

**HB0284/713629/1**

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 284  
(First 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; 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;”; in line 18, after “Department” insert “of the Environment to hire an independent contractor”; strike beginning with “certain” in line 18 down through “dates” in line 20 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”; in line 21, after “to” insert “a statewide recycling needs assessment and”; after line 21, insert:

“BY repealing and reenacting, without amendments,

Article – Environment

Section 9–1701(a)

Annotated Code of Maryland

(2014 Replacement Volume and 2022 Supplement)”;

and in line 24, strike “9–1702 and 9–1707(f)” and substitute “9–1701(n)”.

On page 2, in line 1, strike “9–1702.2; and”; and in the same line, strike “through 9–2510” and substitute “and 9–2502”.

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AMENDMENT NO. 2

On page 2, after line 7, insert:

“9-1701.

(a) In this subtitle the following words have the meanings indicated.

(n) (1) “Organics recycling” means any process in which organic materials OR COMPOSTABLE PACKAGING MATERIALS are collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

(2) “Organics recycling” includes anaerobic digestion and composting.”.

On pages 2 through 7, strike in their entirety the lines beginning with line 8 on page 2 through line 15 on page 7, inclusive.

On page 7, in line 20, strike “PLAN”; in line 21, strike “9-2505” and substitute “9-2502”; strike in their entirety lines 22 through 27, inclusive; and in line 28, strike “(D)” and substitute “(C)”.

On page 8, after line 1, insert:

“(D) “ORGANICS RECYCLING” HAS THE MEANING STATED IN § 9-1701 OF THIS TITLE.”;

in line 17, strike “INCLUDE ANY” and substitute “INCLUDE:

(I) ANY”;

in lines 19, 22, and 24, strike “(I)”, “(II)”, and “(III)”, respectively, and substitute “1.”, “2.”, and “3.”, respectively; in line 23, strike the first “OR”; in the same line, after

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“DIAGNOSTIC,” insert “OR DIETARY SUPPLEMENT,”; and in line 26, after “ANIMALS” insert “;OR

(II) LIQUEFIED PETROLEUM GAS CONTAINERS THAT ARE DESIGNED TO BE REFILLED”;

and strike beginning with “IS” in line 27 down through the second “SUBTITLE” in line 28 and substitute “:

(I) MANUFACTURES PACKAGING MATERIALS IF THE PACKAGING MATERIALS ARE SOLD UNDER THE MANUFACTURER’S OWN BRAND OR ARE SOLD IN PACKAGING MATERIALS THAT LACK IDENTIFICATION OF A BRAND;

(II) IS THE LICENSEE OF A BRAND OR TRADEMARK UNDER WHICH PACKAGING MATERIALS ARE SOLD, OFFERED FOR SALE, OR DISTRIBUTED IN THE STATE, WHETHER OR NOT THE TRADEMARK IS REGISTERED IN THE STATE IF THE PACKAGING MATERIALS ARE MANUFACTURED BY A PERSON OTHER THAN THE BRAND OWNER; OR

(III) IMPORTS THE PACKAGING MATERIALS INTO THE UNITED STATES FOR USE IN A COMMERCIAL ENTERPRISE THAT SELLS, OFFERS FOR SALE, OR DISTRIBUTES THE PACKAGING MATERIALS IN THE STATE IF THERE IS NO PERSON DESCRIBED IN ITEMS (I) OR (II) OF THIS PARAGRAPH LOCATED WITHIN THE UNITED STATES”.

On page 9, in line 3, strike “OR”; and in line 6, 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

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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

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

On pages 9 through 21, strike in their entirety the lines beginning with line 7 on page 9 through line 17 on page 21, inclusive, and substitute “9-2502.”.

On page 21, in line 18, strike “PLAN”; strike beginning with the second “TO” in line 19 down through “PLANS” in line 21 and substitute “AND MAKE RECOMMENDATIONS REGARDING ESTABLISHING AND IMPLEMENTING A”.

PRODUCER RESPONSIBILITY PROGRAM IN THE STATE FOR PACKAGING MATERIALS"; in line 22, after the first "OF" insert "UP TO 21 MEMBERS, APPOINTED BY THE SECRETARY, REPRESENTING"; in line 29, after "COLLECTORS" insert "FROM BOTH THE PUBLIC AND PRIVATE SECTORS"; and in line 30, after "PROCESSORS" insert "FROM BOTH THE PUBLIC AND PRIVATE SECTORS".

On page 22, in line 2, strike "THE" and substitute "PRODUCERS FROM THE"; strike beginning with "A" in line 5 down through "(III)" in line 7; in lines 9, 11, and 13, strike "(IV)", "(V)", and "(VI)", respectively, and substitute "(III)", "(IV)", and "(V)", respectively; strike beginning with "ENVIRONMENTAL" in line 11 down through "JUSTICE" in line 12; in line 12, after "ORGANIZATION" insert "THAT ADVOCATES ON BEHALF OF OVERBURDENED OR UNDERSERVED COMMUNITIES, AS DEFINED IN § 1-701 OF THIS ARTICLE"; strike beginning with "RESPONSIBILITY" in line 22 down through "ORGANIZATION" in line 23; and in line 27, after "(E)" insert "THE DEPARTMENT SHALL PROVIDE STAFF FOR THE ADVISORY COUNCIL.

(F).

On page 23, in lines 5 and 6, strike "(F)" and "(G)", respectively, and substitute "(G)" and "(H) (1)", respectively; in line 5, strike "LEAST QUARTERLY" and substitute "THE REQUEST OF THE SECRETARY"; and in line 6, 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 RECOMMENDATIONS FOR CREATING A SINGLE REPRESENTATIVE ORGANIZATION

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OF PRODUCERS TO INITIALLY FULFILL THE REQUIREMENTS UNDER A PRODUCER RESPONSIBILITY PROGRAM.

(I) ON OR BEFORE DECEMBER 1, 2025, 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 23 through 28, strike in their entirety the lines beginning with line 7 on page 23 through line 2 on page 28, 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

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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;

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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;



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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 April 1, 2025, 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 28, in line 3, strike “2.” and substitute “3.”.