

February 5, 2021

Honorable Kumar P. Barve
House Office Building, Room 251
Annapolis, Maryland 21401

RE: HB 36 (Lierman) – Oppose unless amended

Dear Chair Barve:

On behalf of the Household & Commercial Products Association (HCPA), I respectfully oppose House Bill 36 (Lierman) unless further amended. HB 36 would create a new and sweeping mandate on producers to establish a product “stewardship organization” to finance, organize, and manage the end-of-life phase of the product lifecycle of a broad spectrum of product packaging. HB 36 further establishes minimum postconsumer content for packaging under covered products.

The Household & Commercial Products Association (HCPA) is the premier trade association representing the interests of companies engaged in the manufacture, formulation, distribution and sale of more than \$180 billion annually in the U.S. of trusted and familiar products that help household and institutional customers create cleaner and healthier environments. HCPA member companies employ hundreds of thousands of people globally. Products HCPA represents include disinfectants that kill germs in homes, hospitals and restaurants; air fresheners, room deodorizers, and candles that eliminate odors; pest management products for home, lawn and garden, and pets; cleaning products and polishes for use throughout the home and institutions; products used to protect and improve the performance and appearance of automobiles; aerosol products and a host of other products used every day.

Consumer and commercial product manufacturers are constantly producing more environmentally-preferable products, using the most recyclable and environmentally friendly packaging available and feasible. HB 36 seeks to further reduce the prevalence of single-use plastic packaging in the environment throughout the state. These goals are commendable and HCPA shares the objective of reducing packaging materials and plastics in landfills, the ocean, and environment. However, HB 36 is not implementable in its current form, creating serious concerns for product viability, economic impacts, consumer costs, and even safety.

Under the current version of HB 36 “producers” who will be required to pay for the creation and operation of these new programs include anyone who makes, imports, distributes or sells a “covered product.” Every store, restaurant, warehouse, office, manufacturer, or delivery service will be impacted and required to help pay for these new programs. Ultimately, it will be consumers who will eventually bear much of the burden by paying these costs through higher prices.

HCPA Comments – HB 36 (Lierman)

The “covered materials and products” definition is incredibly broad and as a result imposes requirements on products that are expressly prohibited by federal regulations or call into question a manufacturers’ ability to feasibly meet federal packaging standards. This includes, but is not limited to, products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), aerosol containers, and child resistant packaging. Failure to meet these standards for consumer products would pose public safety risks or render certain product packing options impossible for market distribution.

The timing of HB 36 is less than ideal. Given the impact HB 36 could have on the Maryland economy, HCPA is concerned that implementation of a proposal of this magnitude is problematic while the state and its communities make every effort to fully exit the ongoing global pandemic. Furthermore, scores of proposals have been introduced in various states across the country with varying standards, PCR rates and deadlines, accountability measures, regulatory authority, and product definitions. Given the number of proposals across the country, HCPA is concerned a patchwork of extended producer responsibility programs is emerging across various states -- something that would further complicate product development, supply chains and most critically getting products in the hands of those that need them to improve their daily lives.

For these reasons and more, HCPA supports the establishment of a working group on the formation of a Maryland stewardship program. By bringing all stakeholders together we can create a program that fulfills the goals of HB 36 while ensuring the Maryland economy is not negatively impacted any more than it has been by the pandemic. HCPA stands ready to work with the bill authors and the Legislature on a recycling program that works for the residents of Maryland.

Sincerely,



Christopher Finarelli
Director, State Government Relations & Public Policy - Western Region