

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE
First Reader

House Bill 300 (Delegate Hill, *et al.*)
Health and Government Operations

Public Health - Sale or Distribution of Trichloroethylene - Prohibition

This bill prohibits a person from selling or distributing in commerce any commercial or consumer aerosol degreaser or a spot cleaner for dry cleaning that contains trichloroethylene (TCE) on or after January 1, 2021. A violator is guilty of a misdemeanor, and on conviction, is subject to a fine of up to \$1,000 for each violation.

Fiscal Summary

State Effect: Minimal increase in general fund revenues due to the bill's penalty provision for those cases heard in the District Court. The Maryland Department of Health (MDH) can likely handle enforcement with existing resources, assuming enforcement is complaint based. However, if complaint volume is high, expenditures may increase for MDH.

Local Effect: Minimal increase in revenues due to the bill's penalty provision for those cases heard in the circuit courts. No effect on expenditures.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Current statute is silent with regard to TCE, but TCE is referenced a number of times under Maryland regulations. Among other regulations and restrictions on use, TCE is listed as hazardous waste with regard to waste management procedures and is subject to special management requirements for disposal. Suppliers of water to community water systems and nontransient noncommunity water systems must comply with maximum contaminant levels (MCL) for organic chemicals in drinking water including

TCE (the MCL is 0.005 milligrams/liter). TCE is among 507 Class I toxic air pollutants that require ambient impact analysis by existing sources of air pollutants.

There are also a number of regulatory product bans for products containing TCE, including (1) any aerosol adhesive; (2) any adhesive remover, electrical cleaner, or graffiti remover; and (3) contact adhesives, footwear or leather care products, general purpose degreasers, bathroom and tile cleaners, construction panel and floor covering adhesives, and oven or grill degreasers.

Background: According to the U.S. Environmental Protection Agency (EPA), TCE is a volatile organic compound that is produced or imported into the United States, with use estimated to be around 250 million pounds per year. TCE is used as a solvent, as an intermediate for refrigerant manufacture, and as a spotting agent in dry cleaning facilities. It is a clear, colorless liquid that has a sweet odor and evaporates quickly. TCE is a toxic chemical with human health concerns, including for effects in the developing fetus from both acute and chronic exposure. Further, TCE is carcinogenic to humans by all routes of exposure.

Under the federal Toxic Substances Control Act (TSCA) of 1976, EPA ensures that chemicals manufactured, imported, processed, or distributed in commerce, or used in or disposed of in the United States do not pose any unreasonable risks to human health or the environment. EPA is proposing bans on a number of uses of TCE as a result of identified health risks from a 2014 TSCA Chemical Work Plan Chemical Risk Assessment for TCE including for commercial vapor degreasing, as an aerosol degreaser, and for spot cleaning in dry cleaning facilities. According to EPA, there are non-TCE alternatives for all of these uses.

Small Business Effect: Any small business manufacturers of TCE or products that contain TCE that are affected by the bill could be significantly impacted by the bill's prohibition. However, the number of affected manufacturers in the State, if any, is unknown.

Any impact on small businesses that sell products that contain TCE or use such products is anticipated to be minimal given the fact that a TCE ban is already being considered at the federal level, and a number of products that contain TCE are already banned at the State level. Additionally, the bill allows for a phasing out of existing stock and, according to EPA, viable alternative products exist for the primary uses of these products.

Additional Information

Prior Introductions: HB 1212 of 2018 received a hearing in the House Health and Government Operations Committee but no further action was taken.

Cross File: SB 83 (Senator Lam) - Finance.

Information Source(s): Maryland Department of the Environment; Maryland Department of Health; U.S. Environmental Protection Agency; Department of Legislative Services

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