

February 12, 2025

House Environment and Transportation Committee
Room 250
House Office Building
Annapolis, MD 21401

SUBJECT: HB 69 – Environment – Plastic Products – Postconsumer Recycled Content Program- OPPOSE

Dear Chair Korman 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 69 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, postconsumer recycled content (PCR) issues are of significant interest to PLASTICS and our members. While we fully support the use of recycled content in plastics products, we cannot support HB 69 as written for the following reasons:

Food contact packaging is already heavily regulated by the USDA and FDA and must comply with strict guidelines for safety standards. While the intent of this bill is laudable, it will create an incredibly difficult landscape for rigid food packaging to comply. High-quality food-grade recycled plastics are in limited supply due to contamination, and many recycled plastics do not meet the necessary standards due to mechanical recycling often affecting the structural integrity, barrier protection and shelf life of such items. We respectfully urge the committee to reconsider the inclusion of the mandate on rigid plastic food packaging as it will have unintended consequences for both the environment, and consumers, as it will affect the pricing and accessibility of certain products.

A scientific analysis or needs assessment should always be conducted prior to any legislation requiring recycled content to ensure such mandates will yield positive environmental outcomes across important impact areas. Further, before a requirement is set, research must be done to quantify if there is an appropriate and adequate supply of recycled plastic for all products impacted. The balance between supply and the required minimum amount should be regularly evaluated and adjusted according to supply constraints. Currently, the needs assessment report from SB 222 of 2023 has yet to be released, and the Advisory Council has not completed their work on recommendations for the Legislature. PLASTICS encourages the committee to allow

the current work to be completed before looking to set recycled content mandates in statute. Additionally, the current Extended Producer Responsibility proposal, SB 901, addresses recycled content, and PLASTICS believes that bill is the proper vehicle to address the issues raised within HB 69 at this time.

There is already wide-spread vocalization by plastics industry manufacturers addressing the lacking amount of available resin. Any mandates set in statute without proper prior evaluation will only hinder the success of this proposal's intent, by requiring rates that cannot be met from the onset. Instead of potentially setting up producers and manufacturers for failure, we urge the committee to support solutions that increase recycled content supply such as infrastructure investments that benefits both mechanical and advanced recycling processes.

While our members strive to incorporate more recycled content into their products and packaging daily, more work needs to be done to improve recycling supply chains. More material needs to be collected by educating consumers, discouraging waste disposal and improving domestic collection and sorting capabilities through new infrastructure. Only then will a sufficient amount of material be collected for various end markets. Setting strict recycled content mandates without adequate research or proper capabilities may prevent these products from coming to market.

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 want nothing more than to work with the sponsor and the committee to set achievable goals and assist in developing policies that improve the production and use of recycled content.

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

Sincerely,

Danielle Fortunato
Regional Director, State Government Affairs
Plastics Industry Association