

# **Expanding Textile Recycling: An Easy and Attractive Response to Fast Fashion**

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## **Introduction**

Over 200,000 tons of textiles, defined as “clothes, towels, blankets, curtains, shoes, handbags, belts, and other textiles and apparel,” are discarded annually from NYC alone, a number too staggering to permit on a year over year basis.<sup>1</sup> Awareness of the waste we generate and the feeling of responsibility to mitigate our environmental impact are growing, and as Duke policy professor Michael C. Munger notes with a consequentialist tone, “recycling is not an economic activity at all, but a moral duty, without limits and for which cost is irrelevant.”<sup>2</sup> Infrastructure and momentum to mitigate our textile waste is growing with support from consumers, retailers, and local government. Observing a 40% increase between 1998 and 2009 in textile waste generated, with only a 2% increase in landfill diversion in that same time frame, the Council for Textile Recycling (CTR) announced the bold goal for the US to produce zero landfill-bound textile waste by 2037.<sup>3</sup> By expanding New York’s current mandatory recycling program to include textiles, we can make significant strides toward the CTR goal while supporting the economy and positioning New York State as a leader in environmental awareness and proactive improvement.

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<sup>1</sup> The City of New York, *re-fashionNYC: NYC's Clothing Reuse Program*, <http://www.nyc.gov/html/nycwasteless/html/stuff/clothing.shtml> (accessed October 28, 2014).

<sup>2</sup> Michael C. Munger, *Recycling: Can It Be Wrong When It Feels So Right*, <http://www.cato-unbound.org/2013/06/03/michael-c-munger/recycling-can-it-be-wrong-when-it-feels-so-right> (accessed December 11, 2014).

<sup>3</sup> Council for Textile Recycling, *The Facts about Textile Recycling*, <http://www.weardonaterecycle.org/about/issue.html> (accessed October 28, 2014).

**Key Policy Issue: Identifying and Reducing Textile Waste**

“Fast fashion,” propagated by mainstream retailers like Forever 21, H&M, Old Navy, and many others makes it easy and seemingly affordable for individuals to acquire virtually endless new clothes.<sup>4</sup> In order to make these clothes appealing to the mainstream consumer, it’s critical to keep costs down and inventory fresh. In the world of fast-cheap-or-good production, one must choose two out of these three priorities. Many retailers are betting on their customers choosing fast and cheap over a pair of priorities that include “good.” This leads to closets full to over-flowing of garments that are destined to wear out quickly. Elizabeth Cline reports, “we are buying and hoarding roughly 20 billion garments *per year* as a nation.”<sup>5</sup> Currently, 85 percent of discarded clothing is added to garbage dumps at a rate of about 82 pounds per person per year.<sup>6</sup> We must take significant, immediate action to minimize the strain of our fast fashion addiction.

According to the Environmental Protection Agency (EPA), used clothing and textiles in 2012 accounted for “an estimated 14.3 million tons... [or] 5.7 percent of total municipal solid waste” and the recovery rate for export or recycling was only 15.7 percent of these millions of tons of waste.<sup>7</sup> SMART, the Secondary Materials and Recycled Textiles Association of Wiping Materials, Used Clothing and Fiber Industries, claims that 95% of textiles can be recycled through the traditional “Lifecycle of Rags” and based on three main grades: “Usable Clothing (45%), Wiping Cloth Grades (30%), [and] Fiber Conversion Grades (21%).”<sup>8</sup> Wiping Cloth

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<sup>4</sup> ELIZABETH L. CLINE, *OVERDRESSED: THE SHOCKINGLY HIGH COST OF CHEAP FASHION 2* (2013).

<sup>5</sup> *Id.* at 3.

<sup>6</sup> Council for Textile Recycling, *supra* note 3.

<sup>7</sup> U.S. Environmental Protection Agency, *Textiles*, <http://www.epa.gov/osw/consERVE/materials/textiles.htm> (accessed December 8, 2014).

