



Support for MD HB1086 (Boyce) – Recycling Analysis & Report

Wine Institute is a public policy association representing 1,000+ California wineries. Responsible for 80% of domestic production, the California wine industry is committed to sustainable wine making. Nearly 60% of California wine is certified through our Sustainable Winegrowing Alliance (www.sustainablewinegrowing.org) that educates and shares information among wineries about all aspects of sustainable grape growing and winemaking, including environmentally sensitive, efficient and cost-effective methods of packaging wine. Toward this end, Wine Institute supports HB 1086 because it contains three important components: 1) industry involvement in a needs assessment, 2) finalizing a needs assessment prior to creating an Extended Producer Responsibility (EPR) program, and 3) shared consumer responsibility.

COVID-19 lockdowns heightened awareness of the volume of packaging created by food to-go and delivered goods. It also highlighted weaknesses in curbside and other recycling programs administered by local governments and authorities. Pending legislation in Maryland and elsewhere, as well as laws passed in Maine, Oregon, Colorado and California, purport to shift traditional recycling to EPR programs that charge producers with managing the entire lifespan of their product packaging, particularly take-back, recycling, and final disposal. A mandatory component of an EPR program is a producer responsibility organization (PRO) that outlines a plan to minimize impacts of its own industry packaging. Successful EPR programs in Europe have improved recycling rates through infrastructure investment and making product producers responsible for setting goals and designing programs.

HB 1086 contains an important component leading to passage of an EPR program – a statewide recycling analysis and needs assessment with industry involvement PRIOR to creation of an EPR program. This preliminary assessment will be a valuable opportunity to determine what is working successfully in existing Maryland recycling programs before passing new laws. The bill also requires a review of best practices taken from other states that have already passed EPR programs. Importantly, this bill includes input from industry members as well as government, consumers and waste haulers. Working toward an EPR program in Maryland in a deliberate, inclusive and thoughtful way will create a program that actually solves and does not create new problems or provide new funding for existing programs that are not working well.

Fees that producer members/PROs will pay should be used for the core mission of recycling covered products. They should not be used to reimburse localities, state agencies

or waste haulers for work already being done. 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. To create a successful EPR program, producers need a nimble, well-funded vehicle to lawfully collaborate on efforts without triggering anti-trust concerns.

Finally, EPR laws in the US must provide for shared responsibility with consumers to become good stewards of packaging. While producers pay membership fees to support a PRO that sets goals and conducts joint assessments, consumers must also assume some responsibility. This is a vital component of robust recycling systems in European countries upon which domestic EPR programs are being based. Examples should be included in preliminary statewide needs assessments and 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.

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