



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

March 23, 2010

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

Re: House Bill 1418 – Environment – At-Store Recycling – Plastic Carryout Bags

Dear Chairman McIntosh:

The Maryland Department of the Environment (MDE or “the Department”) has reviewed House Bill 1418 entitled *Environment – At-Store Recycling – Plastic Carryout Bags*. We would like to provide information and express our support for the overall objectives of recycling and waste reduction related to plastic carryout bags, which this bill would promote.

The bill would require operators of retail stores with over 7,000 square feet of retail space to establish at-store recycling programs for the return and recycling of clean plastic carryout bags and provide reusable bags for customers to purchase instead of using plastic carryout bags or paper bags. The bill would also require manufacturers of plastic carryout bags to develop educational materials to encourage reuse, recycling, and reduction of plastic carryout bags and to make these materials available to retail stores. Many large chain stores already provide recycling of plastic bags labeled to encourage their return, sell reusable carryout bags, and provide their own outreach to customers regarding carryout bags. However, many small stores do not subscribe to these waste reducing practices. The bill’s provisions would provide additional stimulus to the trend toward more reusable carryout bags.

The bill would require the Department to adopt regulations to implement the provisions and to enforce the bill, unless the implementation and enforcement is delegated to local government. The Department’s fiscal note totaled approximately \$86,000 in the first year and assumed that enforcement would be delegated to the counties. If MDE is to enforce the bill, additional inspectors, equipment, and supplies would be necessary.

Section 9-1735 of the bill may be problematic as it would prohibit a county or municipality from adopting an ordinance, resolution, regulation, or rule to ban use of plastic carryout bags by a store or require a store that is in compliance with the bill’s provisions to collect, transport, or recycle plastic carryout bags or provide additional auditing or reporting requirements. This could inhibit a county or municipality from

The Honorable Maggie L. McIntosh

Page Two

enacting legislation specifically giving them authority to enforce the bill's provisions if the Department were to delegate authority to the local governments, or to impose a fee on the usage of plastic carryout bags. The bill specifically allows the adoption, implementation, or enforcement of any local ordinance, resolution, regulation, or rule governing curbside or drop-off recycling programs operated by, or in accordance with, a contract with a county or municipality, including any action relating to fees for these programs. Therefore, this may allow a county or municipality to ban plastic carryout bags from curbside collection and drop-off recycling centers or charge a fee if plastic carryout bags are found in recycling at curbside or drop-off centers. It is not clear if these provisions apply only to residential customers or to commercial customers, as well.

Thank you for your consideration. We will continue to monitor House Bill 1418 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-537-3304 or by e-mail at htablada@mde.state.md.us if I can be of assistance.

Sincerely,



Horacio Tablada, Director
Land Management Administration

cc: The Honorable Stephen W. Lafferty
Shari T. Wilson, Secretary
Heather Barthel, Director of Legislation and Policy
Lisa Nissley, Legislative Liaison/Environmental Justice Coordinator