

Maryland-Delaware Solid Waste Association  
a chapter of the



**National  
Waste & Recycling  
Association**<sup>SM</sup>

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TO: The Honorable Kumar P. Barve, Chair  
Members, House Environment and Transportation Committee  
The Honorable Lorig Charkoudian

FROM: Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman

DATE: January 27, 2021

RE: **OPPOSE** – House Bill 264 – *Solid Waste Management – Organics Recycling and Waste Diversion – Food Residuals*

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The Maryland Delaware Solid Waste Association (MDSWA), a chapter of the National Waste and Recycling Association, is a trade association representing the private solid waste industry in the State of Maryland. Its membership includes hauling and collection companies, processing and recycling facilities, transfer stations, and disposal facilities. MDSWA and its members **oppose** House Bill 264.

House Bill 264 requires entities that generate food residuals in certain volumes to separate the residuals from other solid waste and ensure the residuals are not disposed of in a refuse disposal system if there is an organics recycling facility within a 30-mile radius. The bill also specifies ways in which an entity must source, separate, and manage food residuals, many of which may be limited by other laws and regulations such as food donation and for use as animal feed. House Bill 264 is essentially a disposal ban for large generators of food waste despite the lack of adequate infrastructure for organics recycling to manage the volumes specified in the legislation.

This legislation is undoubtedly designed to stimulate the development of composting facilities and anaerobic digestion facilities within the State and increase the amount of organic waste which is recycled. While MDSWA is a strong proponent of organics recycling and appreciates the intent of the legislation, it must oppose its adoption as the requirements of the bill cannot realistically be implemented in the timeframes proposed in the bill or without significant costs to the State, local governments, and the businesses and institutions to which the disposal ban would apply.

The barriers to effective implementation include a lack of permitted capacity and “one size fits all” requirements that do not recognize that collection, hauling, disposal and recycling infrastructure that must be inherently “local” to be effective and efficient. The cost of collection, population density, transportation costs, facility location and capacity, as well as a myriad of other factors require local planning and implementation and should not be mandated statewide. The goals of House Bill 264 are notable, but the infrastructure to implement does not exist.

In addition, there is virtually no data currently available to determine how many businesses and institutions may be affected by this legislation. Hospitals, colleges, nursing homes, food distribution facilities, grocery stores, state office complexes, and correctional facilities all potentially will be forced to redesign their management of waste without any assurance there will be facilities available to meet their demand or the cost implications of the redesign. MDSWA cannot speak for those businesses and institutions but is confident they may not even be aware of this initiative let alone know how to respond.

MDSWA was a member of the *Yard Waste, Food Residuals and Other Organic Materials Diversion and Infrastructure Study Group* that was created through legislation in 2017. The legislation required the Maryland Department of the Environment to study and make recommendations related to the diversion of yard waste, food residuals, and other organic materials from refuse disposal facilities; and to evaluate the status of infrastructure in the State. The bill required the Department to consult with multiple stakeholders to conduct the study. The data considered by the Workgroup on organics generation and recycling capacity revealed a shortfall in capacity (for food residuals, in particular), and the study group discussed initiatives that may promote the development of new composting and anaerobic digestion capacity. Disposal bans were considered as an option for promoting capacity.

While some workgroup members were strong proponents of a disposal ban, other members noted that in States that have implemented such bans faced challenges in realizing infrastructure growth. Some states reported that insufficient processing infrastructure capacity has persisted, and Vermont, in 2018, delayed the requirement for haulers to collect food residuals. These experiences suggest that increased feedstock availability, resulting from a disposal ban, may not always lead to a proportionate increase of investment into processing infrastructure, at least not immediately or in the absence of other infrastructure supporting policies. The operator of a private composting facility in Maryland observed that disposal bans adopted in other states have led to greater investment into anaerobic digestion infrastructure than composting infrastructure. One study group member had concerns about the availability of organics haulers and the costs for businesses to comply and suggested that continued evaluation is needed before a recommendation for a disposal ban should be made. Ultimately, the Department did not include in this report a recommendation to adopt a new or expanded disposal ban on organics. Furthermore, legislation was adopted in the 2019 Session that prohibits an owner or operator of a refuse disposal system from accepting truckloads of separately collected yard or food waste for final disposal unless the owner or operator provides for composting or mulching of the material. That legislation addressed some of the objectives of this bill without creating unintended consequences and costs.

MDSWA encourages the members of the Committee to review the findings and recommendations of the Study Group's final report published in July 2019, which provides a number of consensus recommendations on advancing the recycling of food residuals, specifically, and organic material, generally.

See: <https://mde.maryland.gov/programs/LAND/RecyclingandOperationsprogram/Pages/House-Bill-171-%E2%80%93Organic-Materials-Diversion-and-Infrastructure-%E2%80%93Study.aspx>.

MDSWA would assert that market development is a much more successful approach to stimulating the development of facilities and the infrastructure to serve those facilities than mandating their use and banning disposal when there may not be a cost-effective option available. MDSWA urges an unfavorable report.

**For more information call:**

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