



Maryland Chapter
P.O. Box 278
Riverdale, MD 20738

Committee: Environment and Transportation

Testimony on: HB 31 – “Environment – Products and Packaging – Labeling, Marketing, and Advertising for Recycling”

Position: Support with amendments

Hearing Date: February 22, 2023

The Maryland Chapter of the Sierra Club supports HB 31, 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 plastic or fiber that contain intentionally added PFAS chemicals¹ at or above 100 parts per million, among other criteria. It also adds plastic bags to the definition of plastic containers subject to the recyclability criteria and clarifies the conditions under which a “chasing arrows” symbol may be used to denote that a container is recyclable.

Maryland consumers are too often 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 even worse, 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.” Yet, plastic bags are not accepted for recycling at any materials recycling facility in the state. Households continue to put them in recycling bins, believing that the chasing arrows symbol means that they will be recycled. These false recycling claims are costly to recycling operations. Plastic film wraps around the sorting screens, causing costly damage and wear and tear on the equipment. The film 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.

¹ Per- and polyfluoroalkyl substances, so-called “forever chemicals.”

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.

Founded in 1892, the Sierra Club is America’s oldest and largest grassroots environmental organization. The Maryland Chapter has over 70,000 members and supporters, and the Sierra Club nationwide has approximately 800,000 members.

- Granola bar packages instruct customers to “Recycle in Store” the plastic wrappers. Yet, stores do not recycle them, and they are not accepted by recycling facilities in Maryland.
- 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. Bottle caps separated from the bottles are too small to be captured, fall through the sorting screens, and ultimately are landfilled or incinerated.

HB 31 would prohibit these and other 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 in discussion with the bill’s sponsor about amendments to strengthen the bill by: clarifying that “plastic bags” refers to plastic carryout and produce bags; adding to the criteria for recyclability the requirement that the materials must not simply be collected by recycling facilities, but routinely recycled into new products; applying the penalties for a violation on a per container basis; and clarifying the priority issues to be addressed by the Maryland Department of the Environment in regulation. With consideration of these amendments, we respectfully request a favorable report on HB 31.

Cindy Dillon
Chapter Zero Waste Team
Cindy.Dillon@msierra.org

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

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).