

HB284 PRKN_WKC testimony.pdf

Uploaded by: Alexander Villazon

Position: FAV



Bill: HB 284

Date: February 22, 2023

Position: Support

HB 284 - Environment - Reducing Packaging Materials - Producer Responsibility Support

Dear Chairperson Barve, Vice Chair Stein and Members of the Environment & Transportation Committee:

We are writing in strong support of HB284 on behalf of Waterkeepers Chesapeake, a coalition of seventeen Waterkeepers, Riverkeepers, and Coastkeepers working to make the waters of the Chesapeake and Coastal Bays swimmable and fishable. Plastic pollution is an obvious problem in the Chesapeake Bay watershed. Recently, scientists at the Virginia Institute of Marine Science and the Pennsylvania State University determined that the vast majority of microplastic pollution (upwards of 94%) that makes its way into the rivers of the Chesapeake Bay stays in and along the waters.¹

Potomac Riverkeeper Network (PRKN) volunteers have collected and diverted 13,420 pounds of trash from the Potomac River and its tributaries since 2021. Unfortunately, the problem never seems to be abated; no matter how many times volunteers clean up an area, the trash always returns.

Nationwide polling shows that 8 in 10 American voters are in favor of policies reducing single-use plastic and unnecessary packaging.² There is growing awareness and concern among Maryland residents about the prevalence of microplastics in drinking water and their impacts on human health. Maryland taxpayers and cities/counties bear the burden of paying for disposal and recycling of materials and struggle to maintain their programs. This bill begins to address some of these problems.

HB284 is a start at reducing the impact of packaging on the municipal solid waste stream. We all learn about the "Three Rs: Reduce, Reuse, Recycle." Those principles are meant to go in order of priority, but for the past five decades, this has not been the case. This bill begins to reset those priorities, emphasizing reduction.

A statewide recycling needs assessment is proposed to occur every 10 years. The bill establishes a framework in which producers set up incentive systems to reward the packaging lowest in volume and highest in recyclability, and sets a 25% reduction target for covered packaging materials within 5 years of the needs assessment. Importantly, the Bill includes public oversight and transparency for that process.

PRKN and WKC and the members we represent are in favor of reducing packaging waste that ends up backed up in Maryland Material Recovery Facilities in the best case scenario, and clogs our streams and ends up

¹ See: <https://chesapeakebaymagazine.com/study-94-of-plastics-stay-in-the-bay/>

² See:

<https://usa.oceana.org/press-releases/8-in-10-american-voters-support-national-action-to-reduce-single-use-plastic/>

deposited in the Chesapeake Bay in the worst.

Alex Villazon, Climate & Justice Legal Fellow
Waterkeepers Chesapeake
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HB0284 Packaging Materials - Producer Responsibili

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR HB0284 ENVIRONMENT - PACKAGING MATERIALS – PRODUCER RESPONSIBILITY

Bill Sponsor: Delegate Love

Committee: Environment and Transportation

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of HB0284 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Our Coalition members support the reduction, recycling, and/or composting of as much packaging waste as possible. We feel that waste materials (particularly plastics, but also including paper and cardboard packaging) are becoming a bigger and more expensive problem for the state. We believe that consumer education is important in changing this dynamic. At the same time, we would like to change the behavior of manufacturers, distributors, and sellers to ensure that their products are packaged in recyclable or compostable materials, instead of plastics or other materials that our recycling systems can't handle.

We think this bill will not only be a giant step forward in managing waste materials, but it also sets the groundwork for changing the behaviors of the manufacturers, distributors and sellers. It makes them responsible for ensuring that their packaging is recyclable or compostable and makes them come up with a disposal plan. It has them individually (or in combination in what is described as a stewardship organization) create the plan and have it approved. It also creates an Office of Recycling and tasks that office with conducting a statewide recycling needs assessment.

The bill also has teeth, which we feel is an important addition. There are fines for not following the plan and there are fees that would have to be paid to local governments to collect, transport and process the packaging. The reporting requirements imposed would ensure that each individual organization (or the stewardship organization) is following the plan.

Finally, this new process would not hurt small businesses, who are already struggling. It would target large businesses, who make more than \$1 million in gross revenues or produce more than 1 ton of packaging materials, and it exempts businesses that are part of a franchise.

We believe this will be game-changing in terms of getting manufacturers and sellers to re-think the kinds of packaging they make and sell, which in turn, will help us all become better at reducing waste.

We support this bill and recommend a **FAVORABLE** report in committee.

TWC HB284 FAV

Uploaded by: Jeffrey Miller

Position: FAV



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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;

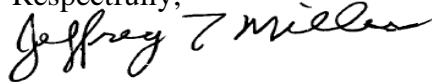
(II) A FEDERALLY REGULATED DRUG, MEDICAL DEVICE, BIOLOGIC, OR DIAGNOSTIC, INCLUDING ITEMS INTENDED FOR ANIMALS; ~~OR~~

(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

Maryland Forests Association

Uploaded by: Joe Hinson

Position: FAV



Maryland Forests Association, Inc.
P.O. Box 332
Linkwood, MD 21835
410-463-1755

Maryland's voice for forest, wildlife, and natural resource management

SB 222 and HB 284—Serious Impacts on Maryland's Forest Industry

Maryland's forest products industry uses a variety of "packaging materials" as defined in the legislation "FOR THE CONTAINMENT, PROTECTION, HANDLING, DELIVERY, AND PRESENTATION OF A PRODUCT THAT IS SOLD, OFFERED FOR SALE, IMPORTED, OR DISTRIBUTED IN THE STATE." This includes pallets, lumber wraps, plastic bags for mulch or bark, strapping, and plastic used to wrap wood shavings for the poultry industry. Under the bills, those firms that use such packaging materials is deemed to be a "producer" and there are then numerous requirements to be met under the legislation. Here is a summary of what the legislation would require of "producers".

- An annual registration fee of up to \$1,000 plus an unknown assessment levied by MDE to cover the costs of the program, plus reimbursement to local governments for the costs associated with managing the covered packaging materials.
- Development of a "producer responsibility plan" to be submitted and approved by MDE and which includes:
 - Performance goals for amounts of recycling and greenhouse gas reductions, among others,
 - A requirement that each producer reduces packaging material waste by 25% within 5 years,
 - A description of how the performance goals will be achieved including financing and staffing for the effort,
 - Requirements for public outreach, communications and education,
 - Description of the funding and process for reimbursing local governments for waste management.

Finally, the bills specify that any producer that fails to develop a plan approved by MDE before a yet to be determined date, "MAY NOT SELL, OFFER FOR SALE, DISTRIBUTE, OR IMPORT FOR SALE OR DISTRIBUTION PACKAGING MATERIALS FOR USE IN THE STATE UNLESS THE PRODUCER, INDIVIDUALLY OR AS PART OF A PRODUCER RESPONSIBILITY ORGANIZATION, HAS AN APPROVED PRODUCER RESPONSIBILITY PLAN ON FILE WITH THE DEPARTMENT."

