



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

January 28, 2021

The Honorable Delores G. Kelley, Chair
Senate Finance Committee
3 East, Miller Senate Office Building
Annapolis, Maryland 21401

Re: Senate Bill 223 - Plastic Bag Reduction Act

Dear Chair Kelley and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed Senate Bill 223, entitled *Plastic Bag Reduction Act*. We support the concept of reducing plastic waste and litter and would like to provide additional information regarding the bill.

Beginning July 1, 2022, the bill would prohibit a retail establishment from providing a plastic carryout bag, defined to include a plastic bag less than 4 mils thick, to a customer at the point of sale. A unit of county government would be responsible for enforcing the proposed legislation. The Maryland Department of Labor would be required to adopt regulations to implement the proposed legislation. Additionally, beginning July 1, 2022, the bill would preempt and supersede any municipal or county law or ordinance that prohibits, restricts, or regulates a retail establishment's use of plastic bags less than 4 mils thick. However, this preemption would not affect the authority of the county or municipality to charge and collect a fee, tax, or other charge for the use of carryout bags at the point of sale that are not a plastic bag less than 4 mils thick if the law authorizing the fee, tax, or other charge for the use of carryout bags was enacted on or before February 1, 2021.

MDE's 2016 Statewide Waste Characterization Study found that clean film and clean shopping bags make up approximately 0.7 percent of the municipal solid waste being disposed of in Maryland by weight. While plastic carryout bags make up a small portion of the overall waste stream, they can pose litter and water quality problems. Plastic carryout bags are susceptible to littering because they are lightweight and they can make their way into storm drains and waterways, posing a risk of ingestion by marine and other wildlife. Maryland has established Total Maximum Daily Loads (TMDLs) for trash in certain State waters.

Thank you for your consideration. We will continue to monitor Senate Bill 223 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,

Tyler Abbott

cc: The Honorable Malcolm Augustine
Kaley Laleker, Director, Land and Materials Administration