



**Maryland House Bill 36**  
**Testimony of the American Chemistry Council**  
**Maryland House Environment and Transportation Committee**  
**February 9, 2021**

On behalf of the members of its Plastics Division,<sup>1</sup> the American Chemistry Council (ACC)<sup>2</sup> thanks you for this opportunity to provide comments on House Bill 36 (H.B. 36) which would establish a producer responsibility organization (PRO) to fund recycling infrastructure investments. ACC also thanks Delegate Brooke Lierman for her leadership on this important issue. ACC and our members share interest in reducing plastic waste, increasing recycling and creating a better, more sustainable future for the citizens of Maryland. Unfortunately, while we share similar goals, ACC opposes the legislation in its current form, but offers the following suggestions for consideration.

ACC and our members are deeply committed to creating a more circular economy for plastics and working to help end plastic waste in the environment. That is why ACC and our members have established goals to reuse, recycle or recover all plastic packaging in the United States by 2040 and make all U.S. plastic packaging recyclable or recoverable by 2030.<sup>2</sup>

An important component of these goals is creating sustainable sorting and collection infrastructure for all materials. However, as written, proposed Section 9-2303 of H.B. 36 includes a provision stating that "*ALL SINGLE-USE PLASTIC PACKAGING AND SINGLE-USE PLASTIC FOODWARE TO BE REDUCED, TO THE MAXIMUM EXTENT PRACTICABLE, AND BY NOT LESS THAN 25% BY OCTOBER 1, 2030*"; which, would require reductions in plastic use rather than waste. We agree with the goal to reduce waste, but maintaining a provision which requires a reduction in plastic use diverges from the underlying goal and would be detrimental to the environment through unintended consequences. ACC **requests this provision be stricken** from the bill.

A critical challenge which can result from a deselection of plastics packaging and plastic foodservice is the unintended environmental impacts of alternative materials which would be used instead of plastic. For instance, common alternatives to plastic packaging and foodservice have been shown to increase by nearly 4 times the environmental costs across

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<sup>1</sup> ACC represents a diverse set of companies engaged in the U.S. business of chemistry, a \$768 billion enterprise that is helping to solve the biggest challenges facing our country and the world. Chemistry touches 96 percent of all manufactured goods, and the use of plastics in modern automotive, building and construction, and food packaging industries is helping to create a more sustainable society.

<sup>2</sup> "U.S. Plastics Resin Producers Set Circular Economy Goals to Recycle or Recover 100% of Plastic Packaging by 2040," news release, 9 May 2018, <https://www.americanchemistry.com/Media/PressReleasesTranscripts/ACC-news-releases/US-Plastics-Producers-Set-Circular-Economy-Goals-to-Recycle-or-Recover-100-Percent-of-Plastic-Packaging-by-2040.html>.



16 consumer goods sectors with; restaurants, bars, and retail among the sectors impacted<sup>3</sup>. Additionally, researchers from Franklin Associates found that if common alternatives were used in place of U.S. plastic packaging, the substitute packaging would require 80 percent more cumulative energy demand and result in 130 percent more global warming potential impacts, expressed as CO<sub>2</sub> equivalents, compared to the equivalent plastic packaging.<sup>4</sup>

According to an Imperial College of London's study if all 500 ml plastic bottles used worldwide were made from glass, the carbon emissions would be equivalent to powering up 22 large coal-fired power plants.<sup>5</sup> For example, look to coffee packaging. Coffee packaged in flexible plastic packaging offers notable environmental advantages compared to common alternatives because it requires less energy and water to produce the packaging and the volume of the packaging produces less solid waste<sup>6</sup>. In fact, research has shown that production and use of a steel can create four times the greenhouse gas emissions as the flexible plastic packaging even considering the difference in recycling rates today<sup>7</sup>. ACC supports the goals of increased funding for recycling infrastructure and more efficient collection and sortation of material. ACC encourages the State of Maryland to consider promoting initiatives such as those set forth below, to further its recycling goals.

