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**AMERIPEN**  
**American Institute for Packaging and the Environment**

**Testimony**  
**on**  
**Maryland House Bill 700**  
**Labeling, Marketing and Advertising for Recycling**

**House Environment and Transportation Committee**  
**February 18, 2022**

Chairman Barve, Vice Chair Stein and Members of the House Environment and Transportation Committee.

AMERIPEN – the American Institute for Packaging and the Environment – appreciates the opportunity to submit testimony on House Bill 700 that would establish new labeling and marketing claim restrictions for packaging if the packaging does not meet certain new state specific requirements related to recyclability. We understand that proponents of the bill are likely seeking to lower contamination in the waste stream, but HB 700 as currently drafted is not the best path forward and we are therefore opposed to it. We would welcome the opportunity to work with the stakeholders to address contamination and labeling issues in a more feasible way.

AMERIPEN is a coalition of stakeholders dedicated to improving packaging and the environment. We are the only material neutral packaging association in the United States. Our membership represents the entire packaging supply chain, including materials suppliers, packaging producers, consumer packaged goods companies and end-of-life materials managers. We focus on science and data to define and support our public policy positions and our comments are based on this rigorous research rooted in our commitment to achieve sustainable packaging, and effective and efficient recycling policies. We have several member companies with a presence in Maryland, and many more who import packaging materials and products into the state. The packaging industry supports more than 15,000 jobs and accounts for nearly \$4.8 billion in total economic output in Maryland.

Packaging plays a vital role in Maryland, ensuring the quality of consumer goods as they are manufactured, shipped, stored and consumed, protecting the health and safety of Marylanders who consume, use and handle those products. Packaging has value and none of it belongs in landfills, roadsides or waterways. We need to recover it to be recycled and reused, and no one knows better how to do that than the AMERIPEN members who design, supply, produce, distribute, collect and process it. They are driving innovation, designing for better environmental performance to boost recycling and evolve the recycling infrastructure.

AMERIPEN supports policy solutions, including packaging producer responsibility, that are:

- **Results Based:** Designed to achieve the recycling and recovery results needed to create a circular economy.
- **Effective and Efficient:** Focused on best practices and solutions that spur positive behaviors, increase packaging recovery, recapture material values and limit administrative costs.
- **Equitable and Fair:** Focused on all material types and funded by shared cost allocations that are scaled to make the system work and perceived as fair among all contributors and stakeholders.

HB 700 does not meet these principles and we are therefore opposed to it as currently drafted. We support uniform labeling standards as essential to the free flow of interstate commerce and support the adoption of the U.S. Federal Trade Commission (FTC) Green Guides by states in conjunction with existing state truth-in-advertising statutes. We believe it will be very difficult, if not impossible, for manufacturers and distributors to comply with the labeling standards in HB 700 given that these standards will create conflict across jurisdictions because those manufacturers and distributors do not distribute products solely to Maryland. Following below are more specific concerns we have with the bill.

HB 700 will create a new state-specific definition of recyclability with unworkable criteria. While we appreciate that proposed language in HB 700 would amend existing statute to no longer require use of the chasing arrows symbol around the required resin identification code (RIC) for plastic bottles and rigid plastic containers, nearly 30 other states would still require this under their own laws. But HB 700 would also make it unlawful to use the chasing arrows symbol on labels and in marketing claims for packaging that does not meet new proposed state-specific recyclability criteria. This would force packaging manufacturers and distributors to create and use Maryland-specific labeling for their packaging if they want to sell products in Maryland and remain in compliance with labeling requirements in other states. This is not realistic and does not reflect the flow of goods through interstate commerce.

Furthermore, materials collected outside curbside systems should not be required to meet a stricter recycling criterion than curbside materials. No materials being collected outside of curbside are currently meeting a recovery rate of 60% as HB 700 proposes – much less 75% where the rate would increase in 2031. Non-curbside programs (e.g., store drop-off) exist to divert certain material types from landfills and get them to end markets. The labeling restrictions in HB 700 will not allow manufacturers and distributors to communicate with their consumers on how to properly recycle those materials, causing less materials to be recycled and then manufactured into new packaging and products. More – not less – materials will go to landfill, having a resounding negative impact on the ability to increase packaging recovery and recycling in Maryland. This is in direct conflict with packaging producer responsibility legislation (HB 307 and SB 292) currently under consideration and that AMERIPEN is publicly supporting.

Finally, HB 700 includes provisions with no relevance to the packaging recyclability. For example, the criteria will prohibit certain intentionally added ingredients from packaging if they want to be deemed recyclable. Those ingredients have not been shown to impede recycling and therefore should not be the basis for any recyclability criteria.

In conclusion, AMERIPEN supports policy solutions, including packaging producer responsibility, that are results based, effective and efficient, and equitable and fair. We believe HB 700 does not satisfy those principles and we therefore encourage this committee to not pass the bill. We would welcome the opportunity to collaborate with Delegate Love, the primary sponsor of HB 700, this committee, and other stakeholders on legislative solutions that will reduce consumer confusion and increase packaging recovery and recycling in Maryland in a meaningful and responsible way. Unfortunately, we believe HB 700 won't do that.