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**American
Sustainable
Business
Network**

22 February 2023

Delegate Kumar P. Barve, Chair
House Environment & Transportation Committee
Maryland General Assembly
Legislative Services Building
90 State Circle
Annapolis, MD 21401

**RE: HB 031, An Act concerning Environment – Products and Packaging –
Labeling, Marketing, and Advertising for Recycling**

Support with Amendments

Dear Chair Barve:

On behalf of Seventh Generation and the American Sustainable Business Network, thank you for the opportunity to provide testimony in support of H.B. 031, An Act Concerning Environment – Products and Packaging – Labelling, Marketing and Advertising for Recycling.

Seventh Generation is the nation’s leading brand of household and personal care products designed to help protect human health and the environment. Established in 1988, our Burlington, Vermont based company employs over 120 people, distributing products to natural food retailers, supermarkets, mass merchants, and online retailers across the United States and around the world.

Among the products manufactured and sold by Seventh Generation are laundry detergents, dish detergents, hand soaps, recycled household paper products, baby diapers, baby wipes, and feminine hygiene products.

The American Sustainable Business Network (ASBN) is a multi-issue membership organization representing over 250,000 businesses across the United States. ASBN advocacy is focused on three broad priorities: Climate, Democracy and an Inclusive Economy. Seventh Generation is a member of ASBN.

Seventh Generation and ASBN support HB-031 as it will help consumers navigate the complex claims surrounding recycling and promote the development of a more sustainable economy.

According to current EPA statistics, the U.S. produces almost 36 million tons of plastic every year, much of it for single use, representing over 12 percent of all municipal solid waste. Despite marketing claims and the ubiquitous “chasing arrows” symbol for recycling, overall recycling was less than nine percent.¹

And while the recycling rate for certain plastic materials and containers was higher, in no case did it even reach one-third of what was produced. As a result, 5.6 million tons of plastics were burned in 2018, representing 16% of municipal solid waste, and 27 million tons of plastics went into landfills, representing 18% of municipal solid waste.

The financial, environmental, and human health expense of disposing of all those materials through burning or burial rests squarely on the shoulders of Maryland taxpayers since it never shows up on the profit and loss statement of the plastic producers. While Maryland has made laudable strides in reducing costs through recycling programs, it is clear that too much waste – especially single-use plastics – continues to be a problem and an unnecessary expense.

It is equally clear that the current Resin Identification Code numbering system is not only confusing, but in many cases is misleading. Some producers are mislabeling products by claiming or implying they can be recycled, for example, by displaying

¹ <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/plastics-material-specific-data>

the resin identification code within the chasing arrows symbol, even though the products cannot be recycled, and in some cases, when the resin can interfere with the recycling process.

This bill would address the issue of confusion by requiring all plastic producers to adhere to the same rules and definitions, leveling the playing field for companies who are trying to do the right thing versus those who are trying to gain unfair advantage through claims that are either false or misleading. It will also grant consumers a measure of equity in knowing that when they see a recycling claim or symbol, they can be assured it is legitimate.

However, there is language in the bill that should be reconsidered. Specifically, page 3, Section II (b) requires that “a person may not distribute for sale in the State any container unless the container is labeled with a CHASING ARROWS SYMBOL indicating the plastic resin used to produce the container.”

This requirement is inconsistent with the industry standard, ASTM D7611/D7611M-20, which stipulates a Resin Identification Code consists of an equilateral triangle, a Resin Identification Number, and an Abbreviated Term for polymeric material. For example:

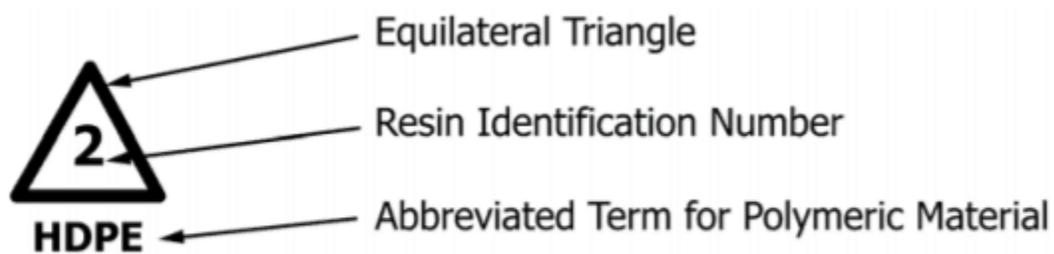


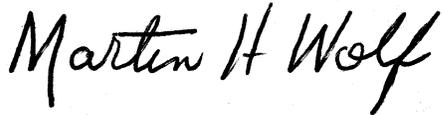
FIG. 1 Example of a Resin Identification Marker

HB-031 should be modified to reflect this standard and allow replacing the triangle with a CHASING ARROWS SYMBOL only if the conditions set forth under § 9-2504 of the overarching Title are met.

This change would also bring Maryland into conformity with other states working to prevent false or misleading use of the chasing arrow symbol. This is important to ensure companies can use the same labeling in all states while meeting Maryland’s clearer labeling requirements.

With this change, Seventh Generation and ASBN express their support for HB 031.
Thank you, again, for the opportunity to present this testimony.

Sincerely,

A handwritten signature in black ink that reads "Martin H Wolf". The signature is written in a cursive style with a large, prominent 'M' and 'W'.

Martin Wolf
Director, Sustainability & Authenticity
Seventh Generation, Inc.
Advisor,
American Sustainable Business Network