



February 9, 2021

MDH.B.0036: Environment – Packaging, Containers, and Paper Products – Producer Responsibility

Mr. Chairman Barve and Members of the House Environment and Transportation Committee,

Thank you for the opportunity to make comments on HB 0036.

We think the recycling rate is too high too soon. We know from our own experience in purchasing recycled material that there is not enough material available to meet these aggressive goals; whole new systems for collection and recycling are going to have to be created. We recommend a rate of 15% for 2-3 years, 25% for 2-3 years, and a maximum recycling rate of not more than 50%. This will allow time for recycling facilities to ramp up production to meet the new demand for recycled material.

But in order to meet these goals, producers will need access to all types of recycled content. The bill does not include a definition of recycled content. We suggest that recycled content be defined to mean “any recycled or reused material that a producer uses in lieu of purchasing new materials that are not recycled or reused.” This definition allows producers to reduce, reuse and recycle all types of material, including:

- Plastic from used coat hangers collected from stores—this is an important source of our company’s current recycled content, and it helps to divert hangars from the waste stream.
- Scrap that we could buy from a producer that has material available for sale.
- Other post-consumer recycled content.

A more narrow definition will not allow producers to reach the desired targets due to:

- Food safety concerns that drive FDA restrictions on the permissible sources of post-consumer recycled content for food packaging.
- A limited supply of available post-consumer recycled material.

Second, the bill needs clarification on how recycled content will be measured. We suggest that a producer be required to demonstrate that its products meet the requirement on an average annual basis. Recycled content may not be steadily available, so one day’s production may have a high recycled content and the next day’s less. Also, because of the way in which recycled content and non-recycled content are mixed in the production process, producers cannot guarantee that every single unit produced will individually meet the content requirement.

Third, the requirement that all single use packaging be readily recyclable or compostable by 2030 will effectively ban many common products unless there is major development of collection and recycling markets. No one can foresee how that will unfold. Similar proposed legislation in New Jersey allows a manufacturer to apply for a waiver if it is not possible to meet the goals. We suggest including a similar provision in this legislation for both the recycled content requirement and the recyclability/composability requirement.

Fourth, the current draft defines covered materials or products to include any “part” of a package or container. We believe that this confuses the implementation and enforcement of the legislation. For example, a spray

Tekni-Plex, Inc.

460 East Swedesford Road, Suite 3000 ▪ Wayne, PA 19087 ▪ Phone (484) 690-1520 ▪ Fax (484) 367-7819

bottle may include a container, a trigger, a nozzle, a gasket, a tube to dispense the product...does the legislature really intend to separately regulate nozzles? It seems wiser to regulate the package as a whole.

Lastly, the bill proposes that all single use plastic packaging be reduced "to the maximum extent practicable and by not less than 25% by 2030." This is vague. Does this refer to units? To total weight? To an individual producer or the market as a whole? What is the base against which the 25% is compared? Until this is more clear, it is hard to even have a productive dialogue. But even the concept seems unnecessary in light of the other requirements of this bill and some of the product bans already passed by the legislature. We suggest that this be removed from the bill.

Respectfully,



George Braddon

Tekni-Plex, Inc.

460 East Swedesford Road, Suite 3000 ■ Wayne, PA 19087 ■ Phone (484) 690-1520 ■ Fax (484) 367-7819