

SB0222/413428/1

BY: Conference Committee

AMENDMENTS TO SENATE BILL 222
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Reducing Packaging Materials –**” and substitute “**Statewide Recycling Needs Assessment and**”; in the same line, after “**Responsibility**” insert “**for Packaging Materials**”; strike beginning with “requiring” in line 3 down through “manner;” in line 17 and substitute “altering the definition of “organics recycling” to include the processing of certain compostable packaging materials in a certain manner; requiring the Department of the Environment to approve a certain producer responsibility organization for certain purposes on or before a certain date; establishing a producer responsibility advisory council to provide advice and make recommendations regarding establishing and implementing a producer responsibility program in the State for packaging materials and to report to certain committees of the General Assembly on or before a certain date;”; strike beginning with “certain” in line 18 down through “dates” in line 21 and substitute “a certain statewide recycling needs assessment in a certain manner and to submit a certain report to the Governor and the General Assembly on or before a certain date”; and in line 21, after “to” insert “a statewide recycling needs assessment and”.

On page 2, in line 2, strike “and (o)”; in line 7, strike the first comma; in the same line, strike “9–1702 and 9–1707(f)”; in line 12, strike “9–1702.2; and”; and in the same line, strike “9–2510” and substitute “9–2503”.

AMENDMENT NO. 2

On pages 2 through 10, strike in their entirety the lines beginning with line 25 on page 2 through line 8 on page 10, inclusive.

On page 10, in line 13, strike “**PLAN**”; in line 14, strike “**9–2505**” and substitute “**9–2503**”; strike in their entirety lines 24 through 26, inclusive; in line 27, strike “**(E)**”

and substitute “**(D)**”; and strike beginning with “**AND**” in line 27 down through “**MEANINGS**” in line 28 and substitute “**HAS THE MEANING**”.

On page 11, strike beginning with “**(F)**” in line 1 down through “**(G)**” in line 4 and substitute “**(E)**”.

On page 12, in line 3, strike “**(H)**” and substitute “**(F)**”; strike beginning with “**IS**” in line 3 down through the second “**SUBTITLE**” in line 4 and substitute “:

(I) WITH RESPECT TO PACKAGING MATERIALS USED TO DIRECTLY PROTECT OR CONTAIN A PRODUCT SOLD, OFFERED FOR SALE, OR DISTRIBUTED IN THE STATE:

1. A. HAS LEGAL OWNERSHIP OF THE BRAND OF THE PRODUCT UNDER WHICH THE PRODUCT IS SOLD; OR

B. IS THE MANUFACTURER OF THE PRODUCT, IF THE PRODUCT IS SOLD IN PACKAGING MATERIALS THAT LACK IDENTIFICATION OF THE BRAND;

2. IS THE LICENSEE OF THE BRAND OR TRADEMARK UNDER WHICH THE PRODUCT IS SOLD, WHETHER OR NOT THE TRADEMARK IS REGISTERED IN THE STATE, IF THE PRODUCT IS MANUFACTURED BY A PERSON OTHER THAN THE BRAND OWNERS; OR

3. IS THE PERSON THAT IMPORTS THE PRODUCT INTO THE UNITED STATES FOR USE IN A COMMERCIAL ENTERPRISE THAT SELLS, OFFERS FOR SALE, OR DISTRIBUTES THE ITEM IN THE STATE, IF THERE IS NO PERSON DESCRIBED IN SUBSUBPARAGRAPHS 1 AND 2 OF THIS SUBPARAGRAPH; AND

(II) WITH RESPECT TO PACKAGING MATERIALS USED TO SHIP A PRODUCT TO A CONSUMER IN THE STATE, IS THE PERSON THAT PACKAGES AND SHIPS THE PRODUCT”;

in line 7, strike “OR”; line 10, after “ACT” insert “;

(IV) AN ENTITY THAT GENERATED LESS THAN \$5,000,000 IN GROSS REVENUE DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR;

(V) AN ENTITY THAT SOLD, OFFERED FOR SALE, OR DISTRIBUTED FOR SALE IN THE STATE DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR LESS THAN 1 METRIC TON OF PACKAGING MATERIALS;

