CHPA® | CONSUMER HEALTHCARE PRODUCTS ASSOCIATION

Taking healthcare personally.

February 8, 2021

Chairman Kumar Barve
Room 251
House Office Building
Annapolis, Maryland 21401

Letter of Information
HB-36 Environment – Packaging, Containers, and Paper Products – Producer Responsibility

Dear Chairman Barve:

On behalf of the Consumer Healthcare Products Association (CHPA), the national trade association representing the leading manufacturers of over-the-counter (OTC) medications, dietary supplements, and consumer medical devices, I'd like to thank you for the opportunity to comment on HB 36 related to packaging and producer responsibility.

Our industry is very committed to advancing sustainable practices and shares the goal of minimizing environmental impacts created by product packaging. Many of our member manufacturers already have recycling efforts in place and encourage the development of more sustainable products, while remaining compliant with existing federal law.

The packaging of drugs, dietary supplements, and medical devices is very complex and highly regulated by the Food and Drug Administration (FDA) to ensure the safety, quality, and stability of the products sold. It is a multi-faceted and highly regulated space that forces manufacturers to consider several factors beyond just the aesthetic appeal of the package itself.

For instance, the FDA regulates drug product packaging under Good Manufacturing Practices regulations including material examination and usage criteria, packaging and labeling operations, tamper-evident packaging and expiration dating. Certain drugs and dietary supplements are also regulated by the Consumer Product Safety Commission (CPSC) under the Poison Prevention Packaging Act (PPPA), which requires child-resistant packaging. Manufacturers are required to test their packaging and certify compliance with this regulation. In addition, drug products for which packaging does not comply with PPPA packaging and labeling regulations are misbranded under the Food Drug and Cosmetic Act (FFDCA). The Dietary Supplement Health and Education Act (DSHEA) was enacted in 1994 as an amendment to the FFDCA. DSHEA explicitly defines dietary supplements as a category of food. Therefore, all the safety concerns regarding the use of plastic materials made from post-consumer resins in food-contact articles as described in the FDA guidance entitled, *Recycled Plastics in Food Packaging* apply to dietary supplements.

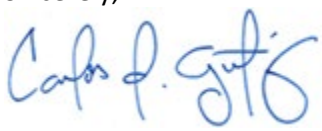
Given the potential conflict between existing federal regulation and this bill, we requested an exemption from HB 36 by Delegate Lierman and she willingly granted it. We appreciate Delegate Lierman's willingness to consider our concerns and as a result have removed our opposition to this legislation.

CHPA® | CONSUMER HEALTHCARE PRODUCTS ASSOCIATION

Taking healthcare personally.

Thank you for taking the time to consider our testimony and feel free to contact me or our local representative, Davion Percy, directly with any follow up questions you may have.

Sincerely,



Carlos I. Gutiérrez
Vice President, State & Local Government Affairs
Consumer Healthcare Products Association
Washington, D.C.
202.429.3521
cgutierrez@chpa.org

Cc: Environment and Transportation Committee
Delegate Brooke E. Lierman