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May 5, 2020

The Honorable Mitch McConnell  
317 Russell Senate Office Building  
Washington DC 20510

The Honorable Chuck Schumer  
322 Hart Senate Office Building  
Washington, DC 20510

The Honorable Nancy Pelosi  
1236 Longworth House Office Building  
Washington, DC 20515

The Honorable Kevin McCarthy  
2468 Rayburn House Office Building  
Washington, DC 20515

Dear Leader McConnell, Speaker Pelosi, Leader Schumer and Ranking Member McCarthy:

The purpose of this letter is to draw your attention to two important issues facing our industry and request your assistance in the so-called "Phase IV" Congressional COVID-19 relief packages so that our members can continue to provide essential services to their communities. The first is access to personal protection equipment (PPE) and the second is regarding contracts going unpaid for services rendered resulting in unrecoverable customer bad debt.

The National Waste & Recycling Association (NWRA) is the leading national trade association representing all aspects of the waste and recycling collection industry. Our industry directly employs nearly 470,000 people as of late 2019 with a total payroll of more than \$29 billion. It is estimated that the private sector waste and recycling industry accounts for over one million jobs.

By way of background, our members provide important public health services in the communities they serve that prevent the spread of disease and illness. These services have a material impact on all healthcare, residential, commercial, and industrial properties. Every day the employees in our industry perform their duties even though they are at an elevated risk of infection.

During this national emergency, NWRA members have been classified as "essential" and are listed under five different "essential critical infrastructure workers" headings in the CISA 3.0 guidelines.<sup>1</sup> They will, therefore, continue providing waste and recycling services to their customers and communities in order to protect the public's health and safety so long as they are capable of doing so.

The first issue we need congressional action on is access to critical personal protective equipment or PPE. Our industry is not new to interacting with the supply chains around sourcing PPE or using and working with PPE. In fact, we have been using PPE in a non-COVID-19 response manner as part of our standards of operating. What is new, and troubling given our extremely high risk of possible exposure, is the lack of access to PPE and competing with industry sectors who do not bear the same risks we do for the same PPE due to a failure of FEMA to swiftly and accurately engage with our industry since our initial engagement on March 23, 2020.

<sup>1</sup> "Public Works and Infrastructure Support Services," "Critical Manufacturing," "Hazardous Materials," "Healthcare / Public Health," and "Transportation and Logistics." Source: [https://www.cisa.gov/sites/default/files/publications/Version\\_3.0\\_CISA\\_Guidance\\_on\\_Essential\\_Critical\\_Infrastructure\\_Workers\\_4.pdf](https://www.cisa.gov/sites/default/files/publications/Version_3.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_4.pdf)

As you can see in the attached one-page document titled “Non-Medical PPE Access for Waste & Recycling Collection,” despite us being told by staff that we were covered under the first round of 6.5 million non-medical cloth face-coverings given to specific industry sectors, and our being listed throughout the CISA 3.0 guidelines as being “essential critical infrastructure workers,” we received none. Now, we are forced to compete for the remaining 4.5 million weekly allocated PPE at the state level with other industries not facing the high-risk exposure that we are.

Therefore, as an industry, we are:

1. Calling on FEMA to officially clarify that we are considered essential critical infrastructure workers and have some level of priority on these future allocations.
2. Asking Congress to provide 250,000 units of PPE in Phase IV specifically for the waste and recycling collection industry.

The second issue we are seeking assistance on is with respect to our unpaid contracts resulting in unrecoverable bad customer debt. In some instances, our members are not being compensated for their services because the businesses they serve are shut down as a result of the pandemic. Please see the attached document titled “Compensation for Essential Waste & Recycling Collection Services Negatively Impacted by COVID-19” for more information.

We are concerned that as more businesses and families are adversely impacted by the economic downturn that additional state and local leaders will issue orders similar to the one by the Governor of Kansas mandating waste and recycling collection without regard to one’s ability to pay. If this happens, it will have a devastating economic impact on our members and could impact services. This challenge is something our members already are facing.

Providing these essential services to those that are unable to pay as a result of economic hardships while employing the necessary workforce requires government assistance. Therefore, we are asking for your help by working with us to create a compensation mechanism for this industry.

This issue can be addressed by Congress doing two things:

1. Congress should amend H.R. 748, the CARES Act, page 17, Section 1106, subsection (a)(5) which reads “the term “covered utility payment” means payment for a service for the distribution of electricity, gas, water, transportation, telephone, or internet access for which service began before February 15, 2020;” to add “waste and recycling collection.”
2. Congress should create a program whereby deemed critical essential infrastructure public works services, including waste/recycling collection, can submit unpaid contracts that have resulted in unrecoverable bad customer debt for government consideration of payment.

The last thing the country needs at this point is a sanitation crisis. Addressing both of these issues in the next COVID-19 economic support package (Phase IV) is paramount to our continuing to service our neighborhoods and communities. Should our members not be able to operate due to economic or health reasons, we could see waste collection stop. The accumulation of waste in our neighborhoods and businesses is something we want to work with you to avoid happening at all costs. We stand ready to tackle these issues together.

Thank you for taking the time to review this request. Please ask the appropriate staff member in your office to contact Jim Riley at 202-364-3744 or [jriley@wasterecycling.org](mailto:jriley@wasterecycling.org) to discuss this issue or if you need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Darrell K. Smith".

Darrell K. Smith, PhD  
President and CEO

CC: Secretary of the US Treasury, Stephen Mnuchin  
All Members of the US Congress