<sup>8</sup> SMART Association, *The Lifecycle of Rags*, <http://www.smartasn.org/consumers/lifecycleofrags.pdf> (accessed December 8, 2014).

materials return to use as rags, while Fiber Conversion results in industrial use as home insulation, carpet and carpet padding, and upholstery stuffing, among other uses.<sup>9</sup>

Sorting out usable clothing from lower grade fabrics generally falls to decentralized organizations like private companies American Textile Recycling Service and USAgain, operators of over 14,000 clothing bins in 19 states and the well-known charities Goodwill and the Salvation Army.<sup>10</sup> Of the 7.5 million pounds of clothing donated to USAgain in 2013, 4.1 million pounds – over 50% – came from the New York City area.<sup>11</sup> The American Textile Recycling Service has collected over 190 million pounds of textiles, and counts disaster relief donations among the destinations of the items it receives.<sup>12</sup> According to Cline’s research, “in 2011, Goodwill sold 173 million pounds of used clothing and household goods through their retail stores,” sending unsold or unwanted items away to secondhand textile processors in half-ton bales.<sup>13</sup> The textile processors sort the bales again by quality level for sale to fiber buyers and to the overseas secondhand market, however “the dramatic increase in the volume of secondhand clothing has driven [profits] down an estimated 71 percent in the last 15 years.”<sup>14</sup> Expanding textile recycling will help these businesses grow and provide more job opportunities for low-skilled workers who do the labor intensive sorting required for maximum levels of reuse and recycling.

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<sup>9</sup> *Id.*

<sup>10</sup> USAgain, *Clothing Recycling is on the Rise in the New York City Area*, <http://usagain-newyorkcity.com/2014/01/31/clothing-recycling-on-the-rise-in-the-new-york-city-area/> (accessed December 8, 2014).

<sup>11</sup> *Id.*

<sup>12</sup> American Textile Recycling Service, *Frequently Asked Questions*, <http://atrscorp.com/services/faq/> (accessed December 8, 2014).

<sup>13</sup> Cline, *supra* note 4, at 126-128.

<sup>14</sup> *Id.* at 131.

### **Current Legal Regime: Recycling Laws Today**

United States recycling programs are managed primarily at the state level, though cities can add additional parameters. There is no current requirement to recycle or otherwise responsibly dispose of used clothing or other textiles, despite the staggering rate at which the general population is discarding these items. According to the Northeast Recycling Council report on recycling, “under a ‘Maximum Recycling’ Program, municipalities and single-family residences are required by state regulations to recycle... textiles.”<sup>15</sup> However, this report shows that no state that conducts “Maximum Recycling” or requires textile recycling; fewer than 20 even have the category listed for consideration in their disposal bans and recycling lists.<sup>16</sup>

The present New York State recycling regulations enacted in 1992 under General Municipal Law §120-aa lists the following “‘components’ to be recycled, which include paper, glass, metals, plastics, garden and yard waste, and may include other elements of solid waste,” but does not specifically include textiles or clothing.<sup>17</sup> There is enormous room to improve the rate of textile reuse and recycling through a strategic expansion of textile recycling opportunities under the current NYS Municipal Law.

Interestingly, no Supreme Court cases or state-level litigation appears surrounding the development or implementation of recycling programs. Only tangentially related is *C&A Carbone, Inc. v. Town of Clarkston, New York*, which ruled in favor of C&A Carbone, Inc. concerning the interpretation of the Dormant Commerce Clause, allowing the company to

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<sup>15</sup> The Northeast Recycling Council, *Disposal Bans and Mandatory Recycling in the United States*, [https://nerc.org/documents/disposal\\_bans\\_mandatory\\_recycling\\_united\\_states.pdf](https://nerc.org/documents/disposal_bans_mandatory_recycling_united_states.pdf) (accessed October 28, 2014).