- Over the last three years, there have been announced investments of more than \$5 billion in new plastics recycling facilities including mechanical and advanced recycling. This new investment will open up new markets in coming months and years, and are expected to recycle up to 9 billion pounds of material per year<sup>8</sup>.
- In addition, many plastic companies have made major commitments to use recycled content in coming years. They will become large markets for used plastics to make new chemicals and plastics. For example, Shell's reported target is to use 1 million metric tons of plastic waste a year as feedstock in its global chemical plants by 2025. Many additional company commitments can be seen in *The Roadmap to Reuse: Plastics Solutions for America 2020*<sup>9</sup>
- *Materials Recovery for the Future*. The Materials Recovery for the Future (MRFF) project is a research pilot focused on identifying how to effectively collect, sort, and recycle flexible plastics<sup>10</sup> via residential curbside recycling programs. MRFF recently released a report that demonstrates that with adequate optical sorting capacity and peripherals, flexible plastic packaging (FPP) can be efficiently captured in a large single-stream material recovery facility (MRF) and processed into a commodity bale, known as rFlex,

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<sup>3</sup> <https://plastics.americanchemistry.com/Plastics-and-Sustainability.pdf>

<sup>4</sup>

<sup>5</sup> <https://www.imperial.ac.uk/media/imperial-college/faculty-of-natural-sciences/centre-for-environmental-policy/public/Veolia-Plastic-Whitepaper.pdf>

<sup>6</sup> <https://plastics.americanchemistry.com/LCI-Summary-for-8-Coffee-Packaging-Systems/>

<sup>7</sup> <https://plastics.americanchemistry.com/LCI-Summary-for-8-Coffee-Packaging-Systems/>

<sup>8</sup> <https://www.reuseplastics.org/news/do-new-recycling-technologies-improve-plastics-sustainability>

<sup>9</sup> <https://www.reuseplastics.org/files/0ad2b4b877997c3b91878b785b6e51f821857c2d.pdf>

<sup>10</sup> Examples include: product overwraps, food pouches, chip bags, pet food bags.



for reuse in a variety of markets while diverting plastic from landfills. The report also identifies more than a dozen end market opportunities for rFlex bales that Maryland may consider in its efforts to enhance recycling. Building products like roofing materials represent the highest volume and most immediate end market opportunities. Other high-volume opportunities for using rFlex are pallets and railroad ties, where recycled plastic can serve as a more durable alternative to traditional wood<sup>11</sup>.

- *Wrap Recycling Action Program.* ACC encourages Maryland to promote recycled content plastics products created from recovered polyethylene (PE) film collected through store takeback programs<sup>12</sup>. These products include plastic envelopes, trash bags, traffic barricades, mats, plastic composite playgrounds, decking and recreational equipment and railroad ties. ACC's Wrap Recycling Action Program (WRAP) promotes the recycling of PE film and the use of recycled content film products. WRAP is partnering with the U.S. Environmental Protection Agency, the Sustainable Packaging Coalition, the Association of Plastics Recyclers, and several state and local governments to educate consumers on the ability to recycle PE film packaging through more than 17,000 stores drop-off sites nationwide.

Again, ACC requests H.B. 36 be amended to **strike** the provision of Section 9-2303 indicating that "*ALL SINGLE-USE PLASTIC PACKAGING AND SINGLE-USE PLASTIC FOODWARE TO BE REDUCED, TO THE MAXIMUM EXTENT PRACTICABLE, AND BY NOT LESS THAN 25% BY OCTOBER 1, 2030;*

If you have any questions or if I may be of further service, please feel free to contact me at [Josh.Young@americanchemistry.com](mailto:Josh.Young@americanchemistry.com) or (404) 401-3343.

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<sup>11</sup> Materials Recovery For the Future, "Nation's First Pilot Project Recycling Flexible Plastic Packaging Yields Successful Results," news release, 2020, <https://www.materialsrecoveryforthefuture.com/press-releases/2020-research-results/>.

<sup>12</sup> Items collected include: bags for groceries, newspapers, produce, and bread; dry cleaning wraps; bubble wrap and air pillows; product overwrap from bulk products (cases of water bottles, bathroom tissue, paper towels, etc.)