



February 7, 2024

House Bill 168 – Environment - Plastic Products - Postconsumer Recycled Content Program

Position: OPPOSE

Dear Environment and Transportation Committee:

The Restaurant Association of Maryland opposes House Bill 168.

Despite some revised language in this year's bill, our members remain concerned that the recycled content requirements proposed by this legislation may affect the future availability of suitable rigid plastic food containers to meet our industry's needs. When Maryland's ban on polystyrene foam became effective, many of our restaurants struggled to find appropriate alternatives. We believe passage of this legislation could make it even more challenging to find cost-effective foodservice containers that achieve our performance requirements.

The availability of food containers with specified recycled content is also subject to marketplace realities. Food and Drug Administration (FDA) guidelines for food-contact packaging materials also cover post-consumer recycled content (PCR). We have learned from manufacturer representatives that the supply of PCR resin types that meet FDA requirements for food-contact applications has typically been low and varies between resin types. Also, the use of PCR can affect the rigidity of foodservice packaging containers.

In 2023, the General Assembly passed legislation (SB 222) that requires the Maryland Department of Environment to hire a consultant to conduct a statewide recycling needs assessment and report the results by July 30, 2024. This new law also establishes an advisory council to provide advice and make recommendations for implementing a producer responsibility program for packaging materials (report due by December 1, 2024). We believe it would be prudent for the General Assembly to wait until after the recycling needs assessment report becomes available and producer responsibility program advisory council recommendations before giving serious consideration to any other recycling-related policy.

For these reasons, we oppose this legislation and request an unfavorable report.

Sincerely,

Melvin R. Thompson
Senior Vice President
Government Affairs and Public Policy