



Senate Bill 901 – Environment - Packaging Materials – Producer Responsibility Plans

February 18, 2025

Dear Education, Energy, and the Environment Committee:

The Restaurant Association of Maryland sincerely appreciates the opportunity to submit comments on Senate Bill 901 regarding extended producer responsibility (EPR). Over the years, the bill sponsors have been working with us to address our many questions and concerns regarding this issue.

We appreciate that the requirements of this legislation would not apply to restaurants and similar establishments that are headquartered in the State, and primarily sell food intended for immediate consumption. However, some of our members have raised concerns that the exemption should also apply to other restaurant operational scenarios (e.g., restaurants that may be based elsewhere but operating as a separate Maryland LLC, and restaurants operating in Maryland but locally based in D.C. or Virginia).

Some of our members who are not headquartered in Maryland have also raised concerns about language in the legislation regarding packaging material waste and the baseline for the required reduction, a lack of clarity in the definition of “producer” (which is a concern we also expressed in 2023), and the unique challenges of foodservice packaging needs (especially with the growth of takeout/delivery).

In 2023, the General Assembly enacted legislation (SB 222) that requires the Maryland Department of Environment to conduct a statewide recycling needs assessment. This law also established an advisory council to study and make recommendations for implementing a producer responsibility program for packaging materials. The advisory council’s recommendations will be informed by the results of the recycling needs assessment and EPR programs enacted in other states. We are still awaiting the release of these reports. We believe it would be prudent for the General Assembly to wait until after the release of these reports before passing any EPR policy legislation.

Thank you for your consideration of our concerns.

Sincerely,

A handwritten signature in black ink that reads "Melvin R. Thompson" with a long, sweeping underline.

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