(VI) 1. AN ENTITY THAT OWNS OR OPERATES A RESTAURANT, FOOD CART, OR SIMILAR ESTABLISHMENT THAT:

A. IS HEADQUARTERED IN THE STATE; AND

B. PRIMARILY SELLS TO MEMBERS OF THE PUBLIC FOOD THAT IS GENERALLY INTENDED TO BE CONSUMED IMMEDIATELY AND WITHOUT THE NEED FOR FURTHER PREPARATION, EITHER ON OR OFF THE PREMISES; AND

2. IS NOT A PRODUCER OF FOOD SERVICEWARE;

(VII) AN ENTITY THAT OWNS OR OPERATES A SINGLE RETAIL SALES ESTABLISHMENT THAT:

1. HAS NO ONLINE SALES; AND

2. IS NOT SUPPLIED OR OPERATED AS PART OF A FRANCHISE OR A CHAIN; OR

(VIII) 1. AN ENTITY THAT IS LICENSED UNDER TITLE 2 OF THE ALCOHOLIC BEVERAGES ARTICLE; AND

(Over)

2. GENERATED LESS THAN \$10,000,000 IN GROSS REVENUE DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR; OR

(IX) AN ENTITY THAT HAS EXECUTED AN AGREEMENT WITH ANOTHER ENTITY, UNDER WHICH THE OTHER ENTITY HAS AGREED TO ASSUME RESPONSIBILITY UNDER A PRODUCER RESPONSIBILITY PROGRAM FOR ANY PACKAGING MATERIALS ATTRIBUTABLE TO THE FIRST ENTITY”;

strike beginning with “**(I)**” in line 11 down through “**A**” in line 15 and substitute:

“(G) “PRODUCER RESPONSIBILITY ORGANIZATION” MEANS A”;

in lines 16 and 18, strike “**(I)**” and “**(II)**”, respectively, and substitute “**(1)**” and “**(2)**”, respectively; and strike beginning with “**IMPLEMENT**” in line 18 down through “**SUBTITLE**” in line 20 and substitute “**REPRESENT THE INTERESTS OF PRODUCERS UNDER THIS SUBTITLE**”.

On pages 12 through 26, strike in their entirety the lines beginning with line 21 on page 12 through line 24 on page 26, inclusive, and substitute:

“9-2502.

ON OR BEFORE OCTOBER 1, 2023, THE DEPARTMENT SHALL APPROVE A SINGLE PRODUCER RESPONSIBILITY ORGANIZATION TO REPRESENT THE INTERESTS OF PRODUCERS UNDER THIS SUBTITLE.

9-2503.”.

On page 26, in line 25, strike “PLAN”; strike beginning with the second “TO” in line 26 down through “PLANS” in line 28 and substitute “AND MAKE RECOMMENDATIONS REGARDING ESTABLISHING AND IMPLEMENTING A PRODUCER RESPONSIBILITY PROGRAM IN THE STATE FOR PACKAGING MATERIALS”; and in line 30, strike “SECRETARY” and substitute “SECRETARY”.

On page 27, in line 8, strike “THE” and substitute “PRODUCERS FROM THE”; in line 11, strike “EACH” and substitute “THE”; in line 12, after “ORGANIZATION” insert “APPROVED BY THE DEPARTMENT UNDER § 9-2502 OF THIS SUBTITLE”; strike beginning with “ENVIRONMENTAL” in line 17 down through “JUSTICE” in line 18; and in line 18, after “ORGANIZATION” insert “THAT ADVOCATES ON BEHALF OF OVERBURDENED OR UNDERSERVED COMMUNITIES, AS DEFINED IN § 1-701 OF THIS ARTICLE”.

On page 28, strike in their entirety lines 1 through 13, inclusive; in line 16, after “(E)” insert “THE DEPARTMENT SHALL PROVIDE STAFF FOR THE ADVISORY COUNCIL.”

