



Maryland Chapter
P.O Box 278
Riverdale, MD 20738

Committee: Environment and Transportation

Testimony on: HB700 –“Environment – Products and Packaging – Labeling, Marketing, and Advertising for Recycling”

Position: Support with amendments

Hearing Date: February 18, 2022

The Maryland Chapter of the Sierra Club supports HB 700, which aims to eliminate deceptive recycling claims on packaging and products. The bill would prohibit the sale, distribution, or importation into Maryland of any product or packaging with untruthful, deceptive, or misleading environmental marketing claims regarding the recyclability of the product or packaging. Products and packaging would only be labeled “recyclable” if they are: collected and sorted for recycling in jurisdictions that encompass at least 60% of the state’s population; sorted by at least 60% of recycling programs statewide; and not made from materials that contain PFAS¹ – so-called “forever chemicals,” among other criteria. By 2031, the bill’s thresholds for coverage of population and recycling programs would increase to 75%. In addition, products or packaging labeled as “recyclable” would have to be actually recycled into new products or packaging.

Currently, consumers are too often misled and misinformed about recycling claims. Maryland consumers, for example, are sometimes faced with untruthful or misleading labeling on common household products, particularly those made from plastic. Confused consumers wanting to do the right thing often engage in “wish-cycling,” putting many non-recyclable products in the recycling bin that are ultimately disposed of or contaminate the recycling stream. Consumers are led to believe that just because a plastic package or container has a resin number inside a chasing arrows symbol, it can be recycled in Maryland. This is not the case.²

Misleading recycling claims abound in products sold or provided in our state. Plastic grocery bags are often marked with a #4 resin label inside the “chasing arrows” symbol, with a message to “Please Recycle This Bag.” There are no plastic bag recycling facilities in Maryland. Granola bar packages instruct customers to “Recycle in Store” the plastic wrappers. It is misleading to claim that stores recycle them, and they are not accepted by recycling facilities in Maryland. Likewise, many products claim that they are “compostable,” when in fact they would only be compostable in industrial facilities at extremely high temperatures, and few households or businesses in Maryland have access to these facilities at present.

¹ Perfluoroalkyl or polyfluoroalkyl substances.

² In fact, very little plastic is actually recycled in the United States – less than nine percent. The rest is buried, burned, or littered. U.S. Environmental Protection Agency, “Advancing Sustainable Materials Management: 2018 Fact Sheet,” https://www.epa.gov/sites/default/files/2021-01/documents/2018_ff_fact_sheet_dec_2020_fnl_508.pdf, p. 4.

Plastic bags are not accepted for recycling at any materials recycling facility (MRF) in the state, yet households continue to put them in recycling bins, believing that the chasing arrows symbol means that they will be recycled. The belief in these false recycling claims is costly to recycling operations: Plastic film that is not pulled off the conveyor belt wraps around the sorting screens, causing costly damage and wear and tear on the equipment, and must be removed from the equipment manually on a daily basis. Plastic bags that get through the sorting equipment contaminate bales of other sorted materials.

Bottled water brands often claim that their plastic bottles are “100% Recyclable,” which is an incorrect claim in Maryland. While the bottles are usually made of polyethylene terephthalate (PET, #1 resin), the caps and labels are usually made from different plastics³ and are not separable from the bottles in Maryland recycling facilities. Separated bottle caps that arrive at the MRF are too small to be captured, fall through the sorting screens, and ultimately are landfilled or incinerated.

HB 700 would prohibit false or misleading claims on recycling and define more clearly what types of plastic products and packaging are considered recyclable in Maryland. It would help take the guesswork out of recycling for consumers and reduce contamination of the recycling stream. We are working with the bill’s sponsor to clarify some of the provisions in the bill and to ensure that truth-in-labeling applies to plastic bags and claims of compostability.

We respectfully request a favorable report on HB 700.

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³ The caps are usually made of polypropylene (PP, # 5 resin) or high-density polyethylene (HDPE, #2 resin), and the labels are usually made from biaxially oriented polypropylene (BOPP).