The legislation allows individual producers to join together in a "producer responsibility organization" that can prepare a single plan on behalf of those producers who are part of the joint effort, but this results in the necessity of creating an expensive new trade association to complete this work. In addition to the costs of maintaining such an organization, there is a requirement for "FUNDING THAT WILL BE USED FOR IMPROVING REUSE, ORGANICS RECYCLING, AND RECYCLING SHALL INCLUDE INVESTMENT IN MARKET DEVELOPMENT AND EXISTING AND FUTURE REUSE, ORGANICS RECYCLING, AND RECYCLING INFRASTRUCTURE." There are also requirements for equipment upgrades, mitigation and the development of new waste management technologies. Finally, there are onerous requirements for reporting and data collection.

This is punitive legislation. All the individual forest products companies in Maryland are family-owned and relatively small, although most will exceed the \$5 million gross income level for exemption from the requirements. The costs of compliance with this legislation huge. Maryland Forests Association urges the General Assembly to forego passage of these bills.

HB284-SB222.pdf

Uploaded by: John Ford

Position: FAV

HB284/SB222 – Environment – Reducing Packaging Materials –
Producer Responsibility
February 20, 2023

Position: Favorable

I, John Ford, support HB284/SB222 to improve recycling programs in Maryland, reduce waste, and save taxpayer money.

My local Baltimore City is struggling to support recycling programs (down to once every two weeks) while facing an ever increasing stream of hard to recycle waste from the products we buy. Our recycling rates are low, people have lost faith in the recycling system, and recycling markets for our plastic waste are less and less reliable, all because producers continue to make wasteful, often non-recyclable products with no responsibility for management. HB284/SB222 can help address these problems by requiring that producers support infrastructure to manage packaging waste, while incentivizing them to make more recyclable products.

Producer responsibility has proven to be an effective approach to reducing waste and improving recycling. Such laws already exist in jurisdictions around the world, and they are working well to manage packaging and provide safe disposal for polluting and hazardous items. From Maine to Oregon, states are beginning to act, and Maryland should join them.

Consumers are frustrated by the lack of sustainable options on the shelf, and the ease in which they should be able to recycle. At the same time, companies that produce wasteful single-use plastic products, beverage containers, and other waste that litters our communities, fills our landfills, and is burned in our incinerators have avoided paying up for decades. A big reason why packaging pollution is on the rise is because producers are absolved of all responsibility for where their products end up, and whether their products are labeled correctly. That leaves you and me with confusion and limited choices, meanwhile footing the bill for managing the waste. This law begins to change that by requiring producers to bear some of the costs of our recycling system.

We must also aggressively enact measures to reduce waste and move away from packaging that causes harm to the planet and public health in its production and disposal, like Maryland's ban on foam food packaging; but there is certainly more we can do.

I respectfully urge a favorable report.

John Ford

3301 Fleet St
Baltimore, MD 21224

HB_284_American Chemistry Council

Uploaded by: Josh Young

Position: FAV

February 22, 2023

Electronic Delivery

Honorable Kumar P. Barve, Chair, and
Members, Committee on the Environment and Transportation
House of Delegates,
State of Maryland
Room 251, House Office Building
Annapolis, Maryland 21401

**In re: HB 284 - Environment – Reducing Packaging Materials – Producer
Responsibility; testimony in support.**

Dear Chair Barve and Members,

On behalf of the members of the Plastics Division of the American Chemistry Council (ACC), thank you for this opportunity to **urge support** for HB 284, relating to: producer responsibility in Maryland.

ACC and our members are working hard to create a more circular economy for plastics and end used plastic in the environment. That is why ACC and its Plastics Division members were among the first to establish ambitious, forward-thinking goals that all plastic packaging in the United States is reused, recycled, or recovered by 2040 and that all U.S. plastic packaging is recyclable or recoverable by 2030.¹

Achieving these goals will require industry, manufacturers, brands and retailers, recyclers, and waste haulers, as well as citizens, communities, non-profits, academics, and federal, state and local governments to come together to support policies and programs to increase the supply of and demand for recycled materials and create the circular economy we all want.

A well-designed product stewardship program should:

- Increase the collection and sortation of all recyclable materials, including metals, paper, glass and plastic;
- Invest in the appropriate infrastructure to increase the types of materials that are currently recycled;
- Incent decisions that lead to lower environmental impacts;
- Support the existing roles of local government and waste management companies, and include the voices of key stakeholders including government, waste management companies, brands, and material suppliers in decision-making; and

¹ Plastics Division, “U.S. Plastics Resin Producers Set Circular Economy Goals to Recycle or Recover 100% of Plastic Packaging by 2040,” Media release (American Chemistry Council, May 9, 2018), <https://www.americanchemistry.com/chemistry-in-america/news-trends/press-release/2018/us-plastics-resin-producers-set-circular-economy-goals-to-recycle-or-recover-100-of-plastic-packaging-by-2040>.

- Improve outreach and education to consumers to help them recycle more material appropriately.

ACC recommends that producer responsibility should be based on data and science.² To guide creating producer responsibility, the state should also conduct a comprehensive needs assessment. The findings should inform the state, producers, and other stakeholders on how to effectively implement producer responsibility in the state. ACC holds that HB 284 supports these objectives and is an important part of creating a circular economy for plastic and other materials and keeping greater amounts of waste out of the environment.

Roadmap to Reuse & Guiding Principles: To reach our goals, we established a Roadmap to Reuse³ to provide a comprehensive strategic framework and identify actions to help deliver needed solutions. In addition, ACC and its members have come together in support of six Guiding Principles⁴ to accelerate progress toward creating a circular economy for plastics and the elimination of plastic waste. Our Roadmap and these Guiding Principles include support for policies such as HB 284.

Industry Commitments: The private sector, including many of America's plastic makers, are investing billions of dollars in plastics recycling. The enactment of legislation like HB 284 helps increase the collection of materials to reduce landfilling and accelerate a circular economy for plastics.

- Since July 2017, there have been more than 90 projects worth more than \$8 billion in announced investments to modernize recycling technologies in the U.S.
- These projects have the potential to divert more than 19 billion pounds of waste annually from landfills and are aimed at revolutionizing the use and reuse of plastic resources.

Again, thank you for this opportunity to provide this information to the committee. If you have any questions or if I may be of further service, please feel free to contact Josh Young, ACC's Senior Director, Mid-Atlantic Region at 202-249-6223 or Josh_Young@AmericanChemistry.com or Nick Manis at 410-263-7882 or nmanis@maniscanning.com.

