



February 17, 2021

The Honorable Kumar P. Barve, Chair  
House Environment and Transportation Committee  
House Office Building, Room 251  
Annapolis, MD 21401

**Re: House Bill 807 - Task Force to Review and Update the Maryland Recycling Act**

Dear Chair Barve and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed House Bill 807 entitled *Task Force to Review and Update the Maryland Recycling Act*. MDE is supportive of efforts that involve updating the MRA through collaborative efforts with counties, the private sector, and other stakeholders, and would like to share additional information regarding this bill.

House Bill 807 would establish the Task Force to Review and Update the Maryland Recycling Act (MRA). The bill would require MDE to establish and participate in the task force, which is charged with reviewing and making recommendations on how to update the MRA. On or before December 1, 2021, the task force would be required to report its findings and recommendations to several committees in the Maryland General Assembly. The Secretary of the Environment would be required to designate a chair for the task force, appoint several specified members, and participate or designate a MDE representative to participate on the task force. Additionally, MDE would be required to staff the task force. It should be noted that it may be difficult for MDE to convene the task force and for the task force to complete its review of the MRA, formulate recommendations, and write the final report in the 5-month period between July 1 and December 1, 2021.

The MRA serves as the primary law governing waste diversion in Maryland. In order to be considered an MRA material that counts toward a county's MRA recycling rate, the material must be defined as a "recyclable material" and be included in the "solid waste stream" definition under §9-1701 of the Environment Article. Recyclable materials is defined as those materials that would otherwise become solid waste for disposal in a refuse disposal system and may be collected, separated, composted, or processed and returned to the marketplace in the form of raw materials or products. Solid waste stream is defined as garbage or refuse that would, unless recycled, be disposed of in a refuse disposal system and includes organic material capable of being composted that is not composted in accordance with MDE's composting facility regulations. Solid waste stream does not include hospital waste, rubble, scrap material, land clearing debris, sewage sludge, or waste generated by a single individual or business and disposed of in a facility dedicated solely for that entity's waste. To capture additional materials in the calculation of the MRA recycling rate, the defined term "solid waste stream" would need to be amended to include those materials.

When questions arise under current law whether a material should count towards the MRA recycling rate, MDE uses the guidelines developed by the U.S. Environmental Protection Agency (EPA) and their *Measuring Recycling: A Guide for State and Local Governments* document. Except for certain reusable materials (*e.g.*, retread tires, refurbished pallets, etc.) and industrial materials that, if not recycled, would have been disposed of in a solid waste acceptance facility not dedicated solely for the management of that entity's waste, Maryland and EPA count similar materials in their recycling rates. However, EPA is presently working to update its methodology for measuring the national recycling rate as part of its goal to increase the U.S. recycling goal to 50 percent by 2030. EPA explained that this national goal will provide the benchmark to evaluate the success of collective efforts to improve the nation's recycling system. EPA is currently soliciting public comments to inform the methodology and identify key data points that the agency may include when calculating the national recycling rate as it relates to: sources of recyclable material; material streams; material management pathways; material destination; and other considerations.

Under the MRA, each county and Baltimore City are required to recycle either 20 or 35 percent of its waste depending on population size. The law also establishes a statewide waste diversion rate, which is defined as the sum of the MRA recycling rate plus a source reduction credit of up to 5 percent. Counties can earn a source reduction credit through activities designed to reduce the amount of waste going to the waste stream. If additional materials were used to calculate a county's MRA recycling rate, the mandated MRA recycling rates themselves would need to be increased. Failure to do so would make the current mandated rates of 20 and 35 percent serve little purpose in encouraging continuous improvement in recycling.

In 2017, the governor signed the executive order entitled *Resource Recovery Plan for Maryland*, which required MDE to consult with stakeholders and recommend to the governor, among other things, voluntary statewide goals to encourage continuous improvement in sustainable materials management. In making these recommendations, MDE sought to incorporate principles of the State's sustainable materials management policy, also established in the executive order. Goals and metrics that take a sustainable materials management approach should: consider the impacts of materials management throughout the entire lifecycle of products; be linked to the State's environmental goals; account for the differences in impacts from different types of materials; and seek to incorporate the most comprehensive data available. In 2019, MDE published its final goals and metrics recommendations, which establish voluntary goals to reduce per capita waste generation, statewide greenhouse gas emissions and energy usage related to materials management, and material-specific recycling rates.

Thank you for your consideration. We will continue to monitor House Bill 807 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at [tyler.abbott@maryland.gov](mailto:tyler.abbott@maryland.gov).

Sincerely,



Tyler Abbott

cc: The Honorable Sara Love  
Kaley Laleker, Director, Land and Materials Administration