<sup>16</sup> *Id.*

<sup>17</sup> Department of Environmental Conservation, *Model Local Recycling Laws*, <http://www.dec.ny.gov/chemical/71036.html> (accessed December 7, 2014).

continue processing some of its waste out-of-state.<sup>18</sup> Based on *C&A Carbone*, New York State exported 6.1 million tons of solid waste to neighboring states in 2008.<sup>19</sup>

### **Proposal and Analysis: Primed for State-Level Textile Recycling Mandate**

Though clothing drop off bins and charity stores have an established system in place to manage the increasing volume and decreasing quality of clothing, retailers are also buying in to textile recycling, in large part to enhance their Corporate Social Responsibility (CSR) reports. H&M, a Swedish company and leader of the fast fashion movement with “2,776 stores in 48 countries” launched a garment collection initiative starting February 2013.<sup>20</sup> So far, over 3 tons of garments have been collected for reuse and recycling.<sup>21</sup> This is a significant number and points to the influence that retailers can have in raising awareness of textile waste and supporting recycling efforts, even if it presents a tension with their central business goals to maximize profit. The H&M recycling program, run in collaboration with iCollect, or I:CO, provides a 15% discount coupon for up to two bags of donated clothing per day of any brand and condition, which works out to

“discounts of [not] more than 17 percent – and less as shoppers spend more. That’s a commendable amount, but not overly generous for a company that routinely posts a gross profit margin around 60 percent and a net profit margin around 15 percent.”<sup>22</sup>

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<sup>18</sup> *C&A Carbone, Inc. v. Town of Clarkston*, 511 U.S. 383, 114 S.Ct. 1677 (1994).

<sup>19</sup> Department of Environmental Conservation, *Recycling and Composting*, <http://www.dec.ny.gov/chemical/294.html> (accessed December 8, 2014).

<sup>20</sup> H&M, *Press Conference 30 January 2013 Full Year Report*, [http://about.hm.com/content/dam/hm/about/documents/en/Presentations/Press%20conference%20presentation%20Full%20Year%202013-01-30\\_en.pdf](http://about.hm.com/content/dam/hm/about/documents/en/Presentations/Press%20conference%20presentation%20Full%20Year%202013-01-30_en.pdf) (accessed October 28, 2014).

<sup>21</sup> H&M, *Reduce Waste*, <http://about.hm.com/en/About/sustainability/commitments/reduce-waste.html> (accessed October 28, 2014).

Selling used clothes in good condition also helps support the discount incentive.<sup>23</sup> The success of H&M's recycling program should mitigate resistance from retailers who may be more concerned about their bottom line than what consumers view as the "right thing to do."

As an upscale retailer of active lifestyle products, Patagonia's Common Threads program is contributing a win-win effect above and beyond H&M's recycling program.<sup>24</sup> According to the founders of Patagonia, they took in "thirty-four tons of worn-out [Patagonia] clothes for recycling or repurposing" within a six-year period. Over the course of their Common Threads program so far, Patagonia has conducted research on best methods for textile recycling and reuse, revamped their design process to minimize waste in recycling, and launched consumer education programs encouraging people "not to buy what they don't need or what won't last (if it's poorly made or likely to be fashionably wearable for only a season," as well as to "repair first, before discarding or replacing, what breaks."<sup>25</sup> In addition to formalizing their commitment to sustainable product development and lifecycle, Patagonia also provides a virtuous blueprint for other interested companies to follow, including suggestions like "Vigilantly avoid unnecessary product proliferation" and "Guarantee your product unconditionally."<sup>26</sup> Though these recommendations may be anathema to fast fashion retailers, and even some more up-market clothing companies, Patagonia's high standards are something many can work toward,

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<sup>22</sup> Kyle Stock, *The Brilliant Business Model Behind H&M's Clothes Recycling Plan*, <http://www.businessweek.com/articles/2013-06-24/the-brilliant-business-model-behind-h-and-ms-clothes-recycling-plan> (accessed December 8, 2014).

<sup>23</sup> *Id.*

<sup>24</sup> YVON CHOUINARD AND VINCENT STANLEY, *THE RESPONSIBLE COMPANY*, 62-63 (2012). (The Common Threads initiative launched in 1995, about a decade before other retailers launched programs with any kind of similarity.)

<sup>25</sup> *Id.* at 63. ("We asked customers to pledge to reuse or recirculate what they no longer wore. We set up a program on eBay to make it easier for customers to resell products and introduced used products for sale on our website... We wagered that if our customers were to buy more thoughtfully, and if we were to do our job well and make useful, high-quality products, they would continue to buy from us, and we'd gain new customers who shared our commitment.")