Sincerely,



Adam S. Peer, Senior Director
American Chemistry Council

² Plastic Division, "5 Actions for Sustainable Change," Industry report (Washington, D.C.: American Chemistry Council, 2021), <https://www.plasticmakers.org/files/d6b3a34b9a88b1a6ee4da0a73b24562d740f80e4.pdf>.

³ Plastic Division, "Roadmap to Reuse: Plastic Solutions for America," Industry report (Washington, D.C.: American Chemistry Council, September 2020), <https://www.plasticmakers.org/files/aaf59c57da5b7b4dc7882614986d7abdd79a2b95.pdf>.

⁴ Plastic Division, "Principles for Eliminating Plastic Waste through a Circular Economy," Industry report (Washington, D.C.: American Chemistry Council, September 2020), <https://perma.cc/QSV5-CHTB>.

BaltimoreCounty_FAV_HB0284.pdf

Uploaded by: Joshua Greenberg

Position: FAV



JOHN A. OLSZEWSKI, JR.
County Executive

JENNIFER AIOSA
Director of Government Affairs

AMANDA KONTZ CARR
Legislative Officer

JOSHUA M. GREENBERG
Associate Director of Government Affairs

BILL NO.: **HB 284**

TITLE: Environment - Reducing Packaging Materials - Producer
Responsibility

SPONSOR: Delegate Love

COMMITTEE: Environment and Transportation

POSITION: **SUPPORT**

DATE: February 22, 2023

Baltimore County **SUPPORTS** House Bill 284 – Environment - Reducing Packaging Materials - Producer Responsibility. This legislation would establish a system that places the logistical and financial responsibility of recycling packaging material on the producers of the materials.

Managing waste is an essential service of government that impacts the daily lives of all Maryland residents. More residents than ever are being mindful of where they discard plastics, resulting in an abundance of recyclable material to be managed and processed by County government. When producers package goods in materials double the size of the product or send orders in multiple boxes, it is local authorities that take on the economic burden of processing the resulting abundance of materials.

House Bill 284 will aid local authorities by setting up a system to shift the responsibility of waste management onto the producers of packaging materials. This system will require that large multistore companies have an approved produce responsibility plan in order to sell or distribute packing material in the state. This plan requires that industries make efforts to reduce the waste created by packaging and sets up a system for local governments to be reimbursed for the recycling of such materials. This legislation aligns with Baltimore County’s concerted effort to innovate and sustainably manage the growing burden of solid waste.

Accordingly, Baltimore County requests a **FAVORABLE** report on HB 284. For more information, please contact Jenn Aiosa, Director of Government Affairs at jaiosa@baltimorecountymd.gov.

FAV - HB284 - Environment – Reducing Packaging Mat

Uploaded by: Justin Hayes

Position: FAV

Testimony in Support of HB284 Environment – Reducing Packaging Materials – Producer Responsibility
Environment and Transportation Committee – February 22, 2023

Committee Members: I am happy to offer my support for HB284. I am using this opportunity to provide testimony on this legislation as a former lead sponsor while a member of the House of Delegates and am now proud to see Senators Augustine, Elfreth, and Hettleman champion this issue. I appreciate the opportunity to continue the effort to move this specific legislation forward and bring additional attention to this issue.

The Goal: Save taxpayers money, support local governments, and reduce waste. Extended Producer Responsibility (EPR) shifts the costs of recycling from taxpayers and local governments to the producers of packaging and requires producers to make smarter, more environmentally conscious packaging choices.

The Problem: Maryland taxpayers currently bear the sole burden of paying to manage and dispose of waste, including packaging, primarily (though not exclusively) through local governments. These local governments and taxpayers have no say in decisions made by producers about packaging type, however, and yet must manage (landfill, incinerate, recycle, compost, etc.) the packaging that comes to them, often at a great cost..

Packaging decisions made by producers have a dramatic impact on local government budgets. The past Director of Montgomery County’s Department of Environmental Protection highlighted the economic implications of a simple packaging material decision through the example of two nearly identical cups. Montgomery County lacks the infrastructure to recycle #6 plastic (polystyrene) cups. A #6 cup costs the county \$135 per ton to remove from the recycling stream and incinerate. On the other hand, a nearly identical #1 plastic (polyethylene terephthalate) cup can easily be recycled and sold for a profit of \$375 per ton. Because the cost of that decision is born solely by the taxpayer and local government, right now producers have no incentive to choose #1 plastic over #6 plastic and taxpayers are left footing the bill. This bill can help remedy that problem.

To further underscore the issue, variable recycling markets are upending local government budgets. For example, in 2010, Baltimore City made \$598,325 in revenue from its recycling program; in 2019, the City’s recycling system bore a loss of \$1,636,136. Similarly, Charles County made \$30,000 in revenue through recycling in 2015 and faced a loss of \$700,000 in 2019. The cost of running Frederick County’s recycling program doubled in just three years, with a cost increase of 99% from 2017 to 2020.

The Solution: Bringing EPR for packaging to Maryland will shift the costs of disposing packaging materials from Marylanders and local governments to the corporations producing the excessive and often harmful materials that are costly for local governments and taxpayers to manage.



This legislation presents a comprehensive solution that provides reimbursement for recycling operations and funding to modernize recycling infrastructure to meet local governments' needs; sets environmental goals for reducing packaging, using postconsumer recycled content in packaging, and improving recyclability and recycling rates of packaging; and creates more reliable markets for recycled content to increase profits for local governments.

EPR for packaging is gaining momentum in the U.S. with bipartisan support. Maryland taxpayers should not be left behind footing recycling bills that their counterparts in other states are not.

This bill will support local governments, make better use of taxpayer dollars, bring needed infrastructure investments to our recycling systems, and help the environment. **I urge a favorable report on HB284.**

A handwritten signature in black ink, appearing to read "Brooke E. Lierman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brooke E. Lierman
Comptroller of Maryland

HB0284 Reducing Packaging Materials Producer Respo

Uploaded by: Laurie McGilvray

Position: FAV



Committee: Environment and Transportation
Testimony on: HB0284 – Environment - Reducing Packaging Materials - Producer Responsibility Support
Organization: Maryland Legislative Coalition Climate Justice Wing
Submitting: Laurie McGilvray, Co-Chair
Position: Favorable
Hearing Date: February 22, 2022

Dear Chair and Committee Members:

Thank you for allowing our testimony today in support of HB284. The Maryland Legislative Coalition (MLC) Climate Justice Wing, a statewide coalition of over 50 grassroots and professional organizations, urges you to vote favorably on HB284.

