



February 20, 2023

To: Maryland House Environment and Transportation and Economic Matters Committee
Re: HB 342 Environment - Plastic Products - Postconsumer Recycled Content Program

The Maryland Recycling Network promotes sustainable reduction, reuse and recycling (the 3 "R's") 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 are county and municipal government recycling managers, private sector recyclers, non-profit recyclers and citizens who support recycling. We have direct experience operating recycling and composting programs at the county and municipal government level. We know the ins and outs of recycling in Maryland. Our experience informs our comments.

HB 342: Postconsumer Recycled Content for Plastic Products

We support HB 342, with suggested changes.

Thirty-two years ago, Maryland became one of the first states to enact recycled content legislation for newspapers. Eventually 14 states enacted these laws. Combined with technological advancements making recycled newsprint as good as virgin, the use of recycled content newsprint soared in America. Now, Maryland has the chance to become one of the first states to enact recycled content requirements for plastic products.

We thank the sponsors of this bill for introducing this legislation. Recycled content bills will help to expand the market for our curbside recyclables. They tell package and product manufacturers to step up to the table and support our recycling programs by using those raw materials in their products.

At the same time, experience with recycled content requirements in this country and elsewhere show they are not perfect. In particular, while they will expand markets, they will not guarantee consistently strong prices for recyclables. Recycling markets are subject to the impact of national and international economic trends. We saw that in the 90's as prices for old newspapers fluctuated in spite of the minimum content laws. However, they have the potential to create a better base for prices.

The goals established in HB 342 are challenging, as they should be. However, we question if some of the goals are achievable. Nothing can be recycled infinitely. All recyclables suffer product loss during collection, materials recovery facility processing and during the recycling manufacturing process. This varies by material and process, but we don't know of any package or product in which, for instance, 2000 bottles can be made from 2000 bottles.

In addition, recycled content materials are bought by end users who may have a different use than the previous use. Markets for PET bottles, for instance, have traditionally been dominated by fiber companies who use those bottles to make carpet or clothing or other fiber products. In fact, those fiber companies invented PET recycling and nurtured it over the last three and a half decades. Only in the last two years have bottles exceeded fiber as the biggest user of recycled PET. We believe that legislation must recognize the existence of competing markets and the reality that those markets may be able to outbid, in this case, bottle markets.

We understand that some of the goals are based on laws already passed in other states. However, some of those states adopted aggressive goals that will be hard to meet. Given the realities of material loss as noted above, we suggest the authors consider changing the dates for achieving recycled content goals. Fifteen percent recycled content for plastic beverage containers, for instance, could be achieved by national companies by 2025 or 27. Smaller regional or local companies will be harder pressed to meet that goal.

In addition, we believe the waiver provision (see 9-2508) could be slightly expanded to include the conditions found in New Jersey's recently enacted minimum recycled content law. These include FDA regulatory requirements, technological feasibility and inadequate supply.

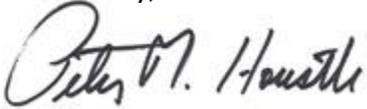
Finally, we ask for clarification of 9-2503(B)(4)(and (5)). Will MDE regulation define how a producer determines the average percentage of postconsumer recycled content for each category of a covered product sold in Maryland and will MDE regulation define what constitutes "third party certification"?

Nonetheless, we congratulate the sponsors of this bill on bringing forth this legislation. We look forward to working with the sponsors to improve this bill. We have no doubt it can expand markets for recyclables. Maryland has another chance to be a leader, just as it was for newspaper recycled content. We look forward to working with the author as this bill moves forward.

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.

We look forward to working with you to continue the strides we have all made to improve Maryland's recycling programs in a time- and cost-effective manner.

Sincerely,

A handwritten signature in black ink that reads "Peter M. Houstle". The signature is written in a cursive style with a large initial "P".

Peter M. Houstle
Executive Director