

BILL: Senate Bill 0768
COMMITTEE: Education, Energy, and the Environment
DATE: February 23, 2023
POSITION: FAVORABLE WITH AMENDMENTS

Smith Industries, Inc. respectfully requests a **favorable report with amendments on Senate Bill 0768.**

Smith Industries, Inc. is a part of the critical manufacturing sector as we are a manufacturer of steel, iron and aluminum products. We operate 20 scrap metal recycling and processing facilities throughout MD, DE, VA, PA and WV, with over 650 employees. Nine of these facilities are located within the following Maryland Counties: Allegany, Baltimore, Caroline, Carroll, Frederick, Harford, Prince George's, and Wicomico.

We purchase scrap metal materials (recyclable materials) from the general public, and we also utilize our own fleet of trucks to transport scrap metal from our business consumers to our facilities.

***Strike clause 9-1705.1(A)(2)(III) from Line 19 on Page 2:**

Scrap Metal/Recyclable Materials Are Not Waste

This Bill is problematic in that it will label recyclables as waste. It is paramount to the recycling industry that governments seeking to collect data on recyclable materials acknowledge that **recyclables are not waste and recycling is not disposal**. Solid waste by definition is that which has been discarded (e.g. refuse, garbage, putrescible materials and offal). Recyclable materials that are given, sold, donated or otherwise transferred in commerce are not discarded and therefore are clearly not waste. A recyclable material that was not destined for a landfill or has been diverted from the solid waste stream has intrinsic value and is not discarded; it never enters the realm of solid waste. Recyclable materials do not require management as solid waste and thus do not require regulation as solid waste. Thus, it is imperative that any reporting of recycling activities be clearly distinguished from solid waste management; recyclable materials reports should be separate and distinct from any solid waste reports. It is imperative that the distinction between recyclable materials and solid waste is clearly made. Notwithstanding the fact that recyclable materials processed by private sector recyclers are not solid waste, the efforts of the private sector recycling industry contribute significantly to the reduction of solid waste that is managed through landfilling or incineration. However, **recycling and solid waste management are two different activities and should reporting of these activities be deemed necessary, they should be accounted for separately.**

***Strike clause 9-1705.1(B)(2)(III) from Lines 5-6 on Page 3:**

Only Count That Which Is Appropriate

This Bill further complicates things by allowing the County to require any information that they want. There is nothing to stop a County from requiring that haulers submit proprietary information, including customer lists and business expenses. Furthermore, our trucking fleet hauls hundreds of loads every week so we would never have the capability to itemize each load by customer. **Reporting should be limited to tonnages of materials handled. Governmental entities have no need for information pertaining to vendors or customers or the cost of recyclable materials purchased or the sales price for the finished product that is sold.**

Thank you for the opportunity to submit testimony in **support with amendments of Senate Bill 0768.**

Brian Benko, Information Officer
Smith Industries, Inc.