

March 25, 2025

Dear Chair Korman and members of the Environment and Transportation Committee,

On behalf of the [Association of Plastics Recyclers \(APR\)](#), I am submitting comments as **favorable with amendments on SB 901 – Environment - Packaging and Paper Products - Producer Responsibility Plans.**

[The Association of Plastic Recyclers \(APR\)](#) is a US-based non-profit and the only North American organization focused exclusively on improving the recycling of plastics. APR represents over 90% of the processing capacity for post-consumer plastic packaging — **our members include the businesses that recycle most of the plastic packaging after it has been collected and sorted by Maryland’s recycling programs.** APR understands the challenges facing the industry and the solutions needed to scale recycling effectively as a key solution to reduce plastic pollution and waste and move toward a more sustainable, circular economy.

PACKAGING EPR IS A NEEDED SOLUTION TO INCREASE PLASTICS RECYCLING

APR supports EPR for packaging as the [most proven, effective policy](#) to improve recycling for packaging and paper. Increasing plastics recycling requires both more convenient access to recycling services and greater participation in recycling programs. **While Maryland has a strong program compared to other US states, there are still significant volumes of recyclable plastics and other materials ending up in landfills, incinerators, and in the environment each year.** EPR is a needed solution for all states.

Consistent, adequate funding is one of the primary obstacles facing local recycling programs and secured, ongoing funding is needed to build, maintain, and expand Maryland’s recycling infrastructure. EPR addresses this need by designing a system in which producers of plastic and paper packaging and printed materials fund the collection systems and ensure a responsible end of life for their products.

INTEGRATING BEST PRACTICES AND LESSONS FROM OTHER STATES

APR supported EPR laws passed in Minnesota and Colorado and has been actively engaged with the packaging EPR implementation in Oregon, Colorado, and California. Maryland has a distinct advantage in adopting EPR at this time: The state can benefit

from the improved statutory language from states that have already passed EPR policies, and from two program plans written by Circular Action Alliance (CAA) so far, so Maryland can better understand the implementation process, state agency management, and oversight of programs.

REQUESTED CHANGES

APR supports the direction of this bill and the substantial improvements from earlier drafts. However, there are a few key areas where changes are needed to effectively improve plastics recycling under this program.

To this end, APR requests the following changes to create a system to improve plastics recycling.

1. **Producers must purchase recycled content from responsible markets.** The current language requires recyclable materials to be sent to responsible markets for recycling. This is only half the solution; the missing half is that producers must then purchase the recycled content from those responsible markets. This is necessary to incentivize recyclers to become responsible markets—by guaranteeing that they can sell their recycled content. Without a requirement to buy from responsible markets, producers will source recycled content from the lowest price—today we are seeing producers use more imported plastics to meet recycled content standards rather than buying domestically-produced recycled content because of the lower costs of imported materials. To support a robust recycling system in Maryland and the region, the bill must ensure that producers prioritize buying from the responsible markets that are recycling plastics and other materials from Maryland. Requested change:
 - a. **P. 28 (6) line 19-20:** after postconsumer recycled content, add “produced by responsible markets”
 - b. **P. 29 (V):** add “and ensure that producers are using postconsumer recycled content from responsible markets to the maximum extent possible.”
2. **Update responsible market definition.** The proposed definition is based upon the 2021 Oregon law and is creating challenges for implementation in Oregon, California, and Colorado. The Washington EPR for packaging bill ([SB 5284](#)) has updated the definition to reflect best practices in emerging states. This updated language provide two important updates: it defines which entity is considered the market since recycling can be handled by multiple entities, and it identifies

measurable and enforceable criteria to evaluate if the market is responsible.

Requested change:

- a. **P. 19 (w):** Replace with “Responsible market means an entity that:
 - (1) First produces and sells, transfers, or uses recycled organic product or recycled content feedstock that meets the quality standards necessary to be used in the creation of new or reconstituted products;
 - (2) Complies with all applicable federal, state, and local government statutes, rules, ordinances, and other laws governing environmental, health, safety, and financial responsibility;
 - (3) Possesses all requisite licenses and permits required by a federal or state agency or political subdivision; and
 - (4) Meets the minimum operational standards adopted under a packaging producer program plan to protect the environment, public health, worker health and safety, and minimize adverse impacts to socially vulnerable populations.”

3. **Change responsible end market to responsible market.** Similar to the above comment, best practices are refining this term to remove the word “end.” This is a particularly important distinction for plastics recycling because in most cases, the entity considered the “market” is actually not the final buyer, but the processor (plastics reclaimer). The reclaimer then needs to sell the recycled plastic flake or pellet to an end manufacturer. The PRO must invest in market development to increase manufacturing demand for recycled plastics—this demand will help reclaimers accept more materials for recycling. If the reclaimer is called the “end market,” this implies that the PRO responsibility ends at the reclaimer and does not direct the needed investment into manufacturing demand at the end buyer. The plastics reclaimer is a market, just not the “end market.” Requested change:
 - a. **P. 19 (W) and all further references:** Replace responsible end market with “responsible market”

4. **Set postconsumer recycled content targets by sub-categories within plastics.** Recycled content targets are most effective when they are applied to specific types of plastics rather than plastics as a broad category. There is so much diversity within plastics packaging that broad targets will not increase the use of recycled content in most applications. Rigid plastics such as containers have completely different markets than film plastics, and even within rigid plastics, there are different markets for PET, HDPE, and PP. Maryland MRFs and haulers need strong markets for different types of plastics to improve the economics of

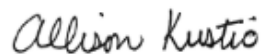
recycling. APR recommends setting recycled content targets for plastics by types, differentiating first between film and rigid plastics, and then within rigids, by resin type. Requested change:

- a. **P. 28 (6), line 25, add new (a):** Postconsumer recycled content targets for plastics must include separate targets for film plastics and rigid plastics, and distinct targets for each resin type within rigid plastics.
5. **Set stronger, measurable requirement to improve product design in PRO Plan.** The bill identifies one of the key intents as “redesigning packaging to be recyclable...” Yet the program plan language only requires to the PRO to “foster the improved design of covered materials” through the fee structure. This language is not strong enough or measurable enough to drive the intended change. Clear direction must be given in the Program Plan to set and achieve design changes. Requested change:
- a. **P. 29 add new (IX):** Identify priority opportunities to improve design for recyclability, and provide technical assistance and other resources to producers and other supply chain stakeholders to implement changes;
 - i. Track and demonstrate progress toward improving design for recyclability

MOVING FORWARD

Thank you for your leadership to improve recycling of plastics. APR staff are available at your convenience to discuss these comments and share further technical, regulatory, and policy information upon request. Please contact Allison Kustic, State Government Relations Manager, at allison@plasticsrecycling.org.

Sincerely,



Allison Kustic

State Government Relations Manager, The Association of Plastic Recyclers (APR)