



SB222 – Environment – Reducing Packaging Materials - Producer Responsibility

Testimony before Senate Education, Energy, and the Environment Committee

February 9, 2023

Position: Favorable with amendments

Dear Education, Energy, and the Environment Committee Members,

My name is Ruth Auerbach, and I represent the 750+ members of Indivisible Howard County. We are providing written testimony today to **support with amendments SB222**, for extended producer responsibility for packaging materials. Indivisible Howard County is an active member of the Maryland Legislative Coalition (with 30,000+ members). We are grateful for the leadership of Senator Augustine in sponsoring this bill.

An Extended Producer Responsibility bill for packaging is desperately needed to create incentives for better packaging choices by producers, who are best positioned to understand the options and the associated environmental, health, and financial costs of disposal. Producers must make socially responsible choices and not rely upon local governments and consumers to deal with the costs and consequences of the packaging.

However, to achieve the bill's intended purpose, we propose the following two changes:

1. More clear and explicit goals should be stated in the legislation. The only goal explicitly stated is 9-2504 (B)(4) "...REDUCE ALL PACKAGING MATERIAL WASTE TO THE MAXIMUM EXTENT PRACTICABLE, AND BY NOT LESS THAN 25% FOR EACH PACKAGING MATERIAL TYPE, WITHIN 5 YEARS AFTER THE DATE ON WHICH THE FIRST VERSION OF THE PLAN IS APPROVED." One problem is that the term "packaging material waste" is not defined in the bill. We are concerned that waste may not be measurable. We recommend replacing this term with "single-use packaging materials". We also recommend adding the following goals for these packaging types:
 - Beverage containers – States with a 10 cent deposit fee on beverage containers are getting a recycling rate of 90%. Additionally, in light of the Beverage Container Recycling Refund and Litter Reduction Act that has been introduced by Del. Terrasa, we suggest either
 - a) including a goal of recycling 90% of beverage containers within 5 years with an administrative fine of 10 cents per container short of the target, or
 - b) removing beverage containers in favor of supporting the bill by Del. Terrasa.
 - Single-use packaging – We recommend for single-use packaging
 - a) to have at least 75% postconsumer content by October 1, 2028; and
 - b) be readily recyclable or compostable by October 1, 2031
2. Section 9-2510 does not state what constitutes a violation. Is the sale of each individual item without an approved producer responsibility plan a single penalty, or might a single penalty be millions of dollars of sales at multiple locations over multiple years? We recommend defining "violation" and including penalties that are substantial enough to affect the activity of the producers.

Thank you for your consideration of this important legislation. **We respectfully urge a favorable report on this bill with amendments.**

Ruth Auerbach, Ph.D.
9455 Clocktower Lane
Columbia, MD 21046