



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Shari T. Wilson
Secretary

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Deputy Secretary

February 16, 2011

The Honorable Maggie L. McIntosh, Chairman
Environmental Matters Committee
House Office Building, Room 251
6 Bladen Street
Annapolis, MD 21401-1991

Re: House Bill 341 – Environment - At-Store Recycling - Plastic Carryout Bags

Dear Chairman McIntosh:

The Maryland Department of the Environment (MDE or “the Department”) has reviewed House Bill 341, entitled *Environment - At-Store Recycling - Plastic Carryout Bags*, and we would like to express our support for the overall objectives of recycling and waste reduction, although we are concerned about the fiscal impact to the Department.

This proposed legislation would add a new Part V Plastic Carryout Bag Recycling to Environment Article, Title 9, Subtitle 17 Office of Recycling and would require an operator of a store with over 1,000 square feet of retail space to establish an at-store recycling program that provides an opportunity for its customers to return clean plastic carryout bags to the store. It provides that the plastic carryout bags must have printed on the bag the words “Please return to a participating store for recycling” and requires a collection bin to be placed at the store, easily accessible to the customers, and marked for the purpose of collection and recycling of bags. The legislation also requires the store to make reusable bags available for purchase by customers. The legislation does not, however, require the store to recycle the bags it collects, which seems at cross purposes to the intent of the bill.

The legislation also requires plastic carryout bag manufacturers to develop educational materials to encourage reuse, recycling, and the reduction of plastic carryout bags and to make those educational materials available to the stores. The legislation provides for civil penalties for violations of the law to be recovered by the local government or State, whichever may initiate the civil action, and requires the Department to adopt regulations to implement the law. However, it does not require local government or the State to take any action to enforce the legislation’s provisions. Although it is assumed that the intention of the legislation is for local governments and the State to enforce the provisions, the legislation does not specifically provide store inspection authority for the local governments or the State in order to enforce the legislation.

Even if MDE assumes that the counties would primarily enforce the provisions of the bill, MDE would still need to adopt regulations and conduct some inspections Statewide to ensure that the legislation is enforced at the county level. The Department has no funding to cover the nearly \$119,000 in personnel, equipment, materials, training, and outreach and education costs that would be needed to implement the legislation in the first year.

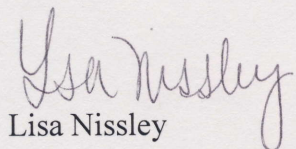
Chapter 719 of the Acts of 2010 (House Bill 982 entitled *Solid Waste Management - Recycling and Source Reduction - Study*), which became effective October 1, 2010, requires the Department to conduct a study, in consultation with local government officials, waste haulers, and other affected parties, including material resource facilities to evaluate solid waste management processes that reduce the solid waste stream through recycling and source reduction. The law specifically requires the Department to study the expansion of recycling efforts in nonresidential markets, the feasibility of commodity-specific targets, and long-term funding for solid waste and recycling management in the State. Although there have only been four meetings of the Study Group to date, there have been insightful, cooperative, and informative exchanges amongst the members. It is anticipated that plastic bag recycling will become part of the discussions as the group progresses. The members have an enormous amount of experience with the priority issues and is interested in working through them with the Department to come to mutually beneficial solutions. It is expected that the December 15, 2011 final report will include recommendations that could be used to ensure that Maryland's solid waste management and recycling programs are sustainable in the long-term.

The Department acknowledges that there is a trend toward increased recycling of plastic bags and that the District of Columbia is seeing success with their new "Skip the Bag, Save the River" law to reduce litter and increase the use of reusable shopping bags. The Department is supportive of these types of activities that would result in reduced disposal and littering, increased recycling of plastic and paper shopping bags, and greater usage of reusable shopping bags. Waste diversion and recycling saves energy, reduces greenhouse gasses and other pollutants generated in the manufacturing process and at landfills, saves natural resources, and reduces the amount of waste disposed.

The Department has determined that the Anacostia River watershed and portions of Baltimore Harbor are actually impaired (i.e., not attaining water quality standards) because of trash. In preparing the pollution plan for the Anacostia, we have noted that plastic bags constitute a significant portion of the trash, and that plastic bags are very persistent in the environment. Paper bags are rarely found because they fall apart and decay quickly. The problem of trash in our streams is an important concern, and an unnecessary source of pollution, because it can be resolved by personal responsibility. Thus MDE remains very supportive of the intent of this bill, but remains concerned about the lack of resources to implement it.

Thank you for your consideration. We will continue to monitor House Bill 341 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 lnissley@mde.state.md.us.

Sincerely,



Lisa Nissley

cc: The Honorable Stephen W. Lafferty