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**Committee:** Education, Health, and Environmental Affairs

**Testimony on:** SB 304 “Maryland Recycling Act – Recyclable Materials and Resource Recovery Facilities – Alterations”

**Position:** Support

**Hearing Date:** January 21, 2021

The Maryland Chapter of the Sierra Club supports SB304, which would: (1) exclude incinerator ash as a “recyclable material” under the Maryland Recycling Act (MRA); and (2) repeal a county’s (or Baltimore City’s) authority to use one or more resource recovery facilities (in operation since January 1, 1988) to achieve a 5% reduction in its solid waste stream for the purposes of meeting the solid waste reduction and recycling rates under the MRA.

**SB304 will provide a more accurate and transparent accounting of Maryland’s progress in recycling.** The Environment Article defines “recyclable materials” as “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.” Recycling reduces the amount of waste sent to landfills and incinerators, conserves natural resources, prevents pollution by reducing the need to collect new raw materials, and creates jobs.<sup>1</sup>

**Incinerator ash is not a new product and incineration does not conserve resources.** The inclusion of incinerator ash in the numerator of the recycling rate is leading us to believe that the rate is much higher than it actually is. In Montgomery County in 2017, for example, the MRA recycling rate was 55.91%, based on 616,733 tons of recycling in the numerator and 1,103,051 tons of recycling + waste in the denominator.<sup>2</sup> However, 156,080 tons of the “recyclables” in the numerator were incinerator ash. If subtracted from the numerator, we get a recycling rate of only 41.76%. The 5% source reduction credit used by other counties that resort to incineration (“resource recovery facilities”) similarly distorts the truthful reporting of recycling.

**Beyond these arguments that Maryland should be monitoring actual recycling, both the incineration process and incinerator ash are harmful to the environment and to human health, disproportionately affecting low-income communities and communities of color.** Persistent Organic Pollutants (POPs) and dioxin are created when waste is incinerated. Incinerator ash should not be used as alternative landfill cover because the toxic chemicals it contains can leach into water supplies and on dry days can be blown into neighboring communities.

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<sup>1</sup> <https://www.epa.gov/recycle/recycling-basics>.

<sup>2</sup> Montgomery County Department of Environmental Protection, Material Flow Diagram, Calendar Year 2017. <https://montgomerycountymd.gov/SWS/Resources/Files/recycling-rate/CY17-mass-balance.pdf>

Founded in 1892, the Sierra Club is America’s oldest and largest grassroots environmental organization. The Maryland Chapter has over 75,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.

This bill could properly be termed the “truth in recycling” act. By promoting truthful, transparent, credible measures of the state’s recycling rates, SB 304 will incentivize the expansion and improvement of recycling efforts and reduce waste that goes to landfills and incinerators. We respectfully request a favorable report.

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