



# TACIR

The Tennessee Advisory Commission  
on Intergovernmental Relations



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226 Anne Dallas Dudley Blvd., Suite 508  
Nashville, Tennessee 37243-0760  
Phone: (615) 741-3012  
Fax: (615) 532-2443  
[www.tn.gov/tacir](http://www.tn.gov/tacir)

## ***MEMORANDUM***

**TO:** Commission Members

**FROM:** Cliff Lippard *Cliff*  
Executive Director

**DATE:** 16 December 2022

**SUBJECT:** Comprehensive Litter Review—Draft Report for Review and Comment

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The attached draft Commission report is submitted for your review and comment. Because of the ongoing challenges across the state, at its June 2021 meeting, the Commission directed staff to conduct a comprehensive study of litter and illegal dumping in Tennessee to include research on the effects of littering and illegal waste dumping on the environment, economy, and overall quality of life in the state. The Commission clarified that the study would not focus on a bottle deposit or plastic bags because the General Assembly has already considered those issues.

Litter and illegal dumping continue to be a major concern identified by Tennessee local officials, and some of the biggest challenges they face include litter strewn along roads and waterways, litter-contaminated crops, littered neighborhoods, and illegal dump sites. National experts agree on several best practices to address litter issues and that multiple approaches should be used concurrently. This is the approach taken in Tennessee, where the state, local governments, and communities have been using best practices and working together to address litter and illegal dumping. The three main components of the state's efforts are 1) the Tennessee Department of Transportation's (TDOT) data collection, litter prevention, pickup, and education programs including Keep Tennessee Beautiful; 2) enforcement of the state's criminal littering and covered load laws; and 3) the Solid Waste Management Act of 1991. Although these programs are considered best practices and key to addressing litter, based on the literature, surveys of local officials, and interviews with stakeholders, they could be improved and strengthened.

Since 1983, TDOT's litter grant program has provided funding to all 95 counties for local litter pickup operations and to enhance litter prevention and education resources across the state. Counties are not required to share litter grant funds with cities, but some work with cities to pick up litter inside city limits. For various reasons, some counties don't spend their full grant allocation each year. Any litter grant funds that are not spent remain in the TDOT litter grant fund and carry over each year. The TDOT Highway Beautification Office uses a portion of these remaining funds to offer special litter grants every few years. These are competitive grants that are open to cities, counties, and non-profit organizations to support community-based litter cleanup, abatement, and recycling programs such as covered load law training, enforcement, and education about the effect of litter on water quality. While some stakeholders have said cities, in addition to counties, should directly receive grant funds for litter prevention, cities are eligible for special litter grants to help with their litter prevention efforts. However, Beautification Office staff say that, in general, city leaders don't seem to be aware of the existing opportunity to receive these funds, and not many apply.

**Therefore, the Commission recommends cities that need additional funding to deal with litter apply for special litter grants. Further, a permanent statewide litter task force, as recommended by this report, should gather data and assess the needs of cities across the state and help them connect with funding opportunities, such as the special litter grants.**

Tennessee's Keep America Beautiful (KAB) affiliate, Keep Tennessee Beautiful (KTnB), provides resources and expertise in litter prevention education, law enforcement, and community engagement. The program receives ongoing litter grant funding from the state to work with local KTnB affiliates, recruit new affiliates, and conduct many education, training, cleanup, and outreach activities across the state. KTnB affiliates have access to some KAB resources that are not available to the general public, such as a community assessment tool to identify needs and priorities, but many other resources provided by KAB are online and accessible to anyone. Some stakeholders have mentioned that an easily accessible online toolkit would help communities find resources such as educational materials, enforcement and collaboration guides, model ordinances, litter action plans, and community engagement strategies. Beautification Office staff said they are working on a resource page at the "Nobody Trashes Tennessee" website, and KTnB staff is open to collaborating to make resources more accessible. **To help communities find resources and solutions, the Commission recommends the Beautification Office and KTnB collaborate to create an online toolkit with resources for local governments based on best practices.**

Although in recent years Tennessee has increased fines for littering, stakeholders say the state's litter law training is not part of the state's Law Enforcement Training

Academy curriculum and not part of the regular training that prosecutors or judges receive. Experts agree that education and training about litter laws is critical—it helps everyone understand the negative effects of littering and the importance of strategies for enforcing laws and prosecuting people who litter. Further, roads to landfills and convenience centers are often problem areas, where more targeted enforcement could be beneficial. **To improve enforcement of litter laws, the Commission recommends the state support and facilitate more litter law enforcement training for law enforcement officers, prosecutors, and judges. And it recommends state and local governments consider focused enforcement of tarping laws in problem areas, such as roads that lead to landfills and convenience centers.**

While Tennessee already uses several best practices, stakeholders agree that enhanced statewide coordination would help communities and litter prevention efforts. Many state agencies, local governments, and nonprofit organizations are working to address litter across the state, and a statewide group could help coordinate efforts and assist local governments. For instance, a permanent group with diverse members could gather data and assess needs of communities across the state and connect them with resources and assistance to solve local problems such as illegal tire dumps. A strategic litter action plan is another tool other states have used to help coordinate efforts. **To provide coordinated support on an ongoing basis, the Commission recommends the state create a permanent litter task force that includes diverse stakeholders to help implement strategies in communities across the state. And it recommends this group consider developing and implementing a statewide action plan, like Pennsylvania’s.**

In its 2020 report *Closing Gaps in Tennessee’s Waste Tire Program and Giving Local Governments More Flexibility to Prevent Illegal Tire Dumping*, the Commission recommended several improvements to further address continuing waste tire issues. However, only one of the recommendations has been adopted. Public Chapter 746, Acts of 2022, implemented the Commission’s recommendation to give local governments more flexibility by allowing “pre-disposal fee revenue to be used for disposing of shredded waste tires in landfills in certain circumstances, where the beneficial end-use is documented to be cost-prohibitive.” Legislation introduced in 2022, Senate Bill 2344 by Senator Yager and House Bill 2381 by Representative Parkinson, would have implemented the report’s recommendations, but the bills didn’t pass. **The Commission continues to recommend the state implement the other recommendations made in TACIR’s 2020 waste tire report.**