

Department of Legislative Services  
 Maryland General Assembly  
 2022 Session

FISCAL AND POLICY NOTE  
 Third Reader - Revised

House Bill 131

(Delegate Lehman, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

Environment - Synthetic Turf and Turf Infill - Chain of Custody

This bill establishes tracking and reporting requirements for producers and owners of “synthetic turf” and “turf infill” that is sold, distributed, and installed in the State, as specified. Affected owners and producers must submit certain information, including chain of custody information, to the Maryland Department of the Environment (MDE). MDE must serve as a repository for the chain of custody information submitted under the bill and develop and maintain a website to publish the information submitted to MDE pursuant to the bill. The bill establishes penalties, including fines, for individuals who violate the bill’s provisions.

Fiscal Summary

**State Effect:** General fund expenditures increase by \$48,800 in FY 2023 and by \$15,400 in FY 2024 for MDE staff; future years reflect termination of contractual staff in FY 2024. State revenues are not materially affected by the bill’s penalty provisions.

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	48,800	15,400	0	0	0
Net Effect	(\$48,800)	(\$15,400)	\$0	\$0	\$0

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** The impact on local governments to establish and track chain of custody information for synthetic turf and turf infill is anticipated to be primarily operational, as discussed below. Local revenues are not directly affected.

**Small Business Effect:** Potential meaningful.

## Analysis

### Bill Summary:

#### *Key Definitions*

“Synthetic turf” is plastic tufted carpet that (1) is intended to have, or incidentally has, an appearance that mimics grass; (2) functions as a replacement for grass; and (3) is at least 15,000 square feet in size. “Turf infill” is material that (1) is poured on top of synthetic turf to hold synthetic turf blades in place; (2) weighs down the synthetic turf so it does not develop wrinkles or buckle; and (3) mimics the impact absorption properties of soil under natural grass. Turf infill includes shredded or granulated tire, rubber, silica sand, or other material that is used as infill or synthetic turf.

#### *Chain of Custody and Related Tracking and Reporting Requirements*

By January 1, 2023, each *producer* of synthetic turf and turf infill sold or distributed in the State must (1) establish a system to track the chain of custody of the synthetic turf and turf infill from their manufacture to their installation and final removal from the site, which may include their reuse, recycling, or final disposal and (2) report to MDE the chain of custody of the synthetic turf and turf infill from their manufacture to (if known) their installation and final removal from the site, which may include their reuse, recycling, or final disposal.

For synthetic turf or turf infill that is under warranty, a *producer* is responsible for reporting to MDE until the warranty expires. The *owner* of the synthetic turf or turf infill must report to MDE on the required chain of custody information if the synthetic turf or turf infill was under a warranty and the warranty expired.

For synthetic turf and turf infill already installed as of January 1, 2023, the *owner* of the synthetic turf and turf infill must report to MDE (1) the current geographic location of the installed synthetic turf and turf infill and (2) for the duration of the ownership of the synthetic turf and turf infill, the chain of custody of the products from their use to their reuse, recycling, or final disposal.

The chain of custody information must be reported to MDE in writing in a format required by MDE and must include specified information relating to the producer, the installer, the owner, and the transporter of the synthetic turf or turf infill and any other information required by MDE.

*Maryland Department of the Environment Responsibilities under the Bill*

MDE must publish the chain of custody information on its website. MDE must also serve as the repository for the chain of custody information submitted under the bill. Further, MDE must develop and maintain a website that includes a copy of all chain of custody information that has been submitted, the names and contact information of the producers, owners, or other individuals that provide chain of custody information, and a list of brands of synthetic turf and turf infill specified in the chain of custody information.

*Penalty Provisions*

A person that violates the bill’s provisions is subject to (1) a written warning for the first violation; (2) a civil penalty up to \$500 for a second violation; and (3) a civil penalty up to \$1,000 for a third or subsequent violation.

**Current Law:** Current law does not specifically address synthetic turf or turf infill. The solid waste infrastructure in Maryland consists of both permitted and nonpermitted facilities, and solid waste is managed through a combination of recycling, composting, landfilling, energy recovery, and exporting for disposal or recycling. Privately and county-owned facilities make up the majority of facilities in the State.