<sup>26</sup> *Id.* at 102.

even if they don't embrace all their recommendations to the letter. Even small changes can have a significant impact.

Looking at smaller, but still meaningful, textile recycling programs, Blue Jeans Go Green, established in 2006 by Cotton, Inc. has developed partnerships with popular denim retailers including J.Crew, Madewell, GAP, and American Eagle to collect used denim items for recycling into insulation for Habitat for Humanity homes.<sup>27</sup> These partnerships have resulted in the diversion “over 600 tons of waste out of landfills and will generate approximately 2 million square feet of UltraTouch™ Denim Insulation to assist with building efforts.”<sup>28</sup> Japanese clothing retailer UNIQLO implemented their All-Product Recycling Initiative in 2006 to collect used UNIQLO products for industrial reuse, but unsurprisingly has been able to donate almost 39% of the donations they've received to support “refugees, disaster survivors, homeless people, pregnant women and single mothers in need;” before passing the remainder on to the recycling process.<sup>29</sup> The UNIQLO initiative and Blue Jeans Go Green partnerships look good not only on company CSR reports, but indicate that retailers and consumers are primed for a more organized, wide-spread program for textile recycling.

In addition to retailer involvement in textile recycling initiatives, San Francisco and New York City have instituted textile recycling programs, indicating readiness on the part of voters and lawmakers to reduce waste and expand recycling efforts. San Francisco announced a plan for zero waste by 2020, which required over \$40 million for upgrades and implementation, but had wide-reaching support because, as recycling bill sponsor Byron Sher observed, “people want to

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<sup>27</sup> Blue Jeans Go Green, *Our History*, <http://www.bluejeansgogreen.org/About-Us/Program-History/> (accessed December 11, 2014).

<sup>28</sup> *Id.*

<sup>29</sup> UNIQLO, *UNIQLO Recycle*, <http://www.uniqlo.com/en/csr/refugees/recycle/> (accessed December 12, 2014).

do the right thing.”<sup>30</sup> To complement their robust recycling program, the city partnered with I:CO to work on capturing the 39 million pounds of textile waste generated annually by San Franciscans via over 100 drop-off bins.<sup>31</sup> Though not mandated, New York City created the re-fashionNYC program for textile recycling in 2011 as part of its overall waste reduction program, which is simple for apartment building managers and superintendents to set up and “is self-funded through sale of... donations.”<sup>32</sup> The NYC program is run in partnership with NYC-based non-profit Housing Works and is so popular that there is approximately three month wait to install bins.<sup>33</sup> It seems that word is getting out about textile recycling in NYC, as re-fashionNYC diverted over 1 million pounds of textiles in 2013 alone and is looking to expand bins to locations like “offices, hotels, laundromats, and storage companies,” according to re-fashionNYC program manager Jessica Schreiber.<sup>34</sup>

I propose the existing NYS Municipal Law §120-aa regarding mandatory “components” to be recycled be expanded to include textiles. Retailer and city-level efforts provide a model that can easily be expanded to the state level for enormous reduction of landfill-bound textile waste by utilizing existing infrastructure. By making textile recycling more visible and formalized, consumer awareness of textile waste will increase and companies may be incentivized to find

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<sup>30</sup> SF Environment, *Zero Waste FAQ*, <http://www.sfenvironment.org/zero-waste/overview/zero-waste-faq> (accessed November 2, 2014); Matt Baume, *San Francisco watches its waste line*, <http://grist.org/article/2010-10-12-san-francisco-watches-its-waste-line/> (accessed October 28, 2014). (The SF Environment FAQ includes a detailed account of the costs and benefits of their new curbside recycling and garbage pickup program available on their website, noting that they are already diverting 80% of their waste outside of landfills.)

<sup>31</sup> SF Environment, *Clothes Piling Up?* <http://www.sfenvironment.org/textiles> (accessed October 28, 2014). (I:CO is the same organization that H&M partnered with for their recycling program.)

