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(via sara.love@house.state.md.us)

February 7, 2023

Maryland Representative Sara Love
6 Bladen St
Lowe House Office Building
Room 210
Annapolis, MD 21401-1901

Re: Comments on HB 284, legislation to reduce consumer packaging

Dear Rep. Love:

The Treated Wood Council (TWC) appreciates the opportunity to submit these comments and suggestions regarding HB 284, introduced by you on January 25th, intended to reduce consumer packaging. We attempted to contact your office yesterday; however, the recording on your office phone line suggested that we should email our concerns to you.

TWC is an international trade association, serving the treated wood industry with more than 500 member organizations, including those with six headquarters and/or facilities in Maryland [Eden, Federalsburg, Fruitland, Hebron, Huntington and Snow Hill]. Most of our members would be directly affected by HB 284.

As discussed below, our members use wrap to protect treated and untreated lumber and other wood products during transport, as well as strapping for safety, environmental, and product protection purposes. These shipments are made to other industrial sites, warehouses or wholesalers. Our shipments are not made directly to consumers. Effective substitutes are not presently available for these applications.

Our Products and Our Uses of Plastics to Protect Them

TWC member companies manufacture and ship our nation's bulk supplies of wood construction materials. These products include sawn dimensional lumber used to build our homes, offices, furnishing, and retail stores, as well as pressure-treated wood products used in exterior applications (decks, fencing and infrastructure, such as poles, ties, posts, and marine structures).

To avoid any confusion, it is important to point out that these materials would never be purchased through an online retailer (aka Amazon), nor would a consumer trucking service (UPS or Fed Ex) deliver them. Bulk quantities of wood construction materials would be bundled at the manufacturing site and transported via flatbed trucks, railroad cars, barges, or a combination of these.

The photos below illustrate two examples.



Plastic packaging is used by our members in the shipment and storage of bulk quantities of wood construction materials in two ways:

- as strapping for stabilization and containment of the bundles, and
- as weather-proofing wrap.

Shipments of sawn dimensional lumber and other wood products (either untreated or preservative treated) can often use both strapping and wrap.

In contrast to other higher volume single use packaging that appears to be the focus of HB 284, our packaging applications involve highly specialized industrial uses that are installed and managed at controlled facilities (e.g., other manufacturers, warehouses, distribution centers, wholesalers or construction sites). Those sites, which are out of control of the wood product manufacturers, are generally subject to detailed controls on the management and handling of construction wastes. Our uses do not involve public or dispersive uses of plastics and packaging in uncontrolled conditions.

While our members make an informed decision to use plastic packaging, strapping and wraps are still required, regardless of the material used, for the shipment and protection of wood construction materials. As discussed below, there are numerous strong reasons for our use of highly-engineered plastic in the packaging and transport of bulk wood products, which, due to unique performance, safety, and weight requirements, cannot be easily replaced with alternative mechanisms and provide environmental and safety advantages:

- Human Health and Safety – plastic strapping is safer to install and handle from an employee injury standpoint than the alternative of steel, which has caused serious injuries to employees during handling.
- Carbon Footprint and Light Weighting – the weight reduction of plastic banding compared to steel banding is significant. For example, steel banding rolls weigh over 100 pounds while the polyester/plastic banding is about 50 pounds. Use of plastic packaging can therefore not only reduce transportation costs, but also reduce GHG emissions associated with the transportation of heavier and bulkier alternative packaging materials.
- Containment during treatment – when bundles undergo wood treatment, the wood pieces expand slightly. Plastic strapping will absorb that expansion without breaking. Steel strapping will often snap, jeopardizing the containment of the bundle. Steel strapping is more likely to cause physical damage to the materials.
- Shipment Stabilization – strapping is critical from a highway and railway safety standpoint to ensure the integrity of the bundles during shipment. Rail operators insist on special banding requirements to ensure load stabilization. Many shippers prefer polymer-based strapping to secure loads due to its flexibility and tensile strength compared to steel, which leads to less band breakage as the lumber shifts in transit.

- Damage protection, product quality, and avoidance of additional packaging, shipping or manufacturing resources and waste – after lumber is sawn, it is kiln-dried to remove moisture from the wood. This helps to prevent warping and checking of the lumber before use and enables better preservative treatment as dried wood allows for the water-based preservative to enter the wood cells. Many of the high-tech wraps used in our sector are designed to provide breathability as well as water protection. Weather-proof plastic wrap protects the wood from the elements, and from dirt and other damage, during transport and on-site storage. Without wrap, transported units would degrade when transported or stored in areas exposed to rain. Less protective packaging would generate more damaged products, leading to either additional shipping, more waste (as those defective products are disposed of) or rework (e.g., repainting, and other resource-consuming and waste-generating processes).
- Product Quality – plastic wrap (more effective and durable than paper) provides higher quality control for cleanliness of the lumber during transportation.
- Moisture Treatment Standards – the American Wood Protection Association Standard U1-22 require that UC1 and UC2 treated wood must be protected from the weather before and during wood preservation use (<https://awpa.com/images/standards/U1excerpt.pdf>). The International Code Council ES Evaluation Report (ERS-4373) requires the same for fire-retardant treated wood.

Our industry members continue to experiment with sustainable systems for strapping and weather protection. For example, more than 6 million pounds of polyethylene terephthalate (PET), made from curbside post-consumer bottles, are utilized to make plastic strapping each year. Additionally, reclamation programs administered by strapping manufacturers that recycle pieces of used or discarded strapping pieces into new strapping are currently in operation, saving more than 45,000 cubic yards of landfill waste and over 24,000 barrels of oil per year.

Suggested Amendment for HB 284:

Based upon this information, TWC suggests a minor amendment to the definition of “packaging materials”, Subtitle 25, Section 9-2501(E)(3), in HB 284, as follows (additions in red, deletions lined-through):

- (3) “PACKAGING MATERIALS” DOES NOT INCLUDE ANY PART OF A PACKAGE OR CONTAINER THAT IS SOLD OR SUPPLIED IN CONNECTION WITH:
- (I) A PESTICIDE PRODUCT REGULATED BY THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT UNDER 7 U.S.C. § 136 ET SEQ. OR ANY OTHER APPLICABLE FEDERAL LAW, RULE, OR REGULATION;

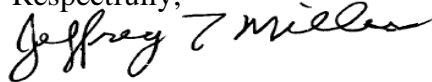
(II) A FEDERALLY REGULATED DRUG, MEDICAL DEVICE, BIOLOGIC, OR DIAGNOSTIC, INCLUDING ITEMS INTENDED FOR ANIMALS; ~~OR~~

(III) A MEDICAL PRODUCT THAT IS REQUIRED TO BE STERILE OR ENCLOSED IN PACKAGING WITH TAMPER-RESISTANT SEALS TO PROTECT PUBLIC HEALTH, INCLUDING MEDICAL PRODUCTS INTENDED FOR ANIMALS; **OR**

(IV) BULK SHIPMENTS OF CONSTRUCTION MATERIALS.

Thank you for giving us the opportunity to share our suggestions with you. We are available to meet or confer with you on these recommendations. Please contact me if you have any questions.

Respectfully,

A handwritten signature in black ink that reads "Jeffrey T. Miller". The signature is written in a cursive style with a large, stylized initial "J".

Jeffrey T. Miller
President & Executive Director
Treated Wood Council