HB284 establishes a requirement for producers of packaging materials to develop and implement producer responsibility plans for specific products, which must be submitted to the Maryland Department of the Environment (MDE) for review and approval by April 1, 2026. Unless the producer has an approved plan on file with MDE, they may not sell, offer for sale, distribute, or import for sale or distribution packaging materials for use in the State.

Packaging makes up 28% of Maryland’s waste stream, of which 40% is plastic. Currently, taxpayers cover the cost of the handling, processing, and disposal of packaging. This bill aims to *reduce* packaging by placing the responsibility on the producers. The bill creates a framework and program to shift recycling costs from taxpayers to the producers who actually design the packaging. The framework will allow producers to set up incentive systems to reward lower volume/higher recyclable packaging, with public oversight and transparency. Currently, counties pay the full cost of collection, sorting, and resale of packaging. HB284 provides that the revenue generated by the incentive system will be used to reimburse counties for a portion of their packaging recycling costs.

Maryland currently has producer responsibility programs for some products (e.g., tires and electronics), and packaging producer responsibility programs have been adopted in Colorado, Maine, Oregon and California. Expanding Maryland’s producer responsibility programs to include packaging is an idea whose time has come. Reducing packaging and increasing its recyclability makes sense and producers should be part of the solution. For these reasons, we recommend a **FAVORABLE** report for HB284 in committee.

HB0284-ET-FAV.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB 284

February 22, 2023

TO: Members of the Environment & Transportation Committee
FROM: Nina Themelis, Interim Director of Mayor's Office of Government Relations
RE: House Bill 284 – Environment – Reducing Packaging Materials – Producer Responsibility
POSITION: SUPPORT

Chair Barve, Vice Chair Stein, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** House Bill (HB) 284.

HB 284 would require certain producers of packaging materials to individually or as part of a producer responsibility organization submit a certain packaging materials producer responsibility plan to the Maryland Department of the Environment for review and approval on or before a certain date and in accordance with certain requirements; prohibiting, on or after a certain date, a producer of certain packaging materials from selling, offering for sale, distributing, or importing certain packaging materials unless the producer, individually or as part of a producer responsibility organization, has an approved producer responsibility plan on file with the Department; requiring a producer responsibility organization to implement a producer responsibility plan within a certain amount of time after the Department approved the producer responsibility plan; establishing a producer responsibility plan advisory council and authorizing a local government to request reimbursement from a certain producer that has an approved producer responsibility plan on file.

Baltimore's Less Waste, Better Baltimore (LWBB) plan includes recommendations for legislative actions that will help make progress toward the city's waste reduction goals. These recommendations include Extended Producer Responsibility (EPR) mandates passed at a state or federal level, product take-back programs passed at a state or federal level, and mandated recycled content (MRC) laws. HB 284 will play a part in meeting the recommendations put forth in the LBWW plan.

Baltimore provides single-stream recycling curbside services to residents, incurring costs of about \$ million a year. A reduction in packaging recyclables could decrease the volume of material the city collects for recycling, generating some savings on curbside collections expenses the City incurs. Under this legislation, Baltimore would be responsible for establishing a take-back program for covered materials. The City would require funds to set up and maintain such a program, as well as for any education or outreach materials required to facilitate the changes outline in the bill.

If, as a result of the passage of HB 284, small businesses are faced with higher producer costs, those small businesses could be negatively impacted. It is for this reason that the City also supports the provision that protects businesses with under \$1 million in revenue from the potential effect of the legislation. The State would need to research whether or not the fees and charges included in HB 284 would be passed down to small businesses. As a government entity, Baltimore City would be exempt from these fees. Additionally, the City could seek reimbursement for our recycling costs from the organizations covered under the provisions of the legislation.

For the above state reasons, the BCA respectfully requests a **favorable** report on HB 284.

HB_284_Lynch_Moms Organic Market_ FAV

Uploaded by: Sean Lynch

Position: FAV



Position: Supporting HB 284: Environment - Reducing Packaging Materials - Producer Responsibility Bill

Submitted to: House Environment and Transportation Committee

Submitted by: MOM's Organic Market

February 22, 2023

Dear Chair Barve, Vice Chair Stein, and Members of the Environment & Transportation Committee:

MOM's Organic Market is proud to say that ten of our twenty-two stores are located in Maryland, serving thousands of Marylanders daily. Our customers demonstrate their concern for the environment by using the many options we provide to reduce plastic and other packaging. We strongly support HB 284 Environment - Reducing Packaging Materials - Producer Responsibility Bill and respectfully ask for your favorable vote.

Currently, Maryland residents foot the bill to pay for handling and processing of the waste stream, twenty-eight percent (28%) of which is packaging, and an estimated forty percent (40%) of this is plastic. This is a burden that should not be on the taxpayer and government. The Producer Responsibility Bill will shift the commitment to the packaging manufacturers and make them responsible for it at each stage of the packages' lifecycle. Without this, too much ends up as waste, and much of it ultimately ends up in our environment, polluting waterways and creating biological hazards as it breaks down into smaller components. A benefit to the bill is that revenues created by the oversight go to counties to support recycling efforts.

Maryland must take this opportunity to protect its residents and our environment from this hazard. The first crucial step is for this Environment & Transportation Committee to pass HB 284.

MOM's Purpose is *to protect and restore the environment*. Since 2005, we have banned plastic bags and encouraged reusable bags in our stores. Our customers embrace this and reuse bags to the tune of 3.3 million single-use bags avoided in 2022 alone. In 2010, with our Plastic Surgery campaign, we also banned plastic bottled water, began to use compostable produce bags and switched to compostable cups and utensils in all our stores. But this only addresses a small portion of the challenge of packaging. Without government regulation, manufacturers have no incentive to take responsibility for the waste created by packaging. HB 284 will begin to address this.

In addition to advocating for packaging and waste reduction, we consider it our responsibility to educate our customers about these environmental issues. This is an issue the public has

become well aware of because they see it every day in their streets, streams, and at home. Individual action alone will not address this issue of packaging waste, which contributes to climate change, and manufacturers won't act aggressively without laws and regulations to hold them accountable.

We respectfully request a favorable report from you on HB 284.

HB 284, FAC, FCG Solid Waste and Recycling, LS23.p

Uploaded by: Victoria Venable

Position: FAV



FREDERICK COUNTY GOVERNMENT

DIVISION OF SOLID WASTE & RECYCLING

Jessica Fitzwater
County Executive

Phillip S. Harris, Director

HB 284 - Environment – Reducing Packaging Materials – Producer Responsibility

DATE: February 22, 2023
COMMITTEE: House Environment and Transportation Committee
POSITION: Support
FROM: Rebecca Culler, Recycling Program Manager, Division of Solid Waste & Recycling, Frederick County Government

Thank you for your consideration of HB 284 Environment – Reducing Packaging Materials – Producer Responsibility. As the Director in the Division of Solid Waste & Recycling in Frederick County, I urge the committee to give HB 284 a FAVORABLE report.

