



*March 9, 2022*

The Honorable Kumar Barve  
Chair  
The Honorable Dana Stein  
Vice Chair  
Maryland House Environment and Transportation Committee  
House Office Building, Room 250  
Annapolis, MD 21401

**Re: Testimony for House Bill 1239 – OPPOSE**

Dear Chair Barve, Vice Chair Stein and Members of the Committee:

On behalf of the Glass Packaging Institute (GPI), I offer the following testimony and comments for House Bill 1239. For the reasons outlined below, we must respectfully oppose HB 1239, and request that Section 9–2408 be struck from the legislation, and future consideration.

As you and your staff may recall, GPI has constructively testified several times on various recycling related legislation before this Committee. Our position is normally to “support as amended”, however the approach taken in this legislation (a mandated requirement, with no clear path for industry to achieve) unfortunately requires our strongest opposition.

**Background**

Glass is a core, circular packaging material - reusable, refillable and endlessly recyclable. Public sentiment and surveys consistently place glass near the top of all recyclable packaging, understanding its recyclability, and as important, expressing a desire to continue glass recycling and keep it out of the landfill. GPI member companies both process (clean up) and purchase recycled glass collected from municipal programs in Maryland, and across the Mid-Atlantic region. Recycled glass is a critical manufacturing input, 100% and endlessly recyclable, and is commonly used in the manufacture of new glass bottles and jars, as well as fiberglass insulation. Choosing glass as a package is a clear and sustainable option for brands.

**Concerns with House Bill 1239 - Section 9–2408**

Sec. 9-2408 requires that all glass bottles sold in Maryland be able to demonstrate a postconsumer recycled content rate, escalating from 35% to 50%. While our industry has long supported increasing recycled content use in glass bottles (and currently have an industry-wide post-consumer recycled content rate of nearly 30%), we believe this mandate is deeply flawed.

The challenge in Maryland with glass recycling is a supply-side issue, not a demand side

challenge (or lack of desire for more glass). Much of what is reported as “recycled glass”, as delivered through many of Maryland’s single stream materials recovery facility (MRF) processes, contains up to 50% non-glass (meaning, trash, solid waste, other recyclables and similar). This lack of investment, and its results are often expressed to local recycling program decision makers as “our glass has no markets”. Nothing could be further from the truth – the markets are there; however, they may require better initial sorting after collection.

GPI is supportive of policy that provides transparency on the true effectiveness of single stream recycling systems, and ones that informs and educates the public on facilities that have made proper investments and their results (which are normally positive).

GPI believes that demand-side mandates, such as a recycled content mandate for glass bottles and jars sold into a jurisdiction, are simply not necessary. The glass container industry is working to achieve a 50% recycled content goal over the next decade – and unlike many end market users, has advocated and voiced support for a variety of recycling programs that can consistently achieve high levels of recyclable glass – bottle deposit programs, drop-off, dual stream, and even commingled single stream at times, if the proper investments have been made at the MRF.

Section 9-2408 appears to share some similarities with a California requirement for glass container manufacturing (35% post-consumer recycled content use). However, that **requirement is limited to the production of glass bottles at four in-state glass container plants**. It is not for all bottles sold into the state. It should also be noted that California has a bottle bill redemption program, which provides high volumes of clean recycled glass for remanufacture.

Some have suggested a recycled content mandate for glass to help create markets for residential curbside glass. This ignores the disconnect between the need for a quality level required for glass container furnace, and the largely poor performance derived from single-stream recycling.

What are required are policies that will improve the standards of quality, reduce residual contamination and produce cleaner streams of material (for all commodities, but especially glass) coming from residential and commercial markets. This is directly tied to improving the connected recycling supply chain and recycling programs.

Finally, the Committee may hear from witnesses today who reference the recently released Northeast Recycling Council (NERC) Model Glass Legislation. While GPI and its members were part of the working groups within that organization’s efforts, we are not supportive of the final product, nor the process itself. Similar to HB 1239, it offered only requirements and punitive measures for failing to achieve recycled content mandates, without paths and or system adjustments to improve the recycling stream so higher rates can be achieved.

#### **GPI’s Recommendations to Improve Maryland’s Recycling Stream**

Legislative framework that will improve Maryland’s recycling stream, end markets for glass

and other materials, reduce landfill disposal (and their associated costs) should include at minimum the following elements:

#### ***Enforceable Performance Standards for Materials Recovery Facilities (MRFs)***

Developing sound performance metrics for MRFs, most of which are single-stream based and contend with a myriad of packaging, is key. As single-stream remains the dominant recycling collection system, baseline contamination rates (i.e., data on non-recyclables collected), alongside required areas for improvement would be key in driving the recycled glass content rate.

MRF standards and future requirements should seek to reduce residual contamination as possible, as much of material labeled or shipped as “recycled glass” from MRFs to secondary processing facilities is often not glass at all, but material ultimately destined for landfill. (for example, it may be trash or other recyclable materials, but can be reported by MRF otherwise).

#### ***Landfill Bans for Recyclable Materials***

We believe it is imminently reasonable for any recycled content standard to incorporate adjoining supply-side policies. Landfill bans for useable glass, and frankly, other materials for which a recycled content rate is established, make sense and provide for future recycling opportunities. At a minimum, there must be a standard for “alternate daily cover” that prohibits specification-sized or larger glass from being put in the landfill and counted as recycling. This policy is fair to the manufacturer and brand who are expected to meet the policy objectives. Landfills should be used for non-recyclable solid waste, not for recyclable material disposal.

#### ***Recycling Infrastructure***

Similar to our first two points, any jurisdiction attempting to improve their recycling rates and improve end-markets should also include either incentives (matching grants, funding or similar) to improve the recycling infrastructure. For glass, this would include incentives for collaborative regional or cooperative hub and spoke aggregation sites, pre-cleaning and additional processing necessary for the furnace-oriented industries of container manufacturing and fiberglass. This would greatly assist the entire recycling supply chain make the needed improvements, and assist the packaging required achieve their respective recycled content requirements.

The below image illustrates the high levels of contamination that single-stream MRFs send to the glass industry in/from Maryland, and was taken at a Maryland MRF.

This is what haulers and single-stream MRF operators in the state classify as “glass”, for commodity purposes on the secondary market. It is approximately 40% contamination, consisting of Non-Glass-Residue (NGR - Not Glass), largely small plastics, shredded paper and general waste products.



*Picture of Maryland "Single Stream MRF Glass" Pile*

The glass secondary market (which all commodities utilize) must clean that up that pile to furnace specifications and turn it into "cullet" (properly sorted recycled glass). An image of which is below. Needless to say, there is nothing about a recycled content mandate for material made in other states, regions or countries that will cause the value of the first picture to improve.



*Picture of Clear "Flint" Recycled Glass*

To get the material captured from the initial stage to the final stage is usually two steps, and if the quality is as contaminated as the "MRF glass" picture, it may require a 3<sup>rd</sup> cycle prior to final processing and color sorting. The glass recycling and processing industries must then pay to landfill the remaining non-glass residual. In my testimony, I mentioned an initial step

that ANY Material Recovery Facility could take to improve its economics and end-market value. I would be happy to arrange a site visit to witness that in action for any Delegate or staff member interested in doing so.

We look forward to additional opportunities to engage with the Committee on all recycling related issues. Please reach out to me at any time with questions, or to learn more about the glass recycling process.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott DeFife", with a stylized flourish at the end.

Scott DeFife  
President