

# STEALING RECYCLING'S FUTURE

AN IN-DEPTH LOOK INTO THE  
"VICTIMLESS CRIME" OF SCAVENGING OF  
CURBSIDE RECYCLABLES IN URBAN AREAS  
— AND ITS DELETERIOUS EFFECTS ON  
MUNICIPAL RECYCLING PROGRAMS.  
BY ROBERT LANGE



**W**hile the scavenging of recyclables is a problem in many jurisdictions regardless of housing density, it is a particularly acute problem in dense urban centers where scavengers can more easily and efficiently collect large volumes of recyclables, with or without using a vehicle. The global trend today is for people to gravitate to urban areas for opportunity, commerce and sustainability. Since social scientists expect this trend to continue, the challenges presented by scavenging are expected to grow in complexity. How this issue will be perceived and addressed will depend on the various idiosyncratic characteristics of each city's infrastructure and cultural norms.

Many find scavenging to be a victimless crime – “*What does it matter whether the particular recyclable item is collected and recycled by the municipality or by scavengers? After all, the item is ultimately recycled!*”

When establishing and maintaining costly government services, there are many tangible realities that must be addressed. In the case of recycling, it makes no sense to provide household collection service and then allow the efficiency of that service to be undermined daily by relinquishing control over the items being targeted.

## Background

In New York City, scavenging started in 1982, with the state's adoption of a beverage container redemption program, known as the bottle bill, that placed a nickel deposit on any carbonated beverage sold within the state. With the passage of New York State's bottle bill – which, interestingly enough did not even require the recycling of the containers after return – a bounty was placed overnight on each and every carbonated beverage container left unredeemed by its original purchaser throughout the state. At the time, no one could have

imagined that, within a decade of passage of New York State's bottle bill, there would be statewide curbside recycling collection service for bottles and cans and other materials that would both complement and ultimately compete with the bottle bill.

## The initial spread of scavenging and its parallel growth with municipal recycling

The passage of New York State's bottle bill coincided with the growing call for municipal recycling in the State of New York and, in particular, New York City. The city experimented with municipal recycling collections from 1986 to 1989, when voluntary pilot efforts were made into a mandatory local recycling law covering residential, institutional and commercial generators.

While scavenging was a challenging way to make a few dollars as part of a shadow economy prior to the introduction of municipal recycling, it became far less so after recycling was the law. While scavenging prior to municipal recycling was concentrated in areas rich in deposit beverage containers, such as college campuses, parks and street baskets in commercial areas, the introduction of curbside recycling resulted in exponentially rich deposits of unredeemed containers regularly set out in front of the city's households and businesses on their designated recycling days.

Why would this occur when the containers could be redeemed by the original purchaser and, therefore, be unavailable to scavengers? The simple answer is that bottle bills often do not work successfully in urban environments. In fact, the bottle bill only works in some cities due to the efforts made by the volunteer workforce of scavengers that collect and redeem those containers left unredeemed by residents and businesses.

Because most food and beverage shopping is performed on foot in New York City and space comes at a premium, few stores can easily accommodate the acceptance requirements dictated by the bottle bill. Also, few residents and businesses can expend the time and effort required to successfully bring back their individual deposits. This situation has been further exacerbated in the almost-two decades since the passage of the state's bottle bill by the dramatic increase in single-serve beverage container sales and the concomitant decrease in multi-serve

## Image 1



*Scavengers gathering at an unofficial redemption truck.*

beverage container sales over the same period of time. Far more beverages are now consumed outside the home than when the bottle bill was passed, resulting in a circumstance where consumers are left with many empty containers and no easy way to return them.

With the introduction of curbside recycling collection to every household and business in the city, large numbers of residents and businesses began sacrificing their bottle bill deposits and, instead, placing their empty containers out for recycling collection. For them, this is a far more convenient option. This curbside set-out has made it easy for scavengers to collect deposit containers from individual households' prior to the arrival of the municipal recycling truck. Recycling receptacles outside a home or apartment may be visited by dozens of scavengers before the actual day of collection.

This situation was far from ideal, since New York State's bottle bill was limited to only covering carbonated beverage containers. However, the impact of scavenging has increased dramatically with the expansion in 2009 to cover bottled water containers as well. Now, a much larger percentage of the beverage containers consumed by residents at home and workers at businesses have deposits associated with them. In addition, the containers added in 2009 provide scavengers with an extremely

lightweight set of beverage containers as compared with glass bottles. Anecdotally, we have already witnessed scavengers leaving behind glass deposit beverage containers in favor of the lighter plastic deposit water bottles.

