

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 173

(Delegate Lehman, *et al.*)

Environment and Transportation

Education, Energy, and the Environment

State Buildings and State Highways - Collection of Yard Waste

This bill generally prohibits State employees or contractors from disposing of yard waste collected on the grounds of a State building or a State highway in a single-use plastic container. In addition, the bill requires that such yard waste be collected in a container that will not be discarded with the yard waste or that is a compostable paper bag. The bill does not apply to a person who is disposing of (1) noxious weeds, as designated by the Maryland Department of Agriculture, or (2) invasive species.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures, as discussed below. No effect on revenues.

Local Effect: The bill is not anticipated to significantly affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: A “State building” is defined as a building, structure, or improved area that is owned by the State or is constructed for lease by the State. A “State highway” is any public highway owned by the State. “Yard waste” means organic plant waste derived from gardening, landscaping, and tree trimming activities.

Current Law:

Solid Waste Management and the Maryland Recycling Act

Solid waste in Maryland is managed through a combination of recycling, composting, landfilling, energy recovery, and exporting for disposal or recycling.

Maryland's recycling policy is guided by the Maryland Recycling Act, which sets mandatory recycling rates for State government and local jurisdictions, as well as a voluntary statewide waste diversion goal of 60% and a voluntary statewide recycling goal of 55% by 2020. Each county (including Baltimore City) must recycle at least 20% or 35% of the county's solid waste stream, depending on the county's population. Each county (including Baltimore City) must also prepare a recycling plan that addresses how the jurisdiction will achieve its mandatory recycling rate. The plan must be submitted to the Maryland Department of the Environment's (MDE) Office of Recycling for approval when the jurisdiction submits its water and sewerage plan at least every 10 years. At least every two years, each county must also submit a progress report to MDE, which must include any revision of or amendment to the county plan that has been adopted.

Chapters 383 and 384 of 2017 required MDE to study and make recommendations regarding the diversion of yard waste, food residuals, and other organic materials from refuse disposal facilities in the State, including ways to encourage investment in infrastructure and to expand capacity for yard waste, food residuals, and other organic materials diversion. The final report can be found [here](#).

Single-use Plastic Containers

There is no State law restricting the use of single-use plastic containers. However, multiple local jurisdictions in the State have enacted plastic bag bans or other similar restrictions. Baltimore City and Anne Arundel, Baltimore, and Prince George's counties have instituted plastic bag bans, while Howard and Montgomery counties require merchants to charge five cents for each plastic bag. The cities of College Park, Frederick, Laurel, Salisbury, Westminster, and Takoma Park and the towns of Centreville, Chestertown, and Easton have all enacted plastic bag bans. Some of these local measures require merchants to charge fees for the use of paper or other alternative bags.

Invasive Plants and Noxious Weeds

"Invasive plant" means a terrestrial plant species that (1) did not evolve in the State and (2) if introduced in the State will cause or is likely to cause economic, ecological, or environmental harm or harm to human health. Title 9.5 of the Agriculture Article establishes provisions governing the regulation of invasive plants. Current regulations classify several plants as either tier 1 or tier 2 invasive plants; various restrictions on activities related to invasive plants apply depending on the classification of a plant as a tier 1 or a tier 2 invasive plant.

Title 9, Subtitle 4 of the Agriculture Article requires the Secretary of Agriculture to adopt regulations to establish a list of plants that are considered to be noxious weeds in the State and authorizes the Secretary to, among other things, institute programs or carry out

practices necessary for the control and eradication of a noxious weed. The Secretary may also, among other things, enter into agreements with a county or other political subdivision of the State, an adjoining state, or a federal government agency to implement a program for the control and eradication of a noxious weed. Current regulations designate eight weeds and plants as noxious weeds in the State.

State Expenditures: Most State agencies responsible for the removal of large quantities of yard waste from State buildings or highways indicate that the bill has no fiscal effect on their operations. For instance, the Department of General Services already uses reusable containers to dispose of yard waste, and the Maryland Department of Transportation advises that its removal of yard waste generally involves large volume collections using heavy machinery that transports it directly to recycling centers. However, the Department of Natural Resources (DNR) advises that it (or its contractors) sometimes use single-use plastic containers and that compostable paper bags are slightly more expensive to use. However, any increased cost to purchase compostable paper bags is expected to be minimal. Further, under the bill, DNR may continue to use black plastic to bag invasive species and noxious weeds as a method of containment and heat treatment to prevent viable seeds and other reproductive material from being conveyed off-site.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore City Community College; University System of Maryland; Morgan State University; St. Mary's College of Maryland; Maryland Department of the Environment; Department of General Services; Department of Natural Resources; Maryland Department of Transportation; Department of Legislative Services

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Analysis by: Michael C. Rubenstein

Direct Inquiries to:
(410) 946-5510
(301) 970-5510