



**The Maryland Department of the Environment
Secretary Serena McIlwain**

***House Bill 992
Electronic Device Producer Responsibility Program – Established***

Position: Support with Amendments
Committee: Environment and Transportation
Date: February 27, 2026
From: Jeremy D. Baker, Director of Government Relations

The Maryland Department of the Environment (MDE) **SUPPORTS** HB 992 **WITH AMENDMENTS**.

Bill Summary

HB 992 would establish a separate covered electronic device producer responsibility program. This includes approving stewardship organization(s) plans and annual reports, associated review fees, and reimbursement of certain activities. Under the bill, an electronic device manufacturer has to meet certain requirements prior to distributing covered electronics into the state. HB 992 establishes an Advisory Council and requires MDE to adopt regulations to implement, review, and approve plans to manage the program. The bill also alters or eliminates certain aspects of the current covered electronics devices law.

Position Rationale

MDE supports initiatives to divert electronic waste from final disposal, particularly through well-funded programs that align with the State's sustainable materials management goals. The Department supports the intent of this legislation and offers several recommendations to ensure the bill is practical and effectively implementable.

MDE recommends maintaining the existing framework of "free" takeback programs to provide consumers with robust diversion options and supports removing the reduced \$500 fee to better offset agency startup costs. The Department suggests simplifying the definitions of "covered electronic device," "computer," and "white goods" to accommodate future technological shifts without requiring statutory changes, specifically proposing a broad dictionary-based definition for "computer." To ensure clarity and prevent regressive policy shifts, the bill should explicitly list exclusions rather than inclusions, particularly as cellphones are already covered under Maryland's current electronics recycling law.

MDE suggests expanding the bill's scope from "sell or offer for sale" to "distributed or for sale or offer to sell" for any products not part of an approved plan within the established timeframes. To ensure measurable success, the Department recommends including specific, date-certain targets for recycling, capture, reuse, and refurbishment that align with existing Maryland producer responsibility statutes. To provide necessary administrative flexibility, the phrase "in regulation" should be removed in several parts

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of the statute allowing MDE to utilize guidance where appropriate. Removing this language does not prohibit the department from adding requirements in regulation if the authorizing statute already exists.

Environmental sound management practices should be defined to include modulation factors that reward more recyclable or repairable devices, consistent with other state programs. Additionally, HB 992 must be amended to include a specific deadline for plan submissions to ensure the Department can meet its subsequent regulatory obligations.

The bill should also be amended to clearly outline requirements for producer plans, including fund distribution, audit reimbursements, convenience standards, and notifications for non-compliant devices. MDE recommends extending record-keeping requirements to align with existing state laws to prevent data loss and assigning producer registration duties to the responsibility organization, as is standard in Maryland's paint and packaging & paper products laws. Furthermore, weight reporting for refurbished or resold devices must be required to maintain accurate county data under the Maryland Recycling Act. Finally, MDE suggests adding a Department representative as a non-voting member of the advisory council to facilitate ongoing coordination.

MDE has been working with advocates and the sponsor on bill language, and plans to submit amendment requests for HB 992.

Accordingly, MDE asks for a **FAVORABLE WITH AMENDMENTS** report for HB 992.