## Scavenging on steroids

An informed citizenry can be both engaged to comply with the requests of its government, but it can also choose to do otherwise. In the case of recycling, the growing sophistication of citizens about all things recycling, combined with local economic conditions, has translated into an increasing number of our citizens deciding to not set out recyclables for municipal collection, but rather act as recycling business entrepreneurs who take advantage of the city's recycling infrastructure to obtain post-consumer recyclables for redemption or sale as commodities.

The first tier of scavenging remains the lone scavenger out to make some cash off the grid. But the lone scavenger is now in the minority, at least as far as the overall impact of scavenging is concerned. The conventional wisdom in New York City has been that scavenging is an activity dominated by the city's homeless population. This assumption, based solely upon casual observation, was likely correct prior to the start of the 21<sup>st</sup> century. However, with post-consumer recyclable commodity

## Measuring the impacts of scavenging

The exact impact of scavenging, like the impact associated with waste prevention initiatives, is hard to measure for one obvious reason: The material disappears before traditional methods of capturing the data can be applied. For instance, in New York City's most densely-populated borough, Manhattan, 25 to 30 percent of the paper by weight set out for our collection in 1994 disappeared virtually overnight when paper prices rose quickly to as much as \$175 per ton. The same paper returned to the curb only a few months later when paper prices all but crashed. This statistic is important because the situation in 1994 allowed for a view of the impact of scavenging free from the host of normal confounding variables that cloud the source of such changes. For example, we know today that scavenging is having a profound impact on our metal, glass and plastics commingled stream, but we cannot yet conclusively determine the impact. This is due to the fact that scavenging has grown progressively over the last decade. And its biggest growth has coincided with a dramatic downturn in the country's economy, high unemployment and an unusual stability in scrap prices. Currently, we are working to update a 2005 study of the various waste streams in the hopes of finding the true impact of scavenging.

## Image 2



Scavengers (building maintenance entrepreneurs) removing recyclables.

values remaining high, and the economy in recession, scavenging has developed into a sophisticated shadow economy. Throughout the city, we now have deposit-container scavengers that feed into mid-level operations, sometimes masquerading as mobile redemption centers and sometimes just operating outside the law entirely, and these operations grew significantly after water bottles were added to the State's bottle bill in 2009.

## Scavenging scrap metal

In addition to container scavenging, the city has also seen a large increase in the scavenging of scrap metal, both set out for municipal recycling collection, as well as any scrap that can be found anywhere lying about the city, unsecured or without a chaperone. New York City is perhaps unique in the fact that we pick up, as part of our commingled metal, glass and plastic collections, all metal items regardless of size so long as the item being set out for recycling collection is 50 percent metal in composition. This includes such items as white goods and other metal appliances, metal cans, aluminum foil and foil trays, metal beds and metal bed springs. Scrap metal collection represents an important part of the city's recycling program

because it increases cost per-ton collection efficiencies and allows for easy compliance with the Federal Clean Air Act because dedicated crews can remove ozone-depleting CFC's from applicable appliances before they are crushed by recycling trucks. The value of the scrap metal also helps offset the city's high collection costs. Given its importance, the disappearance of scrap metal from the city's recycling stream due to scavenging has severe impacts.

It is not unusual to see unmarked vans driving the streets each day and evening collecting any and all scrap metal prior to the arrival of municipal and private sanitation vehicles. The scavengers vary from those that take all scrap metal, regardless of type or value, to those that specialize in only non-ferrous scrap.

## The shifting perceptions of scavenging

Consumers' apathy toward returning their beverage containers has allowed scavengers to step into the void and reclaim those deposits by providing the transportation of those same containers back to a store for redemption. While modern scavenging may have begun with the bottle bill, its most pervasive present

character is the result of the changes to global commodity prices and the awareness of our citizens that there is value even in trash.