(F)”;

in lines 21 and 22, strike “(F)” and “(G)”, respectively, and substitute “(G)” and “(H) (1)”, respectively; in line 21, strike “LEAST QUARTERLY” and substitute “THE REQUEST OF THE SECRETARY”; and in line 22, strike the colon and substitute “EVALUATE AND MAKE RECOMMENDATIONS, INCLUDING LEGISLATIVE RECOMMENDATIONS, ON HOW TO EFFECTIVELY ESTABLISH AND IMPLEMENT A PRODUCER RESPONSIBILITY PROGRAM IN THE STATE FOR PACKAGING MATERIALS.”

(2) IN MAKING RECOMMENDATIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ADVISORY COUNCIL SHALL INCLUDE

(Over)

RECOMMENDATIONS REGARDING THE RESPONSIBILITIES OF PRODUCERS UNDER
A PRODUCER RESPONSIBILITY PROGRAM.

(I) ON OR BEFORE DECEMBER 1, 2024, THE ADVISORY COUNCIL SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE SENATE COMMITTEE ON EDUCATION, ENERGY, AND THE ENVIRONMENT AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE.”.

AMENDMENT NO. 3

On pages 28 through 33, strike in their entirety the lines beginning with line 23 on page 28 through line 31 on page 33, inclusive, and substitute:

“SECTION 2. BE IT FURTHER ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) In this section, “advisory council” and “producer” have the meanings stated in § 9-2501 of the Environment Article, as enacted under Section 1 of this Act.

(b) (1) The Office of Recycling in the Department of the Environment shall procure a statewide recycling needs assessment in accordance with this section.

(2) The Office shall hire an independent consultant to conduct a statewide recycling needs assessment that includes:

(i) an analysis of the State’s current solid waste streams, including:

1. solid waste generated in the State by local jurisdiction, type, and material;

2. disposal methods by material type and amount; and

3. associated costs and revenues for solid waste disposal programs;

(ii) an analysis of the State's current recycling streams, including:

1. recyclable materials processed by local jurisdiction, type, and amount;

2. processing methods by material type and amount;

3. associated costs and revenues for recycling programs, collection, and tipping fees; and

4. an estimate of the amount of recyclable materials that are not currently being recycled;

(iii) an evaluation of the current infrastructure and capacity related to, need for, and associated costs of:

1. recycling access and availability;

2. collecting and hauling recyclable or compostable materials in the State;

3. processing recyclable or compostable materials in the State;

4. taking advantage of favorable market conditions or other opportunities for increasing recycling or organics recycling in the State;

5. in coordination with local governments, consumer education regarding recycling, organics recycling, and contamination reduction;

6. reuse infrastructure; and

7. organics recycling infrastructure;

(iv) an evaluation of commingled recycling processing facility worker conditions, wages, and benefits;

(v) an evaluation of opportunities in the recycling system for women and minority individuals;

(vi) an evaluation of local government requirements related to multifamily and commercial recycling services and their implementation;

(vii) the sufficiency of recycling education programs relative to desired equity outcomes;

(viii) an evaluation of the economic opportunities in the State's recycling system, including:

1. State and local revenue that may be considered lost because recyclable materials are not being recycled;

2. current jobs associated with the solid waste and recycling industries;

3. opportunities to increase employment in the recycling industry by material type;

4. business opportunities associated with recycling;

5. barriers to increasing the use of recyclable materials as feedstock for principal processors and manufacturers and means of eliminating those barriers; and

6. recommendations for incentives to stimulate job growth and business opportunities in the State's recycling industry;

(ix) recommendations for improving equity and equitable outcomes for underserved populations in the State's recycling system;

(x) an analysis of the costs and benefits of implementing an extended producer responsibility program, including to:

1. local governments;
2. waste producers;
3. residents; and
4. waste management companies;

(xi) an analysis of the potential environmental impact of an extended producer responsibility program, including through:

1. increased recycling;
2. resource recovery;
3. waste reduction; and
4. reduced environmental damage; and

(xii) recommendations on the best practices to follow from successful extended producer responsibility programs in other states and countries.

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(c) On or before July 30, 2024, the Office shall report on the results of the assessment conducted under this section to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

(d) In conducting the assessment required under this section, the independent consultant shall consult with the advisory council, appropriate local governmental entities, and regional solid waste organizations and producers in the State.”.

On page 34, in line 1, strike “4.” and substitute “3.”; and in line 2, strike “October” and substitute “July”.