



**HB36 Environment – Packaging, Containers, and Paper Products – Producer
Responsibility
Environment and Transportation Committee
February 9, 2021**

Position: Unfavorable

Background: HB36 would require businesses to develop a product stewardship plan and to reach certain requirements for product recyclability within a certain amount of time.

Comments: While the Maryland Retailers Association supports comprehensive approaches to waste reduction and investment in recycling infrastructure and appreciates the amendments that have been proposed by the sponsor in an attempt to address some stakeholder questions, the retail industry continues to have concerns about this proposed legislation. The postconsumer recycled material (PCR) requirements are not feasible for certain items and even contradict some federal regulations regarding the use of PCR, and the bill also omits other necessary exemptions that have been included in similar legislation proposed in other states.

Federal regulations and standards for child-resistant packaging are quite strict, and it is unclear if PCR is capable of meeting those standards. Further complicating this, child-resistant packaging made from PCR would need to be sufficiently tested, and at this time testing labs have been shuttered due to COVID-19. Federal regulations also prohibit the use of PCR in aerosol products due to the safety hazards associated with utilizing material with potential structural integrity issues when packaging products that are under pressure. It is unclear if aerosol product packaging would be captured in the broad definitions included in the bill. Additionally, the bill neglects to address the packaging of products covered by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), which have a unique chemical makeup. FIFRA products have been exempted from other prominent producer responsibility legislation, including the bill introduced in California.

With these concerns in mind, we ultimately feel that this legislation needs more work and does not propose a feasible approach to waste management and reduction. We believe that the establishment of a workgroup to study the most effective ways to address the proponents' environmental concerns in conjunction with the needs of stakeholder industries would be more appropriate.

Thank you for your consideration. The Maryland Retailers Association urges an unfavorable report on HB36.