



TO: Senate Education, Energy, and the Environment Committee

FROM: Mid Atlantic Propane Gas Association

DATE: February 9, 2023

RE: **SENATE BILL 222 – Favorable with Amendments** – Environment – Reducing Packaging Materials  
– Producer Responsibility

On behalf of propane marketers in Maryland, the Mid Atlantic Propane Gas Association (MAPGA), is requesting an amendment to SB222 – legislation establishing an extended producer responsibility program for certain materials. MAPGA is concerned their members' products would fall under the definition of "packaging materials."

The requested amendment would expressly exempt propane cylinders. These products can be refilled many times and older cylinders can be reconditioned to extend their lifespan. As such, these products likely do not fall into the same category as single-use/shorter lifespan products.

If propane cylinders are not explicitly or passively exempted, SB222 may ensnare these products during the agency rulemaking process. As covered products, manufacturers and producers (can include retail marketers) of LP cylinders would be subject to the applicable regulatory and compliance costs.

Below are some examples of how other states with EPR programs have approached this issue:

Oregon [EPR law](#): Specifically excludes coverage for refillable (e.g., 20/30 pounders) propane cylinders. Per the bill, a covered product does not include: "Liquified petroleum gas containers that are designed to be refilled."

California [EPR law](#): While regulations still need to be finalized, it seems likely that propane cylinders will be exempt from coverage. Per the bill, a covered material does not include: "Packaging used to **contain hazardous or flammable products** regulated by the 2012 federal Occupational Safety and Health Administration Hazard Communications Standard."

Colorado [EPR law](#): While regulations still need to be finalized, it seems that refillable propane cylinders (e.g., 20/30 pounders) will be exempt from coverage. Per the bill, covered packaging material is defined as: "Any material, regardless of recyclability, **that is intended for single or short-term use** and is used for the containment, protection, handling, or delivery of products to the consumer at the point of sale, including through an internet transaction."

For these reasons, **MAPGA is requesting an amendment to exempt propane cylinders.**