



## **HOUSE BILL 1306**

### **Recycling - Restaurants and Bars - Aluminum, Glass, and Plastic Bottles**

**March 13, 2009**

#### **POSITION: Oppose**

Madame Chair and Members of the Environmental Matters Committee:

On behalf of the members of the *Restaurant Association of Maryland*, we strongly oppose House Bill 1306, which would require restaurants and bars to recycle aluminum, glass and plastic bottles.

As an industry, we recognize and promote the importance of good environmental stewardship. In fact, we recently published a “Green Issue” of our membership magazine, in which we promote energy efficiency, water conservation, composting and recycling (including used fryer oil). The next issue of our magazine will promote purchasing foods and ingredients that are produced locally and sustainably.

Our partners at the *National Restaurant Association* have recently launched the *Conserve* initiative, which seeks to encourage environmentally-friendly practices that link sustaining the environment with business growth through promotion, support and education.

While we share the goals of this legislation, such a mandate on restaurants and bars is simply the wrong approach at the wrong time. The poor economy has caused a worldwide decrease in demand for recyclable material commodities, which has significantly decreased the selling price of recyclables. Howard County was recently forced to discontinue free recycling collections at businesses because of dwindling profits and higher costs. If this bill became law, restaurants and bars would face similar challenges in negotiating reasonable contract hauling fees without unrealistic minimum volume requirements.

While the bill requires the Maryland Department of Environment to facilitate the coordination of recycling efforts between local jurisdictions and the restaurants and bars located within those jurisdictions, it stops just short of requiring such jurisdictions to include business recycling in their collection schedules. If this were the case, we would have less of an issue with this legislation. Moreover, no latitude is given for restaurants and bars that may be located in rural parts of the state with limited or no recycling programs.

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We take no comfort at all in provisions of the bill that exempt restaurants and bars from compliance if, on written application, the Department determines that they are unable to find a facility to accept the materials or would suffer undue financial hardship if a waiver was not granted.

Through our recent experience working with the Department of Health and Mental Hygiene (DHMH) on smoking ban waiver regulations, we are not at all confident that such waivers would be easy to obtain. Many of our restaurants and bars did not apply for smoking ban waivers because of overly-stringent criteria and a daunting 20-page waiver application that discouraged most of our members from even trying. Many said they would need to hire a lawyer just to assist with the application process. While this exemption language aims to appease, the reality is that this language would deliver far less than it promises.

For these reasons, we oppose HB 1306 and request an unfavorable report.

Respectfully submitted,

A handwritten signature in black ink, reading "Melvin R. Thompson", followed by a long horizontal flourish line.

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