



Plastics Division

February 7, 2024

Electronic Delivery

Honorable Marc A. Korman, Chair, and
Member, Committee on the Environment and Transportation
House of Delegates,
State of Maryland
House Office Building, Room 251
Annapolis, Maryland 21401

In re: H. 168, relating to: plastics post-consumer recycled content requirements; testimony in opposition

Dear Chair Members,

On behalf of the members of the Plastics Division of the American Chemistry Council (ACC), thank you for this opportunity to provide comments to H. 168, relating to: plastics post-consumer recycled (PCR) content.

ACC **opposes** this legislation in its current form because we are concerned it may lead to negative environmental impacts. Many of the objectives of the bill would be achieved through the work already started by the extended producer responsibility (EPR) advisory council created by S. 222.

ACC urges the committee to allow the council to complete its work. The council is charged with making a recommendation on effectively establishing and implementing EPR law in the state. Key to this recommendation will be the council's work analyzing the current solid waste and recycling streams, infrastructure, markets, and potential market development. This council is required to submit this assessment before July 30, 2024. ACC believes that the council's work will help contribute to well-crafted EPR that will better help transition Maryland to a circular economy.

We fully support the pursuit of a more circular economy. A circular economy prioritizes resource conservation and efficiency, design innovations that enable longer product lifespans, and reuse, recycling and recovery technologies that allow us to capture the greatest value from materials that have traditionally been discarded.

Recycled content is a critical part of a circular economy. To meet the demand for additional recycled content for plastic will require an additional 13 billion pounds according to the Independent Commodity Intelligence Service (ICIS). This is significantly more than the amount of plastic currently collected. To bridge this gap, significantly more infrastructure is required.

Statutory minimum requirements could lead to greater environmental impacts. We fully support increasing recycling and greater use of recycled content. However, without infrastructure, statutory mandates could lead to deselection – even with waivers. Deselection could lead to greater environmental impacts, not less. For example, the light



weight of plastics reduces transportation costs compared to heavier materials, which reduces carbon emissions, and the strength of plastics relative to its weight allows for minimum material usage in packaging design.¹ Alternative materials, often have higher environmental costs, which is why improving recycling infrastructure is a better solution.²

Again, thank you for this opportunity to provide this information to the committee. If you have any questions or if I may be of further service, please feel free to contact Josh Young, ACC's Senior Director, Mid-Atlantic Region at 202-249-6223 or

Josh.Young@AmericanChemistry.com

Sincerely,



Adam S. Peer, Senior Director
American Chemistry Council

¹ Anthony L. Andrady and Mike A. Neal, "Applications and Societal Benefits of Plastics," *Philosophical Transactions of the Royal Society B: Biological Sciences* 364, no. 1526 (July 27, 2009): 1977–84, <https://doi.org/10.1098/rstb.2008.0304>.

² Richard Lord, "Plastics and Sustainability: A Valuation of Environmental Benefits, Costs, and Opportunities for Continuous Improvement" (American Chemistry Council, July 2016), <https://perma.cc/6PX6-MPUW>; Jinghan Di et al., "United States Plastics: Large Flows, Short Lifetimes, and Negligible Recycling," *Resources, Conservation and Recycling* 167 (April 2021): 105440, <https://doi.org/10.1016/j.resconrec.2021.105440>.