



February 9, 2021

To: Maryland House Environment and Transportation and Economic Matters Committees
Re: HB 36 Environment – Packaging, Containers, and Paper Products – Producer Responsibility

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 that are otherwise destined for disposal and the manufacturing and purchase of products made with recycled content. We achieve these goals through education programs, advocacy activities to affect public policy, technical assistance efforts, and recycling market development.

We are not taking a position in support or opposition to HB 36 Environment – Packaging, Containers, and Paper Products – Producer Responsibility. We do not do this lightly. We are not opposed to producer responsibility legislation. Indeed, we have supported similar legislation for a number of products in the past. This year, we have already filed comments in support of HB 127, which would establish extended producer responsibility for paint.

Instead, we are offering comments reflecting our concerns with this proposal and its ability to improve recycling in Maryland’s counties and municipalities. The producers may become “responsible” but we will continue to be directly involved in educating residents, overseeing recycling programs, and collecting and processing the paper and packaging products covered by this legislation. We believe the bill, as written, needs to take into consideration the incredible diversity of how recycling and solid waste are paid for and managed by Maryland’s counties and municipalities and how those local government responsibilities will continue after enactment.

For example, “who pays” and “how they pay” for recycling varies widely across Maryland:

- Many municipalities and some counties use taxes to pay for recycling collection and processing. Four counties use fees, not taxes, to pay for these services.
- In most Maryland counties, residents of unincorporated areas contract with a private hauler to collect their recyclables. This also occurs in a number of municipalities. Obviously no tax dollars are involved in those services.
- In many areas where recycling collection is not offered, residents rely on county-funded drop-off bins.
- In addition, some municipalities use public sector employees to collect recyclables while others, along with several counties, contract with private haulers to provide this service.

Differences in “who collects and processes those materials” create an additional level of complexity:

- Most Maryland local governments use the “single stream” system of collecting and processing recyclables that have been placed in one bin.
- One Maryland county uses the “dual stream” method in which paper products are placed in one bin while packaging is placed in another and are then processed separately. One municipality within that jurisdiction, however, uses single stream.
- Drop-off programs usually take separated materials.

These factors alone raise considerable challenges to the smooth implementation of a producer responsibility program for residential recyclables. They raise questions that go unanswered in the experience of establishing similar programs in the countries and Canadian provinces that adopted producer responsibility programs similar to HB 36. Maryland will be creating a unique program without

any viable precedents for guiding a transition to a new system. To allow all of the details in creating such a program to fall upon a producer group unversed in how recycling programs operate in the Free State would be a mistake. Failure is not an option. We want this program to succeed.

The Maryland Recycling Network is also concerned with the expansive definition of paper products and plastic packaging in the bill:

- All paper products (except for a limited class of printed materials such as books) are covered. This includes napkins, paper towels and tissue paper.
- All plastic packaging is also covered. This includes containers for products such as motor oil and the plastic packaging for products that are regulated by the Federal government, such as those used for medical products.

We know of no Maryland recycling processing facilities that can sort out and manage those products. Nor do we know of markets for them. We do not believe a producer group will be able to upgrade Maryland's existing recycling processing facilities in the six-month period between approval of the stewardship plan and its implementation (see (F) line 4, page 8 of HB 36). It is equally unlikely that they will be able to find markets for these products. Marylanders could see their carefully sorted materials sent to disposal due to unworkable goals.

Finally, many details need to be worked out involving the relationship of counties and municipal governments to the producer group. For instance:

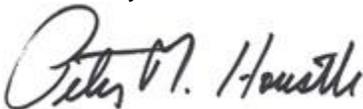
- What is a local government's relationship with the producer group and what are the expectations of that group in regard to local governments?
- How will collection, transportation and processing costs be covered?
- Will local governments be required to use a designated processing facility or the facility of their choice?
- Will local governments and recyclers be involved in the oversight of the producer group?

Instead of leaving these details to be decided by the producer group, we believe they need to be addressed in the legislation or by a working group over the next year.

The Maryland Recycling Network thanks Delegate Lierman for her interest in improving recycling in Maryland. HB 36 offers a starting point in that direction. We look forward to working with HB 36's sponsor and co-sponsors, along with local governments at both the county and municipal level, recycling companies, producers and all parties involved in recycling in Maryland, in creating a more inclusive and comprehensive approach.

As always, the Maryland Recycling Network stands ready to serve as a sounding board and resource for legislators and others interested in pursuing our mission. Please do not hesitate to contact me via email phoustle@marylandrecyclingnetwork.org, phone 301-725-2508 or mail - MRN, PO Box 1640, Columbia MD 21044 if you have any questions or would like additional information regarding the above.

Sincerely,



Peter M. Houstle
Executive Director