

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 338

(Delegate Lehman, *et al.*)

Environment and Transportation

Education, Energy, and the Environment

State Buildings and State Highways - Collection and Disposal 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. All such yard waste must be collected in a container that (1) will not be discarded with the yard waste or (2) is a compostable paper bag. In addition, the bill generally requires that such yard waste be disposed of at (1) an organics recycling facility in the State; (2) a natural wood waste recycling facility in the State; or (3) a State facility with on-site capacity to create mulch or soil amendments; however, this requirement applies only if the yard waste is collected within a 30-mile radius of one of those facilities and the facility has the capacity and willingness to accept all of the yard waste. 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: State expenditures (multiple fund types) may increase for some State entities, but any such increase is not anticipated to be significant, 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, including any land owned by the State that is adjacent to a State highway. “Yard waste” means organic plant waste derived from gardening, landscaping, and tree trimming activities.

Current Law:

Solid Waste Management and the Maryland Recycling Act

The solid waste infrastructure in Maryland consists of both permitted and nonpermitted facilities, and solid waste is managed through a combination of recycling, composting, landfilling, incineration, storage, 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 2 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.

Chapter 686 of 2013 required MDE to adopt regulations governing the permitting and operation of composting facilities. The regulations, which were promulgated in 2014, specify requirements related to the construction and operation of composting facilities in the State.

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 Annapolis, College Park, Frederick, Greenbelt, 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 any living part of a plant species or its subspecies that (1) did not evolve in the State and (2) if introduced in the State will cause or is likely to cause, as determined by the Secretary of Agriculture, 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. Various restrictions exist on activities related to prohibited invasive plants, including propagating, importing, transferring, selling, purchasing, transporting, or introducing any living part of a prohibited invasive plant in the State.

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 an agreement 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 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. The Department of Natural Resources (DNR) advises that while most DNR-managed sites do not routinely dispose of yard waste offsite in single-use plastic containers, its contractors may do so more frequently. DNR further advises that compostable paper bags are two to three times more expensive than conventional plastic contractor bags. Even so, any increased cost to purchase compostable paper bags is expected to be minimal.

The University System of Maryland indicates that properly disposing of yard waste in accordance with the bill could be a challenge. However, the bill’s exemptions related to the availability of facilities to accept the yard waste likely minimize any costs associated with the disposal of yard waste under the bill.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 173 of 2024.

Designated Cross File: None.

Information Source(s): Baltimore, Charles, Dorchester, Garrett, and Howard counties; Maryland Association of Counties; Northeast Maryland Waste Disposal Authority; Maryland Municipal League; Baltimore City Community College; University System of Maryland; Morgan State University; St. Mary's College of Maryland; Maryland Department of the Environment; Department of Natural Resources; Maryland Department of Transportation; Department of Legislative Services

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