

Speech to the NM Recycling Conference Senator Dede Feldman May 23, 2007

Thank you E.Gifford Stack and thanks so much to you members of the recycling coalition, waste specialists, environmentalists, and everyone who was involved in nominating me last year for the recycling award that I was so honored to receive at your national convention. I am humbled by your support. And today I want to try to mobilize some of your energy, your knowledge and your concern about the environment to move forward on recycling issues in the NM Legislature.

But first—a report from the front—the 2007 NM legislature:

This was a very successful session for the environment- particularly measures designed to stem global warming and stimulate alternative sources of power. We passed:

- Tax Credits for Green Buildings
- A Renewable Portfolio Standard that will require 20% of energy produced by local utilities to come from alternative sources by 2020—only more aggressive target is in California

- A Transmission Authority to transport
- Requirements that biodiesel fuel compose a certain % of regular automobile fuel
- A Tax Credit for Desert Rock, a new power plant that many thought would contribute to global warming and preempt any progress made by tax credits and alternative fuels, was turned down

But when it came to recycling, e- waste and measures to further curtail illegal waste dumping, there we saw a lot of activity –with several bills introduced, but no victories.

Just to recap the history over the past two years....

In 2005, in response to a memorial on electronic waste--- a task force met in search of a solution to this rapidly growing problem

In 2006 We had a major victory with the Illegal Dumping and Tire Recycling Act, which redirected some state monies to a recycling fund, but the same year

A request for \$25,000 for a pilot project in the environment department to support local e-waste collections was not funded

Likewise, in this year's session a larger request for \$1 million for a

Household Hazardous Waste Fund went unfunded

So this leads me to the main question of the day **WHY HAVE THE RECYCLING AND SPECIFICALLY THE E-WASTE BILLS FAILED TO GAIN TRACTION?**

My answer, my hypothesis is that these measures did not follow Mama Feldman's not-so-simple recipe for **Getting Your Bill through the NM Legislature.**

So I am here today to share with you, my top-secret, six step recipe.

1. **First, you must know what you want to accomplish and what it is realistic to expect you can do in a body of 112 diverse individuals representing very different districts, with different histories and outlooks. "Getting things Done" involves selecting what bite of the apple to take first? What battle to pick and when to engage it.**

When I first arrived in Santa Fe—and to this day—I had big goals—

Better Health Care for All New Mexicans.... Campaign Finance Reform.... Water Conservation... Reduced traffic accidents... Consumer Protection. You might have big goals too, but remember that change comes slowly and it takes time, and some progress is better than nothing at all. My advice is to try to identify and arrive at consensus on the policy issues up front. Answer the big questions... like who will run the program, is it private, public, voluntary or required? Who is paying for it? How much will it cost? How will it be enforced? Is it at the local or the state level? If you're contemplating some big requirements, let's say, a ban on disposal of electronic waste at all NM Landfills, what are the intended consequences, the unintended consequences?

2.Second, Start Early and Know the Process. In your case, that's the legislative process—where it takes very little to kill a bill and a whole lot to pass one. And where the influence of leadership and political parties are very important. Now, here's what it actually takes to pass a bill—not just a majority on the floor of the senate where it takes 22 votes **and** a majority on the floor of the House where it takes 36 votes—No, that's just a small part of

it. It also takes a majority in every committee to which the bill is referred in both the House and the Senate, which means that as few as three votes may kill it in almost any committee, when there is not full attendance.

Meanwhile, the clock is ticking and, with too many committee referrals, time could run out. The session could end. And of course, even if a bill does pass both bodies unanimously, it could be vetoed by the Governor.

And speaking of the Governor-- you must realize that the Governor, particularly this Governor, is a major player in the legislative process. The Governor sets the agenda, and has a whole staff to push it in the legislature. You need to get your item on that agenda, make it a major priority for him—not just your department or your coalition. That will make all the difference. Key contacts here are the Governor's staff people.

It's also important to utilize the interim committee process to educate legislators about the problem your bill is addressing, your recommendations for its solution, and who you represent.

Third: Build a Coalition, a network of people inside and outside the legislature who want to advance your bill who will be willing to serve as spokespeople, testify at committees, tell stories, contact other legislators and network with other supporters who might be constituents of opponents or

those on the fence. Ideally, This should start way before the legislative session—and include as many **unlikely allies** as possible. In 1999, when we were trying to pass the Graduated Drivers License Bill... for example, our coalition included out-of-state traffic safety experts, the American Automobile Association, Insurance Agents, children's' advocates, victims of accidents involving young drivers, even the Beer Institute. Not one of my usual allies. Our coalition included Republicans and Democrats. We tried to work out the kinks of how this would be financed and administered with the affected departments in advance— this is very important... or else you risk a Governor's veto... in our case however, there was plenty of resistance from the administration who said this would cost too much and be impossible to operate. But we over came that barrier with overwhelming grassroots support from parents, PTAs, and yes, even some older teenagers who saw the need for something like this.