HB 284 seeks to hold packaging material producers accountable for the disposition of their products. This will be accomplished through the establishment of a producer responsibility plan which will be developed in consultation with the producer responsibility organization. The producer responsibility organization will make assessments of statewide recycling needs.

This statewide effort would encompass the needs of Frederick County. HB 284 would establish the ability of the advisory council to authorize local government to request reimbursement from the packaging producers that have an approved plan on file. Frederick County could see a very minor impact from administrative time spent preparing data to be considered for reimbursement.

As a result, we see only upside from the passage of HB 284.

Thank you for your consideration of HB 284. On behalf of Frederick County Government, I urge a FAVORABLE report.

Rebecca Culler
Recycling Program Manager
301-600-7406

SFPA Testimony HB0284

Uploaded by: Aleta Greer

Position: FWA



February 20, 2023

Maryland House Environment and Transportation Committee
Room 251
House Office Building
Annapolis, Maryland 21401

Dear Chair Barve and Vice Chair Stein:

Thank you for your work to consider packaging and recycling legislation in Maryland. The Sustainable Food Policy Alliance (SFPA), which is comprised of member companies Danone North America, Mars Incorporated, Nestlé USA and Unilever United States, have each made extensive investments and commitments to make consumer product packaging more sustainable and expedite the transition to a circular economy. In July 2020, we released a set of [Packaging and Recycling Policy Priorities](#) that outline several policy solutions essential to transforming our nation's current waste management and recycling systems and followed up with a set of [Extended Producer Responsibility \(EPR\) Policy Priorities](#) in January 2022.

These priorities aim to shift away from the status quo and move toward a waste and recycling future where companies like ours can set and meet ambitious goals to integrate post-consumer recycled (PCR) content into our packaging, consumers are educated to better navigate their local recycling systems, and we can all be better stewards of the environment. Within our own companies, we are investing in improving recycling systems around the world, innovating our packaging design, and collaborating with suppliers, local communities, and retail customers to advance forward-looking solutions that help our consumers make a difference and impact the planet. We know it is essential for stakeholders to come together to make end-to-end system changes that will truly transform our waste management system into a circular economy.

SFPA is supportive of Extended Producer Responsibility (EPR) programs. All four companies participate in EPR programs globally and we have worked to set up and support EPR programs and policies in the United States. We were excited to see HB 284 introduced, which includes significant policy elements that we support. We offer our commentary below:

We support the following provisions in the bill:

- We support a Producer Responsibility Organization (PRO) for governance of the EPR program and the PRO has responsibility for setting fees, collecting funds, and determining recycling rates and deadlines after a needs assessment has been completed.
- We support the inclusion of eco-modulation in the bill, which allows fees to account for relative costs of recycling different materials in addition to environmental factors.

- We support the inclusion of an Advisory Committee to advise the PRO on plans, funding and performance goals and include broad stakeholder representation inclusive of local governments, recyclers, collectors, and the PRO participating in the program.
- While this bill does not include a Deposit Return System (DRS), we appreciate that EPR program would allow for a complementary DRS program at a later date.
- We appreciate the shared responsibility provisions that allow some shared costs between the PRO and state and/or municipalities, which is in line with our [EPR policy priorities](#).

We would like clarity and offer some constructive commentary on the following provisions:

- While we support having a robust PRO structure, we believe the program will be most effective if it begins with one single PRO and allows for the possibility of multiple PROs after a few years, similar to the model in Colorado. The current proposal allows for multiple PROs to start.
- We agree that a needs assessment is essential to determining which infrastructure improvements are needed to improve Maryland's recycling system. Since the PRO will invest in the activities deemed necessary by the needs assessment to achieve legislative goals, we recommend that the PRO have a strong role, along with the state and the advisory council, in how it is conducted.
- We appreciate the needs assessment will include an analysis of infrastructure for composting and reuse but prefer that both be integrated and rewarded under eco-modulation provisions at this stage.
- The bill includes a state recycling trust fund, sourcing PRO fees to fund it. The language states that some of these funds may be transferred to the General Fund, which we do not support. We believe that the funds collected should only be used to support improved recycling infrastructure in Maryland.
- We would like clarity on the provision related to packaging material waste reduction over five years. For example, as written it is unclear if packaging material waste reduction is only reduced material usage, a shift to reusable packaging, or increased recycling and increased recycled content. We recommend an approach that explores reduction by all means, and is completed following the needs assessment or allows for an earlier baseline (e.g. 2013) for producers who have already made source reduction efforts. We also recommend that the mandate apply in aggregate across the entire PRO membership rather than per producer following the needs assessment since some portfolios lend themselves to source reduction than others.
- The legislation includes a greenhouse gas reduction goal. We recommend removing so as to not dilute from the focus on recovery and recycling.

- The legislation does not include a definition of “recycling.” Our position is that any definition of recycling must allow for innovative technologies that help materials or waste to be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products. We agree that “recycling” does not include energy recovery or energy generation resulting from combustion or incineration processes.
- In addition, while not specified in the bill, we hope that the PRO will include an on-ramp for post-consumer recycled (PCR) content that aligns with other states and recognizes the critical need to preserve food safety.
- We note that the bill does not provide a clear exemption for medical food and/or infant formula, which require specific packaging for food safety and consumer delivery. We recommend amending the language of “covered material” to harmonize with the currently enacted laws in California, Colorado and Oregon. For example, we have excerpted the California language here:

“covered material” does not include any of the following:

(A) Packaging used for any of the following products:

(i) Medical products and products defined as devices or prescription drugs, as specified in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Secs. 321(g), 321(h), and 353(b)(1)).

(ii) Drugs that are used for animal medicines, including, but not limited to, parasiticide products for animals.

(iii) Products intended for animals that are regulated as animal drugs, biologics, parasiticides, medical devices, or diagnostics used to treat, or administered to, animals under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.), the federal Virus-Serum-Toxin Act (21 U.S.C. Sec. 151 et seq.), or the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.).

(iv) Infant formula, as defined in Section 321(z) of Title 21 of the United States Code.

(v) Medical food, as defined in Section 360ee(b)(3) of Title 21 of the United States Code.

(vi) Fortified oral nutritional supplements used for persons who require supplemental or sole source nutrition to meet nutritional needs due to special dietary needs directly related to cancer, chronic kidney disease, diabetes, malnutrition, or failure to thrive, as those terms are defined as by the International Classification of Diseases, Tenth Revision, or other medical conditions as determined by the department.

