that the big guys are on the scene and they're doing most of the recycling. This is the strength of capitalism—or its treachery, depending on your point of view: the ability to absorb those forces that it used to fight against, and profit from them.

For recyclers, fighting the garbage company comes with the territory. They've won fights before. If the garbage companies had their way, every community in the country would have built an incinerator years ago. Now the garbage haulers have learned that recycling can work. Whether it will work for them, and for their shareholders, well, that's the \$64 million question.

In the end, then, the competition is about more than recycling. It's also about challenging monopoly capitalism and the power of the multinationals, where, when push comes to shove, the shareholders' dividend check comes first. Some recycling activists would like to recycle more than just bottles and cans. They'd like to recycle our economic and social systems as well, into a more ecotopian and egalitarian future. That's not on Waste Management's agenda.