



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.

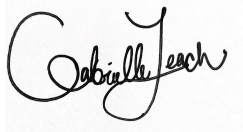
MDE is supportive of initiatives that will fund and improve local recycling systems and engage producers in the sustainable management of their products. Extended producer responsibility

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