We are committed to continuing to work with you and other stakeholders to refine this bill as it goes through the legislative process, and we are confident that we can all work together to revise the bill into something we can enthusiastically support. SFPA is eager to be a resource for you and your colleagues moving forward. Once again, we appreciate your leadership on this topic as well as the opportunity give feedback on this important legislation, and we look forward to working with you to continue to progress toward a more circular economy in Maryland.

Sincerely,

Sustainable Food Policy Alliance

HB_284_FWA_MML

Uploaded by: Angelica Bailey Thupari

Position: FWA



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

February 22, 2023

Committee: House Environment & Transportation

Bill: HB 284 – Environment – Reducing Packaging Materials – Producer Responsibility

Position: Support with amendment

Reason for Position:

The goal of this bill is to modernize and improve waste and recycling in Maryland. It shifts the responsibility for packaging materials to the producer, increasing the likelihood that environmentally damaging materials are responsibly disposed of. This bill also includes a fee structure to help local governments with the collection and disposal of these products, and ensures that a Producer's Responsibility Plan describes the process by which municipalities can request reimbursement for costs associated with collecting, transporting, and processing packaging materials. These are valuable and necessary measures to further our collective response to climate change.

However, how the reimbursement *amounts* are decided and disbursed is unclear. It is also unclear whether municipalities that collect packaging materials but do not process and dispose of it themselves would still qualify for reimbursement. The logistical relationship between state, county, and municipal waste collection is detailed and complicated. Several municipalities own and operate their own waste processing plants, while others rely on county or even out-of-state processing centers.

We recognize the changes made to this year's version, and we are confident that further discussion and collaboration can resolve these outstanding questions. We believe this will be a net-positive for the State and our cities and towns, and MML looks forward to working with the Sponsor and this Committee. With adoption of clarifying amendments, MML would respectfully request a favorable report.

FOR MORE INFORMATION CONTACT:

Theresa Kuhns

Angelica Bailey Thupari, Esq.

Bill Jorch

Justin Fiore

Chief Executive Officer

Director, Advocacy & Public Affairs

Director, Public Policy

Deputy Director, Advocacy & Public Affairs

1212 West Street, Annapolis, Maryland 21401

410-268-5514 | 800-492-7121 | FAX: 410-268-7004 | www.mdmunicipal.org

MD HB 284 Testimony 2.1.pdf

Uploaded by: Anthony Tusino

Position: FWA

World Wildlife Fund

1250 24th Street, NW | Washington, DC 20037 | 202 293 4800 | 202 293 9211 fax

worldwildlife.org



Delegate Kumar P. Barve, Chair
Delegate Dana Stein, Vice Chair
House Environment and Transportation Committee
Maryland General Assembly
House Office Building, Room 251
Annapolis, MD 21401

**RE: Support with Amendment for HB0284 – Environment –
Reducing Packaging Materials – Producer Responsibility**

Dear Chair Barve, Vice-Chair Stein and Members of the Committee:

Thank you for the opportunity to comment on HB0284, an act to establish Extended Producer Responsibility in the State of Maryland. For more than 60 years, World Wildlife Fund (WWF) has worked to help people and nature thrive. We express our support for this legislation and offer some proposals herein on how it might be strengthened as you work to advance it.

As the world's leading conservation organization, WWF works in 100 countries and at every level, collaborating with people around the world to develop and deliver innovative solutions that protect communities, wildlife, and the places in which they live. WWF works to help local communities conserve the natural resources they depend upon; transform markets and policies toward sustainability; and protect and restore species and their habitats. Our efforts ensure that the value of nature is reflected in decision-making from a local to a global scale.

WWF connects cutting-edge conservation science with the collective power of our partners in the field, more than 1.3 million supporters in the United States and 5 million globally, and our partnerships with communities, companies, and governments.

Today, human activities put more pressure on nature than ever before, but it's also humans who have the power to change this trajectory. Together, we can address the greatest threats to life on this planet and protect the natural resources that sustain and inspire us.

At WWF, we believe in a future where plastic no longer enters nature. Plastic can be a valuable material – it protects our food, our homes and even our bodies, as we have seen during the COVID-19 pandemic. However, plastic is often misused and mismanaged, leading to high rates of landfilling and leakage into nature. Extended Producer Responsibility (EPR) has the potential to reimagine the way we produce and use packaging, especially plastic packaging and products, so that we continue to use, reuse, and recycle our materials to their fullest potential.

Maryland has a proud history of protecting our environment, and Extended Producer Responsibility could continue that tradition.

Together with American Beverage Association, we have produced principles for EPR that create positive environmental and business outcomes. Often, these outcomes seem oppositional, but EPR has the potential to tie business practices with better environmental outcomes, thereby giving the producers of plastic and packaging a stake in the performance of the system. As our waste management and recycling system stands, there is little incentive to do better. We can change that with EPR.

In our [Joint Principles for Reducing Materials Footprint and Achieving Circularity](#), we outline a few key considerations. First, fees collected under EPR frameworks must only be used to advance or invest in the recycling and collection infrastructure. We believe that fees collected -- based on the net-cost of recycling materials introduced to the market plus an ecomodulated fee for disrupting materials or formats – need to stay within the recycling system. We cannot expect to create a collection and recycling system that incentivizes the collection and reuse of materials if it is not adequately and fully funded. **To best ensure that collected fees are used for these purposes, the Producer Responsibility Organization (PRO) should hold and disburse these funds, with strong regulatory and public oversight of their collection and disbursal.**

WWF appreciates the inclusion of a needs assessment in the legislation. It is important that producers, consumers, municipalities, and oversight officials know the complexities of recycling in Maryland. **A comprehensive needs assessment will enable the creation of an adaptable plan and create a baseline for measuring progress throughout the State.**

Similarly, we appreciate the legislation outlining the need for goals on use of post-consumer recycled content, recycling rates, reuse rates, and greenhouse gas emissions. **We hope the needs assessments can inform time-bound targets for each of these important goals.**

WWF appreciates the inclusion of a 25% reduction in packaging waste target. While the details of the target are somewhat vague, we hope it can inspire action to remove problematic and unnecessary materials from our products and packages. The target should be evaluated by PROs and the Advisory Council based on weight of packaging introduced to the market and should not include waste-to-energy as a waste-mitigation tactic. **Any progress made toward the 25% reduction should be evaluated by using the PRO's total weight of virgin packaging introduced to the market when the PRO is formed, as the denominator. This would incentivize both outright reduction of materials that are problematic or unnecessary, but also allow for the greater use of recycled content in packaging.** Often, packaging companies use light-weighting to reduce use of materials, often at the expense of a product's recyclability. Focusing strictly on weight-based reduction calculation can skew desired outcomes, where less material is used overall but less materials are recyclable.

