

Chapter 630

(Senate Bill 844)

AN ACT concerning

Environment – Newsprint Recycling Board – Repeal and Transfer of Authority

FOR the purpose of repealing the provisions of law that establish the Newsprint Recycling Board; authorizing the Secretary of the Environment, rather than the Board, to exempt a publisher from certain recycled content requirements under certain circumstances; providing that the Secretary's failure to act on a certain application under certain circumstances, rather than the Board's failure to act, is an approval of the application; requiring the Secretary, rather than the Board, to review certain reports, comment on certain matters, and conduct certain activities to encourage newsprint recycling; making stylistic changes; and generally relating to the Newsprint Recycling Board.

BY repealing and reenacting, without amendments,
 Article – Environment
 Section 9–1707(c)
 Annotated Code of Maryland
 (2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
 Article – Environment
 Section 9–1707(h)
 Annotated Code of Maryland
 (2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – Environment

9–1707.

(c) (1) To satisfy the recycled content percentage requirement of this section for a reporting period, at least the percentage specified in paragraph (2) of this subsection, by weight, of the total newsprint used by the publisher during that reporting period for newspapers distributed in the State shall be recycled materials.

(2) The recycled content percentage requirement is:

(i) 12% for 1992;

(ii) 12% for 1993;

- (iii) 20% for 1994, 1995, 1996, 1997, 1998, and 1999;
- (iv) 25% for 2000;
- (v) 30% for 2001 and 2002;
- (vi) 35% for 2003 and 2004; and
- (vii) 40% for 2005 and all subsequent reporting periods.

(h) (1) [(i) There is a Newsprint Recycling Board in the Department.

(ii) The Newsprint Recycling Board shall meet only at the request of the Secretary.

(2) The Newsprint Recycling Board is composed of 9 members appointed by the Governor as follows:

(i) 2 shall be representatives of newspaper publishers appointed from a list of at least 5 names submitted by the Maryland Delaware District of Columbia Press Association;

(ii) 1 shall be a representative of the Northeast Waste Disposal Authority;

(iii) 1 shall be a representative of the Maryland Environmental Service;

(iv) 1 shall be a representative of local governments;

(v) 1 shall be a representative of the newspaper recycling manufacturing industry;

(vi) 1 shall be a representative of an industry, other than an industry that uses old newspapers; and

(vii) 2 shall be representatives of environmental groups with some expertise in recycling.

(3) The Governor shall appoint the Chairman of the Newsprint Recycling Board from among the members.

(4) (i) The term of a member of the Newsprint Recycling Board is 3 years.

(ii) The terms of the members of the Newsprint Recycling Board are staggered as required by the terms of the members of the Board serving on December 31, 1991.

(iii) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(iv) A member of the Newsprint Recycling Board may not serve more than two 3-year terms.

(v) The members of the Newsprint Recycling Board shall serve without compensation, but shall be reimbursed for all reasonable expenses incurred in the performance of their duties.

(5) Upon] **ON** the application of a newspaper publisher, the [Newsprint Recycling Board shall, on the affirmative vote of a majority of the members eligible to vote, excuse] **SECRETARY MAY EXEMPT** the publisher of all or part of the recycled content percentage requirements of this section for the newspaper publisher under such terms and conditions and for such periods as the [Board] **SECRETARY** considers appropriate if the [Board] **SECRETARY** determines, after taking into consideration the publisher's supply contracts which existed as of March 15, 1990, that:

(i) The publisher could not obtain from manufacturers serving the mid-Atlantic region an adequate supply of recycled newsprint comparable in quality to virgin newsprint; and

(ii) The publisher has made a good faith effort to meet the recycled content percentage requirements.

[(6)] **(2)** If the [Newsprint Recycling Board] **SECRETARY** fails to act on an application for an [excuse] **EXEMPTION** of all or part of the recycled content percentage requirements made under paragraph [(5)] **(1)** of this subsection within 45 days of the filing of the application with the [Board] **SECRETARY**, the application shall be deemed approved.

[(7)] **(3)** The [Newsprint Recycling Board] **SECRETARY** shall:

(i) Review the reports filed under subsection (e) of this section;

(ii) Analyze the availability and utilization of newsprint containing recycled material;

(iii) Comment on the appropriateness of the recycled content percentage requirements, including whether the requirements encourage manufacturers of virgin newsprint to convert to recycling;

(iv) Comment on the need for continuation of the provisions of this

section and the impact the provisions of this section have on users of old newspapers for purposes other than producing newsprint;

(v) Work with municipalities and other collectors of old newspapers to develop a reliable system to provide a stable and quality supply of old newspapers for recycling;

(vi) Work to encourage the location of production facilities in the region to ensure an increase in the supply of recycled newsprint; and

(vii) Work to encourage the reuse of old newspapers.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 15, 2018.