<sup>32</sup> NYC Recycles, *re-fashionNYC: NYC's Clothing Reuse Program*, <http://www.nyc.gov/html/nycwasteless/html/stuff/clothing.shtml#how-works> (accessed October 28, 2014).

<sup>33</sup> *Id.*

<sup>34</sup> Margaret Dunham, *Donate Old Clothes the Convenient Way with re-fashionNYC*, <http://www.reusenyc.info/news/stories/donate-old-clothes-the-convenient-way-with-re-fashionyc> (accessed December 11, 2014).



innovative ways to utilize recycled materials, ultimately decreasing the burden of textile waste on landfills and potentially shifting consumer buying habits.

While I think an expanded, purposeful textile recycling program is critical to enhance everyone's triple bottom line, there may still be some pushback.<sup>35</sup> Considerable consumer and retail education will be necessary so that there's better understanding of the cost of fast fashion on the environment. Casual, carefree purchasers of the latest \$15 dress won't welcome admonishments or judgment. And while retailers want to be perceived as transparent in their corporate actions and seen as "good citizens," they will be highly motivated to mitigate any possible damage to their profits in terms of more cautious consumer spending on fast fashion and items with somewhat limited potential for long-term use. It will be a delicate balancing act to convey the benefits and importance of textile recycling without alienating either consumers or retailers.

Over the long term, requiring textile recycling could herald a return to higher quality clothing with greater longevity and better reuse potential in the secondhand market and for textile recyclers. Popular polyester and natural/man-made fiber blends used so commonly in textiles today are much more challenging to repurpose and use in industrial recycling.<sup>36</sup> However, the more textiles are returned to the recycling market, the more incentive there will be to develop new technology to maximize creative reuse. Patagonia is already revamping its design and manufacturing processes to use new polyester fabrics in their performance-focused

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<sup>35</sup> Chouinard, *supra* note 20, at 72. ("In 1994, consultant John Elkington coined the phrase 'triple bottom line' (TBL), which measures indicators of social health (defined as human capital) and the planet (natural capital), as well as profit (capital).")

<sup>36</sup> Janet Bealer Rodie, *From Waste to Worth*, [http://www.textileworld.com/Issues/2010/November-December/Features/From\\_Waste\\_To\\_Worth](http://www.textileworld.com/Issues/2010/November-December/Features/From_Waste_To_Worth) (accessed October 28, 2014).

products.<sup>37</sup> Potential pushback aside, expanding textile recycling will enhance triple bottom lines for consumers, retailers, and the government by creating jobs, supporting textile recycling companies, and ultimately reducing environmental strain throughout product life cycles.

## Conclusion

For textile recycling to be successful, it must be at least as easy to recycle used textiles as it is to accumulate them in the first place. Drop off boxes must be accessible and plentiful, consumer and retailer education must be effective, and consistent support at the state level will be critical to reducing the amount of textile waste that lands needlessly in a pile of garbage. Moreover, widespread textile recycling has the potential to inspire new technologies to make more effective, efficient use of used textiles and even to move toward more responsible, forward-thinking supply chains in initial manufacturing processes.

Fortunately, basic infrastructure for textile recycling is already in place. Retailers and consumers have a developing understanding of the importance and need for textile recycling. Now is the time to formalize textile recycling. As Larry Groipen, former president of SMART, states, textile recycling “is ‘a win-win situation in every aspect’: it keeps material out of landfills; it creates jobs in an industry made up primarily of small and family-owned business; and it helps charitable organizations raise money.”<sup>38</sup> By mandating textile recycling, New York State will become a national leader in reducing textile waste while supporting the economy.

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<sup>37</sup> *Id.*; Chouinard, *supra* note 20, at 62; Patagonia, *Materials and Technology*, <http://www.patagonia.com/us/patagonia.go?assetid=2076> (accessed December 12, 2014). (The Patagonia website has detailed information on the materials they used and how they can be recycled.)

<sup>38</sup> Maureen Turner, *New uses for old textiles*, <http://www.knack.org/press/new-uses-old-textiles#.VJLitlrF8mW> (accessed October 28, 2014).