

February 20, 2023

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

SUBJECT: HB 31 – Environment – Products and Packaging – Labeling, Marketing, and Advertising for Recycling - OPPOSE

Dear Chair Barve and Esteemed Members of the Committee,

On behalf of the members of the Plastics Industry Association (PLASTICS), I appreciate the opportunity to share our perspective on HB 31 and why we are unfortunately opposed to the bill at this time. As the only association that represents the entire plastics manufacturing chain, with nearly 1 million jobs across the country, PLASTICS has a vested interest in this issue. Sustainability is a primary focus of our members, and we work every day to design and produce more recyclable materials and create end markets so that less plastic goes to landfills. While we appreciate the underlying intent, please allow me to elaborate on our concerns regarding the bill:

Recyclability Marketing Claims Should Not Be Regulated at The State Level

This legislation will help further spur an important conversation on the resin identification code (the RIC). PLASTICS fully supports the current ASTM standard dictating this code should be placed inside a solid triangle and displayed inconspicuously on bottles and rigid plastic containers. Unfortunately, 29 states still require the code to be placed inside three chasing arrows, creating significant consumer confusion. The FTC is currently revisiting their position, and there is widespread growing interest in relation to establishing nationwide labeling laws, which PLASTICS is fully in favor of. It's impractical to imagine businesses and manufacturers will be able to abide by different labeling requirements in various states, and doing so could likely result in interstate commerce issues, rising consumer costs, and ultimately, more material going to landfills.

PLASTICS, under our former entity, SPI (The Society of the Plastics Industry, Inc.) designed the RIC to be an aide to recycling, not a promise of it. The pairing of the RIC with chasing arrows has caused unintended consequences within the recycling sector. We believe a full repeal of the chasing arrows, not the requirement of it, is what would best rectify these ongoing problems, along with allowing the federal government to oversee any new labeling laws.

## Recyclable Materials Would be Deemed Unrecyclable

Under the parameters of this legislation, many recyclable products would effectively be deemed unrecyclable. There are currently multiple facilities across the state, most notably, the EPS Industry Alliance which is located just a few miles from the Maryland Statehouse, who offer take-back/drop-off programs for polystyrene that help ensure such materials do in fact get recycled. It is our hope that this bill will not put an end to these programs and would recommend amendments be made to safeguard and encourage drop-off programs that accept materials such as polystyrene and films.

Further, PET thermoforms, which package so many everyday items such as fresh produce would not be considered recyclable, and neither would polypropylene which has material qualities making it the preferred resin for a variety of food and safety products. These resins have received millions of dollars of investment in recent years, yet they would be landfilled under this bill's definitions.

Not only would highly recyclable materials be labeled as non-recyclable, but there are no substitutes with the performance capabilities provided by these recyclable plastic materials. Alternatives cost more for small businesses, the environmental impacts of alternatives like paper packaging or metal are more resource-intensive and emit more carbon emissions, and there is a lacking infrastructure for popular alternatives like compostables. Instead of imposing a severely restrictive labeling system, stakeholders should work together to advance a more modern recycling system that can capture and recycle more material. Real improvements in the system can only be achieved by an emphasis on developing end markets. Unfortunately, as written, this legislation would make it next to impossible to develop end markets for materials not designated recyclable on day one.

Thank you again for the opportunity to comment on this important issue. PLASTICS advocates for the responsible recycling, reuse, and recovery of all plastics products. We welcome any opportunity to work with the sponsor, and the committee, to make this bill more workable and help ensure the recycling rate is increased in Maryland.

If I can offer any further insight or clarification, please do not hesitate to reach out to me at [dfortunato@plasticsindustry.org](mailto:dfortunato@plasticsindustry.org).

Sincerely,

Danielle Fortunato  
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Plastics Industry Association