



**BRANDON M. SCOTT**  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**HB36**

February 9, 2021

**TO:** Members of the Environment and Transportation Committee

**FROM:** Natasha Mehu, Director of Government Relations

**RE:** HOUSE BILL 36 - Environment – Packing, Containers, and Paper Products – Producer Responsibility

**POSITION: SUPPORT**

Chair Barve, Vice Chair Stein, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** House Bill (HB) 36.

House Bill 36 would, among other things, require by October 1, 2021, a producer of certain packing, containers, and paper products to individually or as part of a stewardship organization submit a covered materials and products stewardship plan to the Maryland Department of the Environment for approval; prohibits on or after October 1, 2024, a producer of covered material and products from selling covered materials and products unless the producer individually or as part of stewardship plan has an approved stewardship plan, etc.

House Bill 36 would require producers to submit a stewardship plan to the Maryland Department of Environment (MDE). Among other things, the stewardship plan would require performance goals for a minimum post-consumer recycled material content rate (of at least 75% by October 1, 2021) and a minimum recycling rate (to be readily recyclable or compostable by October 1, 2021 and for single-use plastic packaging and foodware to be reduced to the maximum extent practicable by not less than 25% by October 1, 2030) for covered materials or products. There is also a requirement for public outreach, education, and communication which is to be developed in consultation with local governments and other stakeholders. These goals and actions will go a long way toward reducing waste and increasing composting and recycling.

The stewardship plan will provide a method for reimbursing local governments for costs associated with collecting, transporting, and processing covered materials and products listed in the stewardship plan. Section 9-2304 of the legislation states that local government may request reimbursement from a Producer Stewardship Organization for these costs in accordance with the requirements of the producers as established under the Stewardship Plan. It will be important that these requirements are easily accessed and streamlined for local governments to successfully request and receive reimbursement.

The Baltimore City Department of Public Works completed its Less Waste, Better Baltimore (LWBB) long-term solid waste operating plan in 2020. This plan lists Extended Producer Responsibility (EPR) as potential legislation to support waste reduction. Task 8 of the Plan, “Recycling and Solid Waste Management Master Plan”, states “Source reduction goals are generally best achieved by implementing extended producer responsibility (EPR) programs, product take-back programs, and bans or restrictions on the use of single-use products, especially in the retail and food service sectors. This must be coupled with offering realistic alternatives to banned items; educational programs to educate consumers on why programs/bans have been implemented and what is expected from individuals for these programs/bans to succeed, and a willingness on the part of the City to pass regulations, inspect, and enforce” (page 41).

House Bill 36 does not result in an excessive burden on local government; rather, it would provide structure and funding support to local governments in managing and reducing their solid waste streams. It strives to place responsibility on the producers of this waste, which could encourage producers to reconsider and redesign their packaging and container products that would have less of an impact on the environment and on communities. Coordination at the State level for the stewardship program falls on MDE, so it is imperative that adequate funding and personnel are assigned to ensure its success.

The City of Baltimore has continued to manage its recycling program even in the face of rising costs to do so. House Bill 36 could increase demand for recycling and the number of products that can be recycled or composed instead of landfilled, thus supporting local governments’ recycling systems, promoting new markets for recyclables, and potentially resulting in a cost savings for local government.

The City of Baltimore respectfully requests a **favorable** report on House Bill 36.