



February 16, 2022

To: Maryland House Transportation and Environment Committee

Re: HB 700 – Products and Packaging – Labeling, Marketing, and Advertising for Recycling

The members of the Maryland Recycling Network are involved in all aspects of recycling in Maryland. We are community and county recycling coordinators responsible for implementing and overseeing recycling programs, private sector companies that collect and process recyclables agencies, non-profit organizations and recycling activists.

We promote the 3 "R's" of sustainable reduction, reuse and recycling of materials otherwise destined for disposal and the purchase of products made with recycled material content. We achieve these goals through education programs, advocacy activities to affect public policy, technical assistance efforts, and the development of markets to purchase recycled materials and manufacture products with recycled content.

Our members have direct experience operating recycling and composting programs at the county and municipal government level. They know the ins and outs of recycling in Maryland. Their experience informs our comments.

Truth in Labelling

We thank Delegate Love and the co-sponsors of this bill. Truth in Labelling is one of our five legislative priorities in this session. Our members have seen too many instances when well-meaning Marylanders place non-recyclable packages in their recycling bins because they mistakenly assume it is recyclable. This usually happens due to the inclusion of the recycling "chasing arrows" sign on the bottom of plastic containers. This must stop.

The six recyclable processing facilities located in Maryland (also known as "MRFs" for "Material Recycling Facilities") do an admirable job in cleaning up the materials people place in their recycling bin and preparing raw materials for manufacturers. Their job will be easier if people are not misled by advertisements or symbols that falsely imply a package is recyclable when, in fact, it is not.

The bill sets up reasonable requirements for being considered recyclable in Maryland (see Section 9-2404(A)). The sixty percent threshold is the same as found in Section 260.12 of the Federal Trade Commission's Guides for the Use of Environmental Marketing Claims (also known as the "Green Guides"). Determining the ability of a package type to be covered by this requirement will be relatively easy.

Suggested Amendments

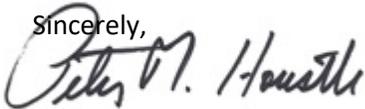
We are suggesting two minor amendments to the legislation.

We suggest the elimination of Section 9404(A)(2) which requires that at least 75% of the product or packaging being sorted and aggregated in the state be recycled into new products or packaging. We certainly support the idea but believe this section will be hard to enforce. MRFs do not always know exactly what their materials are used to make. This is particularly true if the MRF is using third parties to sell their recyclables. In addition, a considerable part of Maryland uses MRFs located in Delaware, Pennsylvania and Virginia. We question if Maryland can require this reporting from out-of-state facilities.

We suggest the elimination of Section 9404(A)(3) which requires products or packages collected under a recycling program other than curbside to achieve a 75 percent recovery rate. The language is somewhat ambiguous. It appears in the Truth in Labelling law recently enacted in California. In that case, it is intended to apply to drop-off facilities, such as we would find in rural Maryland. However, MRFs do not separate or distinguish between drop-off and curbside recyclables. Given the relatively small amount of recyclables collected at drop-off facilities, and the inability to distinguish them from curbside-collected recyclables at a MRF, we recommend dropping this subsection.

Again, thank you to the Delegates who are sponsoring this legislation. We appreciate your efforts to improve recycling in Maryland.

Sincerely,



Peter M. Houstle
Executive Director