



Senate Bill 222

Environment – Reducing Packaging Materials - Producer Responsibility

MACo Position: **SUPPORT**

To: Environment & Transportation and
Economic Matters Committee

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From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS** SB 222. This bill would reasonably require packaging producers to take more responsibility for the role they play in adding to the waste stream by providing new resources to struggling recycling networks.

Currently, all costs associated with recycling and waste management are left to local governments, and in effect, taxpayers. Due largely to declining markets for recycled commodities, county recycling networks have experienced significant hardships and have been forced to draw taxpayer subsidies to continue their operations.

SB 222 outlines a framework for an Extended Producer Responsibility (EPR) model that would place responsibility on packaging producers for end-of-life management. Industry members would form one or more producer responsibility organizations that would collect payments from producers based on the recyclability of product packaging. Local governments would be eligible to apply for and receive reimbursements for the work they are already doing, including labor costs, collecting, transporting, and processing covered materials. Counties would then be able to invest any new funds back into their networks to help ease the burden on taxpayers. SB 222 would also encourage producers to make packaging that is more easily recyclable and more environmentally friendly.

Counties do have one concern regarding the amendments adopted by the Senate. Page 33, lines 22-25 require that counties must file a feasibility plan with MDE regarding the sell back of any recovered recycled material to the manufacturer.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2024, each local government in the State shall file a feasibility plan with the Department of the Environment that prioritizes the sale of recycled packaging materials back to manufacturers that have a manufacturing facility in the State.

The logistics of sorting through who manufactured what item and making sure that plastic is somehow directed back to the manufacturer would be difficult – if not impossible – for the (mostly local governmental) entities charged with this responsibility. Recycled material is typically bulked together by plastic type, and then processed. The extra layer of sorting by manufacturer would add a high level of unnecessary complexity and pose inefficiency on these functions. Furthermore, this recycled plastic is sold on the open market at market rate. If requiring resale back to manufacturers somehow removes a county's ability to get market rate prices, this would significantly impede local government's ability to fund recycling operations. This section should be removed, as it risks the functionality of the entire EPR program.

SB 222 would provide needed financial support to struggling local government recycling networks by holding producers responsible for their products. Accordingly, MACo requests a **FAVORABLE** report on SB 222.