



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

**HB 21 - Environment –
Recycling – Prohibition on the Chemical Conversion of Plastic**

Chair Barve, Vice Chair Stein, members of the Environment and Transportation Committee. I respectfully request a favorable report on House Bill 21, proactive legislation to head off a tactic that the petrochemical industry is promoting but which, quite simply, is awful for the environment.

Introduction

This committee is well aware that we have a plastic problem. Of all of the plastic produced since 1950, 91% has not been recycled.¹ Plastic goes hopefully in the recycling bin, into the trash, or is tossed aside. It ends up in our communities, on our roadways, in our waterways. We are at a point of increased awareness of plastic pollution where people see the waste everywhere, counties are overwhelmed and facing budget problems as a result of the plastic waste, countries are refusing to take our plastic waste, governments are enacting single-use plastic bans, and consumers are choosing alternatives that are not toxic to our environment. In short, the industry is facing a market and public relations problem. But instead of creating products that aren't damaging to our environment, the industry is scaling up their production of plastic while pushing a narrative that they have the magic solution: "chemical" or "advanced recycling." We have seen this before in the 1970s, when the industry pushed "Keep America Beautiful": they continued to produce plastic while blaming the problem on litterbugs and saying everyone should just recycle. It didn't work then - just as the industry knew it wouldn't - and it doesn't work now. We should not be fooled again.

What is HB 21 about?

Chemical conversion is a plastics to pollution chemical process that essentially takes certain recycled plastics and converts them to fossil fuels that will eventually be burned. HB 21 seeks to protect Maryland's air and water from being polluted by these harmful byproducts by prohibiting the construction of any plastic-to-fuel chemical conversion facility in the State. Additionally, it clarifies Maryland's definition of recycling to exclude certain chemical conversion processes.

To be clear, the goal of the bill is to ban plastic-to-fuel processes, *not* plastic-to-plastic processes. The processes the bill addresses take plastic, chemically treat it, and turn it into something is then burned as a fossil fuel.

¹ Geyer, R., Jambeck, J., & Law, K. (2017). Production, Use, And Fate of All Plastics Ever Made. *Science Advances*, 3(7), e1700782. <https://doi.org/10.1126/sciadv.1700782>

Chemical conversion is bad for the environment.

There are many problems with chemical conversion. In essence, they all boil down to the fact that it is bad for the environment. First, it is bad for the environment from the standpoint of carbon emissions and the release of toxic chemicals.

- The chemical conversion process has a large carbon footprint and releases toxic chemicals into the environment.²
- Only a small portion of the plastic that goes into the process comes out as a potential fuel. The rest – over half – comes out as toxins.³
- Of the small portion that is converted to fuel, that itself is a fossil fuel, burned and sending toxic emissions into our environment.

Second, chemical conversion allows for the continued and increased production of plastic. It continues to feed into and further the narrative that we can continue to extract fossil fuels and produce plastic to our hearts' content with no consequences. This is simply false. There are consequences. In addition to the ones mentioned above:

- It doesn't reduce the waste stream. Our counties and municipalities will still be burdened with having to collect and deal with the plastic waste.
- It doesn't address the plastic pollution that ends up in our communities, on our roads, and in our waterways.
- It gives false hope that all plastics can continue to be produced because they will be 'taken care of' – but this process needs a specific type of plastic. A lot of the single use products – the straws, bags, sachets, utensils, etc. – are not what is feeding the process. So on the one hand the industry can push production of those plastics while on the other hand pushing the narrative that chemical conversion is the answer, when, in fact, chemical conversion doesn't address a lot of these products.

We know how to address the plastic crisis.

We all know the phrase, “reduce, reuse, recycle.” Reduce is the first word in this paradigm because it is the most important. In order to address our plastic crisis we must start with reduction. We must reduce our use of plastic. Then, when we do use plastics, we need to reuse them. And finally, after we have used them and reused them, we need to recycle them.

Chemical conversion turns that paradigm on its head, by elevating recycling as the first and only step. If the petrochemical industry can focus our attention on the last part (recycle), maybe we will forget the first part (reduce) and they can continue to pump out plastics. In other words, the industry hopes that if we believe they can convert, there is no need to reduce and they can not only continue production, but increase it.

We have solid, proven answers on how to address the plastic crisis: reduce the amount of plastic used through single-use bans and other policies; producer responsibility systems that bring the

² https://www.no-burn.org/wp-content/uploads/All-Talk-and-No-Recycling_July-28.pdf; see also attached graphic in Annex

³ <https://www.no-burn.org/wp-content/uploads/revised-CR-1-pger.pdf>

industry making the product into the solution of how to handle it; incentivizing the market for the reuse of products. These policies work and we should not be fooled by something that sounds like the magical answer. If it sounds too good to be true, it is.

This bill is needed now.

The petrochemical industry is pushing the narrative in federal and state policy. In October 2020, the U.S. Department of Energy announced over \$27 million in funding for 12 projects that will support the development of certain plastic technologies, including chemical recycling.⁴ Across the country, state by state, the petrochemical lobby is embedding in state law definitional changes that will enable them to build these facilities, use taxpayer dollars, and avoid regulations.⁵ They are doing so by using the word “recycling” and convincing legislators that this is an environmentally friendly and exciting new technology that can solve all the plastic problems. It is not environmentally friendly, it is not a new technology, and far from solving the problem, it will only exacerbate it.

In 2017 Maryland banned fracking. This General Assembly passed it and our Republican Governor signed it. But it took years to ban a process that was known all along to be an environmental nightmare. We do not want to be 10 years down the line, millions of taxpayer dollars invested and wasted, only to have to ban this process because it is destroying our environment. We have the opportunity to get in front of this, before it becomes an environmental nightmare.

Final note

One could argue that “chemical recycling” technically meets the criteria in the standard definition of recycling: “the action or process of converting waste into reusable material.” However, as a society we understand the term “recycling” to include an ethical component. We understand recycling as an inherently good process because it benefits the earth. This chemical conversion process does not benefit the earth. The industry behind it is cleverly using the language and wrapping themselves up in a PR-friendly package called “advanced recycling.” The industry is intentionally obscuring and neglecting the key component of recycling which is that it is good for the environment. So the issue is not whether this fits the definition of recycling, but the fact that chemical conversion is detrimental to the environment and has catastrophic consequences for our planet.

Conclusion

Maryland is a state with bold climate goals, a state that banned fracking, a state that is committed to reducing our carbon footprint through many different policies addressing electrification of our vehicles, incentivizing composting, planting trees, and so much more. These are policies we address every day in our committee in our goal to ensure a healthy planet for us and our children. It is antithetical to this commitment to set up a new petrochemical infrastructure.

For the foregoing reasons, I respectfully request a favorable report on HB 21.

⁴ <https://www.energy.gov/articles/us-department-energy-announces-27-million-plastics-recycling-research-and-development>

⁵ <https://www.no-burn.org/https-www-no-burn-org-legislativealert/>

ANNEX