From a local government perspective, scavengers of deposit containers were initially seen as providing a vital public service because they removed littered bottle bill-covered containers from public spaces throughout the state. This free service was supported solely through the original container purchaser's abandoned deposit. In other words, more litter removal services were added statewide with no additional taxes being levied to pay for those services. There were few objections to this type of scavenging, so long as the individual scavenger did not create a mess. This situation changed however with the advent of widespread municipal curbside recycling collection because these programs began to rely on this material to lower overall system cost. Especially since residents increasingly opted to include their deposit containers in the more convenient municipal recycling programs rather than redeeming or trashing them.

Cities in bottle bill states often have to pay to have their metal, glass and plastics processed, whereas cities in other states will often be paid for their recyclables. In New York City, the tide is starting to turn against scavengers as their ranks have swollen – it was one thing when there was one individ-

ual who might come by your house weekly to see if you were setting out any deposit containers, but another now that an army of unfamiliar faces rummage through recycling bins or bags each week.

New York City is required under its City Charter to provide municipal trash and recycling services to all residents, regardless of the size of the residential building in which they happen to reside. But those same buildings are under no reciprocal obligation to ensure that the materials are there when our trucks come by. Any building can choose to market a portion of its waste stream privately. While this may seem to be a perfectly reasonable right for buildings to possess, it is not a right that can be maintained if citywide curbside recycling services are to remain viable.

## Why scavenging cannot be ignored

Although many entrepreneurs have chosen to scavenge recyclables to supplement a less than ideal economic circumstance, it is nevertheless an illegal activity and not a viable or acceptable alternative social welfare program in a modern country. It cannot be forgotten that a city hires a unionized and well-paid workforce with generous benefits to collect the recyclables set out by residents and delivers those recyclables to a public or private organization that similarly employs a unionized and well-paid workforce with generous benefits to process those same recyclables. To the extent that recyclables are siphoned from this system by the activities of scavengers, these jobs are, and will increasingly be, in jeopardy.

A modern city cannot rely upon the voluntary efforts of an unpaid workforce motivated solely by the potential resale

value of the materials they collect to sustain its solid waste management system, in part or in whole. While there may be developing nations where such volunteer activities have worked quite well, the circumstances are not analogous or replicable in a modern city with a municipal workforce vested with those responsibilities.

## What is to be done?

Beginning with its passage and implementation in 2007, Local Law 50 made it explicitly illegal for anyone but an employee of the Department of Sanitation to remove or transport, by motor vehicle, recyclable materials within the stoop area. If a building has an agreement to sell its recyclable materials to an outside agent, it must report that tonnage to the Department of Sanitation annually. In addition, any person found operating a motorized vehicle in violation of the law is subject to a \$2,000 fine for the first offense and a \$5,000 fine for each subsequent offense within a twelve month period. The law also gives the department the right to impound the vehicle used in violation of the law.

Today, scavenging in New York City has grown to a scale where the city typically impounds more than a dozen vehicles a week. But, with 8 million residents and millions of visitors each day, even this level of enforcement makes only a small dent in the activities of scavengers. While Local Law 50 has clearly helped to stop some scavenging and also raise general awareness about the scope and breadth of scavenging activities, its provisions alone will not stem the scavenging tidal wave.

Nobody wants to be perceived of as picking on the “little guy” in the formulation of statutes. However, the exemptions of Local Law 50 that allow non-motorized

vehicle scavenging and buildings to privately market their recyclables are luxuries of tolerance that could only be afforded when scavenging was a minor annoyance and few buildings sold recyclables. Neither can continue to be tolerated indefinitely. Especially since the lone scavenger is now a well-organized sophisticated mob of scavenger collectives that systematically removes valuable recyclables prior to the arrival of taxpayer-funded municipal recycling trucks. And many building entrepreneurs now opt to sell what is of value in their waste stream and leave the worthless and costly-to-collect rest for the Department of Sanitation.

## Postscript

As a consequence of the continued growth of scavenging and its costly impacts on the operations from collection through processing of the city’s recycling program, the Department of Sanitation is again revisiting how to curb the activities of scavengers through possible legislative initiatives. What legislative consensus will be derived from that process remains to be seen. 

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Robert W. Lange is director of the New York City Department of Sanitation’s Bureau of Waste Prevention, Reuse and Recycling. Robert was recently selected as a 2010 Alfred P. Sloan Public Service Award recipient, an award widely regarded as the Nobel Prize of New York City government. He can be contacted at (212) 437-4656 or [rlange@dsny.nyc.gov](mailto:rlange@dsny.nyc.gov).

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