



*Commonwealth of Virginia
Office of the Governor*

Executive Order

NUMBER SEVENTY-SEVEN (2021)

VIRGINIA LEADING BY EXAMPLE TO REDUCE PLASTIC POLLUTION AND SOLID WASTE

Importance of the Initiative

The Commonwealth of Virginia has a growing population and a growing economy that present significant challenges in managing solid waste. Since 2011, solid waste disposed of at landfills and incinerators in Virginia has realized a cumulative increase of two million tons to nearly 23 million tons per year. At the same time, many recycling programs in the Commonwealth have curtailed or ceased operations since China stopped importing U.S. recyclables in 2018.

Landfills or incinerators subject to strict environmental standards are the best option for waste that cannot currently be reused or recycled. Such facilities, however, - no matter how strictly regulated - have negative environmental and social impacts on nearby communities and siting often raises issues of environmental justice. Therefore, it is critical that the Commonwealth focus on reducing its disposal of solid waste, and diverting as much as possible from landfills to beneficial reuse.

Single-use disposable plastic items, in particular, pose a severe and growing threat to fish and wildlife and to the health of the Chesapeake Bay. Plastics are the most pervasive type of marine debris in our ocean and along our coasts. In 2019 alone, volunteers collected more than 12,000 plastics bags and 13,000 plastic bottles, in addition to many other types of marine debris, from Virginia's coastline.

As a large producer of solid waste, the Commonwealth must lead by example and phase out its use of plastics and polystyrene items in favor of better alternatives. The Commonwealth must also significantly reduce the amount of solid waste it sends to landfills and incinerators, and work with the private sector to do the same.

Directive

Accordingly, by virtue of the authority vested in me by Article V of the Constitution of Virginia and the laws of the Commonwealth, I hereby order my administration to take the following actions to reduce plastic pollution and eliminate the need for new solid waste disposal facilities in Virginia:

I. State Agency Plastic Pollution Reduction

A. Immediate Cessation of Use

Within 120 days from issuance of this Order, all executive branch state agencies, including state institutions of higher education, and their concessioners (Agency or Agencies) shall discontinue buying, selling, or distributing these specific items: disposable plastic bags, single-use plastic and polystyrene food service containers, plastic straws and cutlery, and single-use plastic water bottles that:

- An Agency determines are not for medical, public health, or public safety use; or
- An Agency determines, with the concurrence of the Director of the Department of Environmental Quality (Department), should be eliminated instead as part of a phase-out plan pursuant to this subsection B below and completed no later than December 31, 2022.

B. Planned Phase-out -- State Agency Plastic Pollution Reduction Plan

Within 180 days from issuance of this Order, each Agency shall develop a State Agency Plastic Pollution Reduction Plan (Plan) to eliminate the buying, selling, or distribution of **all** non-medical single-use plastic and expanded polystyrene objects (even those utilized for public health or public safety use). These Plans shall include an inventory of all non-medical single-use plastic and expanded polystyrene items typically used by the Agency. Each Agency shall determine appropriate alternative replacement items. Such alternatives should be either reusable, compostable, or recyclable. Each Agency Plan shall set timelines for phasing out single-use items identified in its Plan. The schedule for phasing out **all** non-medical single-use plastic and expanded polystyrene objects shall be:

- 25 percent reduction by December 31, 2022;
- 50 percent reduction by December 31, 2023;
- 75 percent reduction by December 31, 2024; and
- 100 percent reduction by December 31, 2025

Agency Plans shall also identify additional needs and opportunities for reducing all solid waste, including plastics and polystyrene, from Agency operations and facilities, and diverting such waste from landfills through composting, beneficial reuse, enhanced recycling, and other strategies.

II. State Agency Plastic Pollution Reduction Reporting and Compliance

The Department shall provide technical assistance to Agencies to support compliance with the requirements of this Order.

A. Department to provide State Agency Plastic Pollution Reduction Plan template

Within 45 days from the issuance of this Order, the Director of the Department shall provide to state agencies a State Agency Plastic Pollution Reduction Plan template (Plan), including short- and long-term actions.

B. Department guidance and recommendations

Within 90 days from the issuance of this Order, the Department shall issue general guidance and recommendations to all Agencies regarding implementation of this Order and shall update these recommendations annually. In issuing and updating the general guidance and recommendations, the Department shall consult and coordinate with the Department of General Services, the Virginia Information Technologies Agency, the Virginia Department of Transportation, and those institutions of higher education that have autonomy in procurement granted under the Restructured Higher Education Financial and Administrative Operations Act (*Code of Virginia* § 23.1-1000, et seq.).

C. Submission of Agency Plans and Department reports

Within 180 days of the issuance of this Order, state agencies shall submit their Plastic Pollution Reduction Plans to the Department. Agencies shall submit an annual update of their Plan and a progress report to the Department by July 1 of each year beginning in 2022. The Department shall submit an annual statewide progress report to the Secretary of Natural Resources (Secretary) by December 1 of each year beginning in 2022.

III. Report on Solid Waste Reduction and Diversion

The Secretary shall develop recommendations for reducing solid waste and diverting such waste from landfills through composting, beneficial reuse, enhanced recycling, and other strategies. In developing these recommendations, the Secretary shall engage the Secretaries of Commerce and Trade, Agriculture and Forestry, Education, and Health and Human Resources, as well as stakeholders in these and other areas as appropriate. No later than October 1, 2021, the Secretary shall submit to the Governor and the General Assembly a report reflecting those recommendations and recommendations for executive and legislative actions necessary to ensure that the Commonwealth does not exceed the capacity of existing landfills and incinerators. The Secretary shall coordinate with the Plastic Waste Prevention Advisory Council established pursuant to Chapter 798 of the 2020 *Acts of Assembly*.

IV. Exclusions

Nothing in this Order shall restrict any Agency from using any items as necessary to respond to any executive action declaring a state of emergency or order of public health emergency that would otherwise be restricted in use by this Order.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 23rd day of March, 2021.





Ralph S. Northam, Governor

Attest:



Kelly Thomasson, Secretary of the Commonwealth