Fourth: Communicate Clearly and Target your Message

I come from a background of journalism. My father was a newspaper editor and I worked as a reporter and freelance writer for many years. And I believe that there's no substitute for good, clear, brief written materials to make your case, not only to your fellow legislators, but to keep your network

informed and to be used as the basis of news releases, op eds and editorial board conferences. Remember that the media can be your friend, as well as your enemy.

There's a lot of talk to day, and a lot of training about "messaging" which is basically how to hit the right cord with the audience you need to agree with you. I've found that it's important to identify common values and make your case on these if you want to sell measures that stem global warming or increase recycling and reduce waste. These might be an appeal to public health and safety, fiscal conservatism, a concern for future generations. Listen to likely opponents to identify their values and try to frame your discussion with them based on those values.

Fifth: Learn from your Mistakes and Be Patient... One of the things that I've found out the hard way is that the wheels of change in government move very slowly... but that doesn't mean you should give up. Sometimes your bill doesn't pass, your coalition falls apart and the media turns against you. You alienate people unnecessarily and you make mistakes. I was devastated my first session when the bill I wanted most, and which meant most to my district—was vetoed by the Governor, even though I had

obtained private funding to operate it. That bill would have created a Bosque Council to coordinate the management of a flammable, fragile decaying cottonwood forest along the Rio Grande that spans three counties and lies within the jurisdiction of many, many governmental agencies.

But things work out. The next year the Governor created a Bosque Consortium by executive order that did exactly what I had wanted. Likewise, my drive to get a home-visiting program for struggling young families with a new baby went down in flames for three years in a row either through vetoes or lack of funding. But guess what? Home visiting is now a pilot project being operated by the Children Youth and Families Department. *Somebody, somewhere* was listening to all those years of testimony during this **long educational experience we call the New Mexico legislature.**

Sixth: Finally, with a sigh of relief... **the most important ingredient of all. Flexibility.** The legislative process is often a long and winding road where *what you get* at the end of the day is *not what you started with.* There are amendments, there are changes, and there are substitutions and new titles. The people who put your law into effect once it is enacted, tend to administer it differently than you expected. For better or worse...They have a

different take on it. Through it all, as someone once said, **it's good to be like a tree, bending with the wind.** Because, after all, he who is not flexible is destined to be bent out of shape.

So those are a few ingredients in my recipe, now I'd like to end with **the story of Senate Bill 1184**, a bill that surfaced late in the recent legislative session titled "Consumer Information Technology Recycling Act.." I think the bill and its introduction by Dell and Hewlett Packard presents some interesting lessons, and some interesting possibilities in making progress on the problem of what to do about electronic waste.

First, what the bill would do: It said that no computer could be sold in New Mexico without a recovery plan wherein the manufacturer collects the product from the consumer at no charge according to a program, plan and website run by the Environment Department. It was to give companies that have recovery plans—which at this point includes only two—preference in bidding on state contracts and, actually a corner on the market of computer sales in the state until the other companies develop recovery plans. In addition it bans the state and the environment department for ever assessing any fees, including an advanced recovery fee, on manufacturers, consumers

forevermore.

After consultation with some of you, and after looking at the bill more closely and at the implications of what at first blush seemed like a reasonable attempt by private industry to assume responsibility for this societal problem, I opposed this bill and so did my fellow Senators. But I think it was the hope of everyone that we reconvene the electronic waste stakeholder group and try to, collectively, answer some of the policy questions that had been left unaddressed.

To many of us this bill came as a complete surprise. But looking back—it shouldn't have. There was a vacuum there and we have left it empty. I think the lesson of the past three years is that the state is obviously not interested in funding a program. The environment department does not have the funds to do it. And the basic question of who pays and how and what is the manufacturers responsibility had not been addressed. Other states including Maine, California, Maryland, Minnesota are answering this question and making the choice of whether to assess fees, fines, ban disposal in landfills, But New Mexico hasn't made its choice. Small wonder that the industry, or portions of the industry, perhaps with good intentions, are ready and willing to make it for us. My challenge to you today is to make

that choice for yourselves, for ourselves. With some homework, and with some bold proposals, I know we can start scoring points for electronic waste recycling as well as for a broader agenda of reduction of greenhouse gasses and environmental protection.

Once again Thanks for having me. Best Wishes for a Great Conference.