



February 17, 2021

The Honorable Dereck E. Davis, Chair
House Economic Matters Committee
House Office Building, Room 231
Annapolis, MD 21401

Re: House Bill 69 – Environment - Single-Use Plastics - Restrictions

Dear Chair Davis and Members of the Committee:

The Maryland Department of the Environment (MDE or the Department) has reviewed House Bill 69 entitled *Environment - Single-Use Plastics – Restrictions* and would like to provide some information regarding the bill.

House Bill 69 would prohibit the provision of certain single-use products by food service businesses and lodging establishments, unless requested by a customer. With some exceptions, food service businesses would be prohibited from providing condiments, lids, lid plugs and stoppers, stirrers, straws, or utensils composed of plastic or paper unless the items are requested by a customer. This prohibition would begin January 1, 2022. Lodging establishments would be prohibited from providing personal cleansing products in small plastic bottles unless requested by a customer and provided free of cost and outside the guest room or bathroom. This prohibition on personal cleansing products would be phased in, beginning January 1, 2024 for lodging establishments with 51 or more rooms, and beginning January 1, 2025 for other lodging establishments.

The prohibitions on single-use products covered in the bill may be enforced by MDE, a unit of local government with the authority to inspect food service businesses or lodging establishments, or the Attorney General. MDE does not currently inspect food service businesses or lodging establishments and local governments may therefore be in a better position to enforce the bill's prohibitions during regular food service or lodging inspections. To the extent the Department investigates any suspected violations, it anticipates doing so based upon complaints. Although the bill establishes penalties, it does not specify a MDE special fund to receive any penalties collected by the Department. However, it is assumed that the majority of penalties would be collected by local governments that bring enforcement actions against violators.

With regards to environmental impacts, MDE supports efforts that increase source reduction and reduce littering of single-use products. While single-use food and beverage products like straws and stirrers make up a small portion of the overall waste stream by weight, they can pose litter and water quality problems. These items are typically used away from home and are susceptible to littering. Because they are lightweight, they can make their way into storm drains and waterways and pose a risk of ingestion by marine and other wildlife. Litter prevention is important for protecting water

The Honorable Dereck E. Davis

Page 2

quality. Maryland currently has trash total maximum daily loads (TMDLs) under the federal Clean Water Act for the Anacostia River and the Baltimore Harbor.

Many large-scale hotel chains, such as Marriott and the Intercontinental Hotel Group, have already replaced miniature toiletry products with personal care products stored in dispensers or larger containers. Also, other states have begun to consider legislation to prohibit the distribution of miniature toiletries in their hospitality sectors. California passed Assembly Bill 1162 of 2019, very similar to this proposed legislation, which prohibits lodging establishments from providing a small plastic bottle containing a personal care product, unless requested by a person and provided outside of a sleeping room accommodation or bathroom. The prohibition commences for lodging establishments with more than 50 rooms beginning January 1, 2023, and for lodging establishments with 50 rooms or less beginning January 1, 2024. The California law also states that “[a] lodging establishment is encouraged to use bulk dispensers of personal care products to reduce plastic waste and lower operating costs, mindful of the health and safety of a person”.

Thank you for your consideration. We will continue to monitor House Bill 69 during the Committee’s deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at tyler.abbott@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott", written over a horizontal line.

Tyler Abbott

cc: The Honorable Sarah Love
Kaley Laleker, Director, Land and Materials Administration