**State/Local/Small Business Effect:**

*Maryland Department of the Environment – Administrative Costs*

General fund expenditures for MDE increase by \$48,807 in fiscal 2023, which accounts for the bill’s October 1, 2022 effective date. This estimate reflects the cost of hiring one contractual environmental compliance specialist to (1) develop a format to accept and then post the required chain of custody information to MDE’s website; (2) develop a strategy for MDE to serve as the repository for the chain of custody information; (3) conduct outreach to affected producers and owners; and (4) conduct any necessary compliance and enforcement activities. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Position	1.0
Salary and Fringe Benefits	\$35,046
Operating Expenses	<u>13,761</u>
<b>Total FY 2023 MDE Expenditures</b>	<b>\$48,807</b>

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State’s implementation of the federal Patient Protection and Affordable Care Act.

Future year expenditures reflect termination of the contractual employee in fiscal 2024 after (1) MDE has conducted initial outreach and developed a method to post and track the required chain of custody information to its website and (2) most affected entities are aware of the bill's requirements. It is assumed that any ongoing responsibilities after fiscal 2024 can be handled with existing resources and that any enforcement efforts are primarily complaint based. To the extent that existing resources prove insufficient in future years, MDE can request additional resources through the annual budget process.

*State Agencies, Local Governments, and Small Businesses as Producers, Consumers, and Owners of Synthetic Turf and Turf Infill*

The regulated community is likely broad and includes (1) synthetic turf and turf infill producers; (2) any State or local agencies that own synthetic turf and turf infill fields/spaces (e.g., for schools and parks); and (3) any other entities that own synthetic turf and turf infill fields/spaces. All of these affected entities must develop a chain of custody for the synthetic turf and turf infill and report this chain of custody information for affected synthetic turf and turf infill from their manufacture to (if known) their installation and final removal from the site.

According to information provided by the Synthetic Turf Council for similar legislation introduced during the 2021 session, a synthetic turf sports field is typically warranted for eight years, but the actual life expectancy of a given field depends on the type and amount of use of the field as well as field maintenance. For landscape applications, synthetic turf can last significantly longer than eight years.

*Chain of Custody Tracking Requirements:* The Department of Legislative Services is not aware of similar chain of custody requirements relating to synthetic turf and turf infill that may exist in other states. Ultimately, the responsibility to develop and maintain the tracking systems falls on owners and producers of synthetic turf and turf infill. Without actual experience under the bill, it is assumed that the bill's chain of custody tracking requirements primarily have operational effects on affected entities. Because producers and owners must track the products from manufacture to final disposal (with tracking responsibility depending in part on the status/existence of any warranty), and because the products may last several years, efforts to track the products throughout their lifetimes could impose an operational burden on producers and owners. For producers that must track a higher number of products, the operational impact may be more significant.

The extent to which any State or local agencies or small businesses incur any costs due to the chain of custody requirements is unknown; any fiscal effect likely varies by entity, depending on the number of affected fields, available information, the content of the chain of custody documents, and the sophistication of any database necessary to maintain the chain of custody information. Some entities, such as the Department of Natural Resources,

St. Mary's College of Maryland, and Prince George's County report that they can comply with these requirements using existing resources. On the other hand, Prince George's County Public Schools indicates that it frequently conducts minor routine maintenance by adding turf infill and tracking such activities, if required under the bill, could create a logistical challenge.

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### **Additional Information**

**Prior Introductions:** HB 857 of 2021, a similar bill, received an unfavorable report from the House Environment and Transportation Committee. HB 1547 of 2020, a bill with similar provisions, received an unfavorable report from the House Economic Matters Committee. A bill with similar provisions was also introduced in the 2019 session.

**Designated Cross File:** SB 321 (Senator Kagan) - Education, Health, and Environmental Affairs.

**Information Source(s):** Baltimore, Montgomery, and Prince George's counties; Maryland-National Capital Park and Planning Commission; University System of Maryland; St. Mary's College of Maryland; Maryland Department of the Environment; Department of Natural Resources; Baltimore City Public Schools; Prince George's County Public Schools; Synthetic Turf Council; Department of Legislative Services

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