

Testimony in Opposition
of
House Bill 1239
in
House Environment and Transportation Committee
on
March 9, 2022

Dear Chair Barve and Members of the Committee,

The Flexible Packaging Association (FPA) is submitting testimony in opposition to House Bill 1239, “Environment - Plastic and Glass Products - Postconsumer Recycled Content Program” which establishes minimum post-consumer recycled (PCR) content percentage requirements for certain plastic carryout bags, plastic beverage containers, rigid plastic containers, plastic trash bags, and glass containers and products.

I am Sam Schlaich, Counsel, Government Affairs for FPA, which represents flexible packaging manufacturers and suppliers to the industry. In the U.S. Flexible packaging represents \$34.8 billion in annual sales in the U.S. and is the second largest, and fastest growing segment of the packaging industry. The industry employs approximately 80,000 workers in the United States. Flexible packaging is produced from paper, plastic, film, aluminum foil, or any combination of these materials, and includes bags, pouches, labels, liners, wraps, rollstock, and other flexible products.

These are products that you and I use every day – including hermetically sealed food and beverage products such as cereal, bread, frozen meals, infant formula, and juice; as well as sterile health and beauty items and pharmaceuticals, such as aspirin, shampoo, feminine hygiene products, and disinfecting wipes. Even packaging for pet food uses flexible packaging to deliver fresh and healthy meals to a variety of animals. Flexible packaging is also used for medical device packaging to ensure that the products packaged, diagnostic tests, IV solutions and sets, syringes, catheters, intubation tubes, isolation gowns, and other personal protective equipment maintain their sterility and efficacy at the time of use. Trash and medical waste receptacles use can liners to manage business, institutional, medical, and household waste. Carry-out and take-out food containers and e-commerce delivery, which are increasingly important during this national emergency, are also heavily supported by the flexible packaging industry.

The targets in HB 1239 are a great aspiration, but unlikely to be achievable, because there is simply not enough quality PCR resin available. The [latest data](#) from the Environmental Protection Agency (EPA) estimated **14.5 million tons** of plastic containers and packaging were generated in 2018, approximately 5.0 percent of material solid waste (MSW) generation.. Overall, **the amount of recycled plastic containers and packaging in 2018 was almost 2 million tons or 13.6 percent** of plastic containers and packaging generated.

Thus, FPA and its members are particularly interested in solving the plastic pollution issue and increasing recycling of solid waste from packaging, and creating a working, circular economy, but to achieve these goals, we need to invest in infrastructure and modernize Maryland's antiquated recycling system. Mandating presently unachievable PCR rates will likely result in harsher impacts on the environment and fail to accomplish the intent of HB 1239. FPA believes that a suite of options is needed to address the lack of infrastructure for non-readily recyclable packaging materials, and support of market development for recycled products along with meaningful, effective extended producer responsibility (EPR) programs are a more efficient way to build that infrastructure.

For these reasons, FPA **opposes HB 1239 and respectfully request an unfavorable report.** In advance, thank you for your consideration. If we can provide further information or answer any questions, please do not hesitate to contact me at 410-694-0800 or SSchlaich@FlexPack.org.

Respectfully,

Sam Schlaich

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