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College Park, MD 20740

**Committee:** Environment and Transportation

**Testimony on:** HB36 “Environment – Packaging, Containers, and Paper Products – Producer Responsibility”

**Position:** Support with Amendments

**Hearing Date:** February 9, 2021

**The Maryland Chapter of the Sierra Club supports this bill, which would establish a program of extended producer responsibility for producers of packaging and paper products in Maryland.** Manufacturers would submit to the Maryland Department of Environment a Stewardship Plan for the end-of-life management of their products. The Plan would include: the producers and brands covered; goals for waste reduction, minimum recycled content, and recycling rates; financing methods; public outreach; and reducing packaging through product design. The program would reimburse local governments for the costs of collection, transporting, and processing the covered materials and products. **We propose amendments: (1) to exclude certain beverage containers from covered products because of the much higher efficacy of a beverage container deposit in terms of recycling, quality of product, and impact on reducing litter; and (2) to strengthen the waste reduction goal of the Plan.**

**This bill is one of several critical components to addressing the worldwide plastic pollution crisis, much of which is due to single-use plastic packaging.** According to the US Environmental Protection Agency, in 2017, 55% of municipal solid waste in the United States was composed of product packaging and paper products addressed by this bill.<sup>1</sup> Only about 13 percent of plastic packaging was recycled, in part because multi-layer packaging, multi-resin pouches, and aseptic cartons for beverages and soups are not designed to be recyclable. Plastic film is generally not accepted for single stream recycling; it jams equipment, becomes contaminated, and there’s no market for it. Not measured by these statistics is plastic packaging that escapes into the environment as litter. Seven of the top ten plastic items collected in beach cleanups in the US are plastic packaging or containers.<sup>2</sup>

**The program established by this bill has both environmental and financial objectives.** Through the stewardship plan, producers of the covered products will commit to achieving specific environmental performance goals for a minimum postconsumer recycled material content rate and a minimum recycling rate for covered materials or products that include a goal for all single-use packaging and products to: (a) have at least 75% postconsumer content by October 1, 2027; (b) be readily recyclable or compostable by October 1, 2030; and (c) be reduced, to the maximum extent practicable, and by not less than 25% by October 1, 2030. In terms of financial goals, producers will reimburse local governments for costs associated with collecting, transporting, and processing their products, shifting the end-of life financial responsibilities from local government to producers. The financing mechanisms of the Plan have the possibility of incorporating environmental considerations into the design of the products.

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<sup>1</sup> [https://www.epa.gov/sites/production/files/2019-11/documents/2017\\_facts\\_and\\_figures\\_fact\\_sheet\\_final.pdf](https://www.epa.gov/sites/production/files/2019-11/documents/2017_facts_and_figures_fact_sheet_final.pdf), Table 4.

<sup>2</sup> Food wrappers, bottle caps, plastic beverage bottles, plastic bags, lids, takeout containers (plastic and foam). 5Gyres *et al.* 2017. *Better Alternatives Now: BAN 2.0*.

Founded in 1892, the Sierra Club is America’s oldest and largest grassroots environmental organization. The Maryland Chapter has over 75,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.

**There are over 118 programs for extended producer responsibility in 33 U.S. states, but to date no state has adopted one for packaging and paper products.** However, these programs are common internationally, in Canada, the European Union, Russia, and Brazil (to name a few).<sup>3</sup> Maryland is one of about a dozen states considering such programs. The producers that would participate in Maryland's program include major multinational corporations that are already participating in packaging stewardship programs elsewhere in the world; small producers are exempted.

**The Sierra Club is strongly committed to the principles of this groundbreaking legislation, but requests two amendments for an even larger impact on reducing waste from packaging.**

First, beverage containers made of plastic, glass, and aluminum should be excluded from the program because a beverage container deposit program with a 10-cent deposit has been shown to raise recovery rates for these containers to 90 percent, a level of recycling that is unmatched by any conventional recycling program, while producing source-separated, high quality, materials for recycling. Furthermore, beverage container deposit programs are among the most effective in existence for reducing litter.<sup>4</sup> As we noted in our testimony for HB99, the Beverage Container Deposit bill, Maryland's current estimated recycling rate for beverage containers is 22%; a 10-cent deposit program would raise the recovery rate to 90%, while having an enormous impact on litter, which is how plastic finds its way into the ocean. The extended producer responsibility program for packaging would not be expected to have nearly the impact on litter reduction. Our amendment #1 (attached) would keep in the stewardship program several more difficult-to-recycle beverage containers that are not normally part of beverage container deposit programs (e.g., multi-resin pouches, aseptic cartons, multi-layer packaging, gabled paper cartons).

Second, we request that the waste reduction goal for single-use plastic packaging be doubled, to 50% by October 1, 2030 (amendment #2, attached).

HB36 is not a silver bullet for solving the plastic pollution crisis – the plastic bag ban, a beverage container deposit program, and other policies to reduce production and demand for single-use plastic are also important. **However, this bill is one of several critical elements and with these amendments we request a favorable report.**

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Attachment: Proposed Amendments

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<sup>3</sup> Northeast Recycling Council (NERC) and Northeast Waste Management Officials' Association (NEWMOA). 2020. "White Paper: Extended Producer Responsibility (EPR) for Packaging and Paper Products." April.

<sup>4</sup> "...there is little evidence that any other program, in and of itself, is nearly as effective as deposit programs at reducing litter rates." University of Maryland, Environmental Finance Center (EFC). 2011. "2011 Impact Analysis of a Beverage Container Deposit Program in Maryland." December 15. page 4.



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**Proposed amendments to HB 36**

**Amendment #1: Removes beverage containers potentially covered by a deposit program**

Remove p. 3, line 7: [(V) BEVERAGE CONTAINERS]

Replace p. 3, lines 8-9 with:

(3) "COVERED MATERIALS AND PRODUCTS" DOES NOT INCLUDE:

(I) ANY LITERARY, TEXT, OR REFERENCE BOUND BOOK; OR

(II) BEVERAGE CONTAINERS MADE OF PLASTIC, GLASS, OR ALUMINUM

**Amendment #2: Strengthens requirements for reducing single-use plastic packaging and foodware**

Replace p.5, lines 6-8:

(III) ALL SINGLE-USE PLASTIC PACKAGING AND SINGLE-USE PLASTIC FOODWARE TO BE REDUCED [, TO THE MAXIMUM EXTENT PRACTICABLE, AND BY NOT LESS THAN 25%] BY 50% BY OCTOBER 1, 2030.

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