

## *If current system works, why dump it?*

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### **Body**

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While no one would call garbage a glamour industry, the fact is that Michigan has one of the highest-quality and most economically efficient networks of solid-waste-disposal systems - i.e. landfills - in the nation.

The present privately owned waste-disposal capacity grew out of an outstanding response over the past two decades - by both public and private sectors - to agreed-upon quality and quantity issues. Old landfills, most built with inadequate safeguards, were stuffed to overflowing. Many leaked. Areas of population growth were underserved.

As a result of a public-private planning effort, a period of landfill development brought quality, state-of-the-art operations, all conducted under the intensely watchful eyes of state and federal regulators. Strangely, success has now brought on a misguided and potentially expensive call by both political parties to destroy what is working so well. Gov. Engler, legislators and the candidates for governor insist we should adopt a new regulatory scheme that would drive up costs while offering no appreciable benefit to the residents of the state. The boogeyman in all this is the misconceptions of garbage "importation."

The reality is that the cost to build modern landfills is many times greater than the cost of older, less well-regulated and designed ones they replaced. Maintaining relatively low disposal prices demands economies of scale in the form of larger landfills with higher annual operating volumes. Capacity and landfill revenue are also tied to long-term agreements and financial guarantees the operators sign with host communities.

But, now, state government wants to limit the potential customers for these businesses.

The proposals to limit waste receipts violates the concept of free and open markets, upon which our national economy is founded, and, more specifically, the principle of unregulated interstate commerce found in the U.S. Constitution and affirmed by the U.S. Supreme Court in 1978. These landfills are privately financed and operated businesses. Our government does not, and should not, have the right to limit who their customers can be.

Unmask the rhetoric, and what you find is a bizarre political lock-step seeking to hamstring one Michigan industry to the detriment of all Michigan businesses and all of Michigan's residents. Overregulation and artificial limits to business activity will only bring higher disposal costs and the potential for insolvency or marginally run operations, as we had in the past. Having worked so hard to build a solid legacy of landfill capacity and quality for our state, this industry and the Michigan public deserve better.

Arthur Siegel is a partner at the Detroit-based law firm Jaffe, Raitt, Heuer & Weiss P.C.

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If current system works, why dump it?

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