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April 1, 2019

Rodrigo Diaz
Chief Counsel, Office of Chief Counsel
Liquor Control Board, Room 401
Northwest Office Building
Harrisburg, PA 17124-0001

Re: Proposed Rulemaking—Proof of Recycling—IRRC Number 3224

Mr. Diaz,

On behalf of the Pennsylvania Restaurant & Lodging Association (PRLA), which represents over 2,500 licensees in the state of Pennsylvania, we write to express our concerns with the proposed PLCB regulation relating to “Proof of Recycling.” There are portions of this rule that create unnecessary work for licensees, don’t achieve the end goal and—in some cases—are impossible to implement.

First, while the Board states it completed research on the ability for recycling to occur in all 67 counties, it did not verify that glass is still able to be recycled. Over the past few years, hauling companies and recycling plants have stopped accepting glass because often glass containers are not cleaned properly and generally contaminate other recyclables. Even if a licensee does want to recycle products, it is becoming impossible to do so.

The Board states that the proposed rulemaking will not have any “measurable fiscal impact,” but it does not recognize the time it takes for licensees to deface all bottles in addition to the extra work required to meet the “proof of recycling” requirement. 4-491 (5) was supposedly written to give licensees an incentive to recycle: those who chose to recycle were not required to break the containers. This change just replaces the elimination of one step with a new step and takes away the incentive to recycle that we believe was originally intended when 4-491 (5) was made into law.

Finally, the proof of recycling that licensees must provide in counties where they do not have a waste hauler picking up the product deters licensees from recycling. It is less paperwork and more cost effective not to recycle, which takes away from the entire intent of the law: to promote recycling.

The PRLA respects the fact that the PLCB wants to provide clarification on “proof of recycling,” but the regulation doesn’t recognize the changes in recycling over the

years and puts more burdens on businesses than necessary to achieve the original goal—proof of recycling.

Our association believes that since 4-491 (5) was passed in 1997, a more holistic legislative fix is needed as opposed to regulatory change. An overall change to 4-491 (5) would ensure that licensees who are able to recycle can do so easily while not causing safety risks due to broken glass or punishing those licensees who do not have the option to recycle bottles in their area, even if they want to.

A handwritten signature in black ink that reads "Melissa Bova". The signature is written in a cursive, flowing style.

Melissa Bova
Vice President of Government Affairs
Pennsylvania Restaurant & Lodging Association