

Maryland-Delaware Solid Waste Association

a chapter of the

**National
Waste & Recycling
AssociationSM**

Collect. Recycle. Innovate.

TO: The Honorable Kumar P. Barve, Chair
Members, House Environment and Transportation Committee
The Honorable Sara Love

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman

DATE: February 18, 2022

RE: **SUPPORT ONLY IF AMENDED** – House Bill 700 – *Environment – Products and Packaging – Labeling, Marketing, and Advertising for Recycling*

The Maryland Delaware Solid Waste Association (MDSWA), a chapter of the National Waste and Recycling Association, is a trade association representing the private solid waste industry in the State of Maryland. Its membership includes hauling and collection companies, processing and recycling facilities, transfer stations, and disposal facilities. MDSWA and its members **support only if amended** House Bill 700.

House Bill 700 seeks to address the challenge that current labeling requirements have on the effective recycling of post-consumer materials and the marketing and sale of recycled materials to manufacturers. Maryland's recycling facilities (MRFs) are experiencing an increasing level of contamination of nonrecyclable materials included in the material collected for processing. In large part, this is due to the confusion created by the recycling "chasing arrows" sign included on the plastic containers that are not actually recyclable, which are being placed by consumers in recycling bins and drop off locations under the well-intended but mistaken belief they are recyclable.

The bill establishes requirements for a product to be considered recyclable in Maryland and uses a threshold that is the same as the Federal Trade Commission's Green Guides, which should facilitate the identification of the products that are in fact recyclable. However, despite its support for the objectives and many of the provisions for the legislation, MDSWA is concerned about two provisions that affect its ability to support the legislation.

Section 9 - 2404(A)(2) on page 8 of the bill requires that at least 75% of the product or packaging being sorted and aggregated in the State be recycled into new products or packaging. While the objective is notable, this provision would be essentially impossible to enforce. When MRFs market their end products, they rarely know exactly what the materials are being used to make, especially for those MRFs that use third parties to sell their recyclables. Furthermore, much of Maryland's recyclables are managed

through out of state MRFS and, therefore, there would be no mechanism to collect this information. MDSWA requests this provision be removed from the legislation.

More concerning is Section 9-2405 on page 9, which requires refuse disposal systems and resource recovery facilities to collect and report data that is impossible for them to collect. First, refuse disposal facilities include landfills and other facilities not involved in the recycling of materials. Furthermore, the bill requires the promulgation of regulations, including expanding the types of facilities specified in earlier sections of the legislation without any indication of what those facilities would be or what their involvement in the recycling and processing chain would be. Compliance with the provisions of this section of the bill is completely unattainable and MDSWA requests this Section be removed from the legislation.

MDSWA supports the objectives of the legislation and requests a favorable report but only with the adoption of the requested amendments.

For more information call:

Pamela Metz Kasemeyer

J. Steven Wise

Danna L. Kauffman

410-244-7000