WWF also appreciates the ability for a PRO to establish a deposit return system within the State. **Deposit Return Systems have been proven to advance recycling rates, and we hope that unredeemed deposits will be used solely for the purpose of advancing recycling and redemption infrastructure.**

The inclusion of an Advisory Council in the State's review of plans put forward by PROs is incredibly crucial to the success of the system. **Public oversight and accountability are integral to the success of any plan.**

Finally, we appreciate the work of this Committee and the Senate Education, Energy and the Environment Committee to evaluate the entire suite of solutions needed to address plastic pollution, including environmental justice, mandated use of post-consumer recycled content and the phase-out of problematic and unnecessary materials. For more information on World

Wildlife Fund's positioning on policies to advance a circular economy, please [see our policy guidance](#).

Thank you again for the opportunity to provide this testimony. WWF looks forward to working with you and other members of the Maryland General Assembly to develop the principles in HB0284 and its companion SB0222 on their way to being enacted into law.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Tusino". The signature is fluid and cursive, with the first name being more prominent.

Anthony Tusino
Senior Program Officer, Plastic Policy
World Wildlife Fund

HB0284 -- Environment - Reducing Packaging Material

Uploaded by: Brian Levine

Position: UNF



House Bill 284 -- *Environment - Reducing Packaging Materials - Producer Responsibility*
House Environment and Transportation Committee & Economic Matters Committee
February 22, 2023
Oppose

The Montgomery County Chamber of Commerce (MCCC), the voice of business in Metro Maryland, opposes House Bill 284 -- *Environment - Reducing Packaging Materials - Producer Responsibility*

MCCC does not object in concept that the business community has the responsibility to create more sustainable and ecologically friendly practices. However, House Bill 284 is simply too onerous and confusing for many Maryland small businesses at time where many industries continue to struggle to survive a pandemic economy.

The Montgomery Chamber is concerned about the amount of paperwork that is required by House Bill 284, which creates a significant burden on time for small businesses. The penalties required in the bill are also overly punitive. The bill also contains no specific delineation on how much financial impact there will be on producers, creating a massive risk for Maryland businesses.

MCCC is also concerned about the business definitions in the bill, which would capture too many small companies who can simply not afford to comply with the bill as written and would face the prospect of going out of business. This business definition threshold needs to be much higher to ensure that Maryland's small businesses can survive.

Small businesses such as wineries, distillers, and breweries may be adversely impact if this bill passes. During the pandemic, some of these entities were forced to reimagine their business model to survive. That has largely meant that these types of businesses have sold more products as take out, thereby using more packaged materials than they did pre-pandemic. This bill may penalize these small businesses that have adapted during the pandemic in the face of a difficult economy for their industry.

For these reasons, the Montgomery County Chamber of Commerce opposes House Bill 284 and respectfully requests an unfavorable report.

The Montgomery County Chamber of Commerce, on behalf of our nearly 500 members, advocates for growth in business opportunities, strategic investment in infrastructure, and balanced tax reform to advance Metro Maryland as a regional, national, and global location for business success. Established in 1959, MCCC is an independent non-profit membership organization and a proud Montgomery County Green Certified Business.

*Brian Levine | Vice President of Government Affairs
Montgomery County Chamber of Commerce
51 Monroe Street | Suite 1800
Rockville, Maryland 20850
301-738-0015 | www.mcccmd.com*

MDEPRbill2023 (1).pdf

Uploaded by: Terri Beirne

Position: UNF



Opposition to MD SB222/HB284 - Producer Responsibility Act

Wine Institute is a public policy association representing more than 1,000 California wineries. Responsible for 80% of domestic wine production, the California wine industry is committed to sustainability. Nearly 80% of California wine is certified under a statewide sustainability program encouraging packaging with recycled content, reusability, takeback or recyclable packaging, and non-toxic materials. We support greater recovery of wine packaging and are committed to efficient, cost-effective methods for handling wine packaging, but Wine Institute cannot support SB222/HB284, which are problematic in their approach.

These bills shift the cost of Maryland's collection and recycling system for wine containers and other packaging materials to a mandatory producer responsibility organization (PRO) without granting the PRO autonomy to run recycling programs efficiently. There is costly government oversight and involvement, for which the PRO must foot the bill. Further, the bills provide no shared responsibility for consumers to become good stewards of packaging, which is crucial to a healthy recycling system. In the end, a hefty government price tag for modernizing an outdated and inefficient recycling system will be passed along to Maryland consumers in the form of higher prices and potentially less selection.

SB222/HB284 contain an important provision we support – a new requirement for a statewide recycling needs assessment. However, unlike current law and that proposed under this legislation, such an assessment must occur more frequently than every 10 years, and include the insight and expertise of industry members, not merely staff in the Office of Recycling. Further, any preliminary assessment must be completed prior to passage of new laws to ensure they solve and do not create new problems.

1) Effective EPR programs are industry-run with government oversight, not involvement

It is most efficient for a PRO to have autonomy to decide all issues relating to the recovery and recycling of the materials they utilize. State involvement should be limited to approving an initial PRO plan, conducting compliance audits and reviewing subsequent PRO plans every five years.

Further, the fees that producer members pay a PRO should be used for the core mission of recycling covered products; they should not be paid to the Office of Recycling to conduct assessments. Driven by rising costs and supply chain limitations, producers are already assessing their packaging and striving to increase recycling rates and post-consumer recycled content. What producers need is a vehicle to lawfully collaborate on such efforts without triggering anti-trust concerns. Government involvement triggers fees and unnecessary oversight.

Domestic wineries have been battered by COVID-19 tasting room restrictions and shutdowns, unprecedented wildfires and trade tariffs. Losses to the US wine industry due in 2020 are estimated at \$1.4 billion with an additional \$3.7 billion in lost future sales. Wineries are in no position to absorb

additional layers of fees, reimbursements and penalties proposed in these bills. Such increases in the cost of doing business as proposed under this legislation would necessarily be passed on to Maryland consumers in the form of higher prices.

2) Effective EPR programs share responsibility between producers and consumers

Shared responsibility between producers and consumers is a common feature of successful EPR programs outside the US. While producers pay membership fees to support a PRO to conduct assessments and propose goals, consumers must also assume some responsibility. Consumer responsibility initiatives should be outlined in preliminary statewide needs assessments and can take various forms, such as:

- “Pay as you throw” waste policies that charge consumers for garbage collection and hauling by weight, incentivizing consumers to recycle as much as possible to reduce their garbage bill;
- Charging “tipping fees” so it is not cheaper to landfill than to recycle. If tipping fees increase or there are penalties to waste companies that landfill recyclables, waste companies will raise rates, also incentivizing consumers to recycle as much material as possible;
- Paying a non-refundable “eco fee” or “container recycling fee” at the time of purchase; and
- Eliminating single stream recycling, which requires additional consumer labor to separate materials into various bins to keep other recyclable material from contaminating glass, for example.

