

**Testimony in Opposition to
House Bill 796
in the
Maryland House Environment and Transportation Committee**

February 23, 2026

Dear Chair Korman, Vice-Chair Boyce, and Members of the House Environment and Transportation Committee.

The Flexible Packaging Association (FPA) appreciates the opportunity to submit testimony in opposition to House Bill 796 that proposes to prohibit facilities in Maryland designed to convert plastic to fuel or feedstock through certain chemical conversion processes. This bill would hinder innovation, impede recycling goals, and increase plastic waste in Maryland landfills.

I. Background on FPA and Flexible Packaging

FPA represents flexible packaging manufacturers and suppliers in the United States. Flexible packaging is made from paper, plastic, film, aluminum foil, or combinations of these materials, and includes bags, pouches, labels, liners, wraps, rollstock, and other flexible products. It is the fastest-growing and second-largest segment of the U.S. packaging industry, with \$51.5 billion in annual sales and approximately 98,000 employees. Our industry has 660 employees at flexible packaging manufacturing facilities in Maryland, representing a total economic impact of \$909 million.

Flexible packaging is used daily in products such as hermetically sealed food and beverages, including cereal, bread, frozen meals, infant formula, and juice. It is also essential for sterile health and beauty items, such as aspirin, shampoo, feminine hygiene products, and disinfecting wipes, as well as for pharmaceuticals. Pet food packaging, medical device packaging, and can liners for waste management all rely on flexible materials. The industry also supports carry-out and take-out food containers and e-commerce delivery, which grew in importance during the pandemic. FPA and its members are committed to addressing plastic waste and increasing packaging recycling.

Flexible packaging is among the most environmentally sustainable packaging types, with advantages in water and energy use, product-to-package ratio, transportation efficiency, food waste reduction, and lower greenhouse gas emissions. However, circularity options remain limited. There is no universal solution for collecting, sorting, and processing flexible packaging, as viability depends on local infrastructure, collection methods, material mix, and market demand. About half of flexible packaging waste is single-material and can be mechanically recycled, mainly through store drop-off programs, though end markets are limited. The remainder can be processed into new feedstock using non-mechanical recycling technologies such as pyrolysis and gasification.

II. Advanced Recycling: Manufacturing, Not Incineration

Advanced recycling technologies such as pyrolysis, gasification, and depolymerization convert used plastics into high-value materials using established industrial methods. While our industry is newer than others that have developed circular economies over centuries, we have voluntarily invested over \$7 billion, diverting approximately 21 billion pounds of plastic waste from landfills nationwide each year.

We are confident that engineers and chemists will demonstrate the feasibility of a circular plastics economy. A common misconception is that advanced recycling is simply incineration. In fact, these technologies operate with little or no oxygen, allowing for material recovery. Advanced recycling facilities produce emissions equal to or lower than those of comparable facilities in other industries and do not emit measurable levels of lead or dioxins.

All advanced recycling plants are subject to the same Clean Air Act standards as mechanical recycling facilities and frequently outperform them on environmental metrics.

The science behind these technologies is often misrepresented by those advocating for a ban. Advanced recycling is not incineration, and plastics are not burned. These processes use thermal energy in the absence of oxygen, so combustion does not occur. As manufacturing facilities, they have a direct incentive to preserve material for reuse in new products.

III. Let Maryland's EPR Process Work

SB 901 was enacted in 2025 to establish an extended producer responsibility (EPR) for packaging that should be fully operational in Maryland by July 2028. The enabling statute includes numerous references to analyzing, modernizing and expanding recycling systems in the state to help meet the goals of the statute, and there appear to be no requirements to restrict recycling technologies in the state in any manner. The intent of HB 796 to restrict certain forms of recycling in Maryland is contrary and counter-intuitive to the intent of SB 901 enacted last year, threatening the success of the state's new EPR program for packaging before it has even started.

IV. Regulatory Oversight and National Precedent

Maryland environmental regulators already possess clear statutory authority to oversee advanced recycling facilities. The Maryland Department of the Environment (MDE) regulates air emissions, water discharges, solid and hazardous materials management, and facility permitting under existing state law and under delegated federal authority.

1. **Comprehensive Permitting and Compliance:** Advanced recycling facilities are subject to the federal Clean Air Act and Clean Water Act, must obtain state construction and operating permits, and are required to meet applicable emissions standards, monitoring requirements, and reporting obligations. These facilities undergo technical review and are subject to inspection and enforcement authority like other industrial manufacturing operations.
2. **National Policy:** Twenty-five states have enacted legislation clarifying the regulatory treatment of advanced recycling technologies within their environmental frameworks. These measures generally define such facilities as manufacturing operations while maintaining full environmental permitting requirements. No states have banned advanced recycling and Maryland would be acting in isolation by prohibiting the regulated deployment of these technologies.

Existing regulatory structures provide the state with the authority to evaluate, permit, condition, or deny facilities based on environmental performance. A statutory prohibition is therefore unnecessary to ensure environmental protection.

V. Conclusion

Maryland has already established a thoughtful and deliberative process through SB 901 to evaluate recycling technologies, material management strategies, and stewardship goals. Preemptively restricting advanced recycling before that process is fully implemented will limit policy flexibility and undermine the legislature's own framework.

HB 796 would narrow the tools available to manage difficult-to-recycle materials at a time when the state is working to strengthen recycling performance and waste diversion outcomes. Rather than foreclosing potential solutions in statute, Maryland should allow its EPR framework to assess emerging technologies under existing environmental safeguards and permitting standards.

For these reasons, the Flexible Packaging Association respectfully opposes HB 796. If we can provide further information or answer any questions, please do not hesitate to contact Matt Singh at (410) 694-0824 or msingh@flexpack.org.