



February 22, 2023

The Honorable Kumar P. Barve, Chair
House Environment and Transportation Committee
House Office Building, Room 251
Annapolis, MD 21401

Re: House Bill 31– Environment – Products and Packaging – Labeling, Marketing, and Advertising for Recycling

Dear Chair Barve and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed House Bill 31 and would like to provide the following information. MDE has met with the sponsor regarding our concerns and will continue to work collaboratively on potential amendments.

Under HB 31, a person may not make an explicit or implied untruthful, deceptive, or misleading environmental marketing claim or offer for sale, sell, distribute, or import into the state any product or packaging labeled with or depicting an untruthful, deceptive, or misleading environmental marketing claim regarding the recyclability of the product or packaging. Under HB 31, MDE would be required to:

- Establish a new program;
- Gather significant background information and conduct research to determine if products/packaging comply with the bill;
- Develop regulations;
- Determine if products/packaging increases contamination; and
- Determine that products will not deceive customers.

While MDE is supportive of initiatives to inform consumers of products' recyclability and reduce contamination in the recycling stream, the bill does not provide MDE with the funding and additional staff needed to conduct the previously identified activities and to fully implement the proposed legislation by January 1, 2024. Additionally, the bill provides MDE the ability to obtain a criminal fine against a manufacturer or distributor not to exceed \$50 per day per violation, but does not identify an MDE special fund where fines would be deposited.

Thank you for your consideration. We will continue to monitor HB 31 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-453-3235 or by e-mail at gabrielle.leach@maryland.gov.

Sincerely,

Gabrielle Leach
Deputy Director, Legislative and Intergovernmental Relations

cc: The Honorable Sara Love
Tyler Abbott, Director, Land and Materials Administration