For more information, please contact Wine Institute Eastern Counsel Terri Cofer Beirne at theirne@wineinstitute.org or the Wine Institute lobbyist in Maryland, Lorenzo Bellamy at lorenzo@bellamygenngroup.com.

HB284_RestaurantAssoc_Thompson_INFO.pdf

Uploaded by: Melvin Thompson

Position: INFO



February 22, 2023

House Bill 284 – Environment – Reducing Packaging Materials - Producer Responsibility

Dear Environment and Transportation Committee:

The Restaurant Association of Maryland sincerely appreciates that the bill sponsor has been working with us to address our questions and concerns regarding House Bill 284. We especially appreciate that this legislation would not apply to a restaurant establishment with more than \$5,000,000 in gross revenue during the immediately preceding calendar year, is headquartered in the State, and primarily sells to members of the public food that is generally intended to be consumed immediately and without the need for further preparation.

We opposed this legislation as introduced last year because of numerous concerns. With respect to this year's House Bill 284, we continue to have conversations with the bill sponsor regarding the scope of the restaurant exemption language for various operational scenarios (e.g., restaurants based elsewhere but operating as a separate Maryland LLC, restaurant franchisees, franchisors, etc.). We have also shared other questions and concerns with the bill sponsor regarding branded vs. non-branded food service packaging materials, our industry's challenges with meeting the 25% packaging material waste reduction requirement specified in the bill, and clarification about some other vague language in the legislation.

We hope to continue working with the bill sponsor on potential amendments to address our remaining concerns.

Sincerely,

A handwritten signature in black ink that reads "Melvin R. Thompson".

Melvin R. Thompson
Senior Vice President
Government Affairs and Public Policy

HB284_INF_MRA.pdf

Uploaded by: Sarah Price

Position: INFO

MARYLAND RETAILERS ASSOCIATION

The Voice of Retailing in Maryland



HB284 Environment - Reducing Packaging Materials - Producer Responsibility

House Environment and Transportation Committee

February 22, 2023

Position: Informational

Background: HB284 would establish a packaging producer responsibility program in Maryland.

Comments: The Maryland Retailers Association (MRA) is not unsupportive of a statewide approach to address issues with our waste stream and the effects of climate change. We strongly support a comprehensive, informed, and fact-based approach to correct problems with the waste stream and recycling infrastructure in Maryland. To that end, MRA has testified favorably on a variety of bills in recent years that proposed studies and task forces to review recycling and waste policies and systems in the state.

MRA believes that a truly comprehensive, wholistic approach is necessary to adequately address concerns about waste, contaminated recycling streams, and the effects of climate change. Bans on individual products, restrictions on the use of certain materials or labels at certain times, as-yet unstudied programs, and a lack of preemption will result in a patchwork of overlapping policies, conflicting standards and requirements, and interstate commerce issues. Increased recyclability and waste diversion goals must be accompanied by robust infrastructure to process every facet of the waste stream.

HB284 includes requirements to conduct regular statewide recycling needs assessments after the extended producer responsibility program has already been mandated. Regular studies will positively impact the effectiveness of the program over time; however, these assessments should begin before a policy is crafted, not after. Constructing a packing responsibility policy without a full understanding of the needs and capabilities of the State's infrastructure runs the risk of implementing an inadequate program that falls short of statewide needs and conflicts with existing State and local approaches, not to mention goals that have already been set independently by industry stakeholders. MRA would support the legislature in conducting an initial needs assessment and then returning to carefully craft a comprehensive, collaborative, and data-driven statewide policy package plan with stakeholders.

Thank you for your consideration.

MDE (HB0284) LOI w_ Amendments.pdf

Uploaded by: Tyler Abbott

Position: INFO



February 22, 2023

The Honorable Kumar Barve, Chair
Environment and Transportation Committee
House Office Building, Room 251
Annapolis, Maryland 21401

Re: House Bill 284 - Environment - Reducing Packaging Materials - Producer Responsibility

Dear Chair Barve and Members of the Committee:

The Maryland Department of the Environment (MDE or the Department) has reviewed House Bill 284 and would like to offer the following information and amendments regarding this bill.

House Bill 284 would require MDE to do the following:

- Conduct a 10-year statewide recycling needs assessment in consultation with producer responsibility organizations, the advisory council, local government entities, and regional solid waste organizations. A report on the results of the assessment must be submitted on or before April 1, 2025 and every 10 years thereafter.
- Coordinate with producer responsibility organizations to establish performance goals, based upon the results of the assessment, for each packaging material type that must be incorporated into producer responsibility plans.

Beginning July 1, 2024, and each year thereafter, producer responsibility organizations will be required to file a registration form with MDE. On or before April 1, 2026, each producer of packaging materials, individually or as part of a producer responsibility organization, would be required to develop and submit a producer responsibility plan to MDE for review and approval.

Within 120 days of receiving a proposed producer responsibility plan, MDE would need to either approve, approve with conditions, or reject the plan. Within 6 months of a producer responsibility plan being approved, a producer responsibility organization must implement the approved plan. On or after a date established in regulations, a producer may not sell, offer for sale, distribute, or import for sale or distribute packaging materials for use in the state unless the producer and the brand of packaging material is covered under an approved plan.

By March 1 each year, beginning in 2027, each producer responsibility organization would be required to submit to MDE an annual report on their progress towards meeting the requirements of the producer responsibility plan, including the performance goals, for the immediate preceding year.

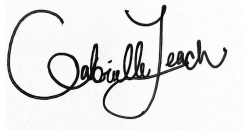
MDE is supportive of initiatives that will fund and improve local recycling systems and engage producers in the sustainable management of their products. Extended producer responsibility

legislation, such as this bill, aligns with MDE policy and is aimed at encouraging the development of a circular economy for recyclable materials by increasing the amount of materials collected and recycled, while creating new markets by requiring producers to use a certain percentage of recycled content in new products. Several states have introduced legislation over the past few years to establish extended producer responsibility programs. In fact, both Maine and Oregon passed legislation in 2021 that required producers of packaging to implement producer responsibility programs and to achieve performance goals aimed at reducing, reusing, and recycling these products.

Amendment: MDE would like to request being added as an Ex-Officio member of the Producer Responsibility Advisory Council to ensure we have a seat at the table during these discussions.

Thank you for your consideration. We will continue to monitor HB 284 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-453-3235 or by e-mail at gabrielle.leach@maryland.gov.

Sincerely,

A handwritten signature in black ink that reads "Gabrielle Leach". The signature is written in a cursive style with a large, stylized 'G' at the beginning.

Gabrielle Leach
Deputy Director, Legislative and Intergovernmental Relations

Cc: The Honorable Sara Love
Tyler Abbott, Director, Land and Material Administration