

HOUSE BILL 990

M3

4lr2726
CF 4lr3164

By: **Delegate Stein**

Introduced and read first time: February 5, 2024

Assigned to: Environment and Transportation and Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2024

CHAPTER _____

1 AN ACT concerning

2 **Environment – Greenhouse Gas Emissions Reductions – Manufacturers**

3 FOR the purpose of altering the definition of “manufacturing” for purposes of certain
4 greenhouse gas emissions reduction requirements to exclude the production of
5 cement; altering the application of certain provisions of law regarding the reduction
6 of greenhouse gas emissions from the manufacturing sector to apply only to persons
7 that engaged in manufacturing in a certain year; altering certain prohibitions that
8 apply to a State agency’s implementation of a final plan to reduce statewide
9 greenhouse gas emissions; requiring the Department of the Environment to make
10 certain considerations and consult with certain stakeholders related to the
11 regulation of the production of cement; and generally relating to greenhouse gas
12 emissions reductions and manufacturers.

13 BY repealing and reenacting, without amendments,
14 Article – Environment
15 Section 2–1202(a) and 2–1205(a)
16 Annotated Code of Maryland
17 (2013 Replacement Volume and 2023 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Environment
20 Section 2–1202(h) and 2–1205(g) and (h)
21 Annotated Code of Maryland
22 (2013 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Environment
3 Section 2–1205(h)
4 Annotated Code of Maryland
5 (2013 Replacement Volume and 2023 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That the Laws of Maryland read as follows:

8 **Article – Environment**

9 2–1202.

10 (a) In this subtitle the following words have the meanings indicated.

11 (h) (1) “Manufacturing” means the process of substantially transforming, or a
12 substantial step in the process of substantially transforming, tangible personal property
13 into a new and different article of tangible personal property by the use of labor or
14 machinery.

15 (2) “Manufacturing”, when performed by companies primarily engaged in
16 the activities described in paragraph (1) of this subsection, includes:

17 (i) The operation of saw mills, grain mills, or feed mills;

18 (ii) The operation of machinery and equipment used to extract and
19 process minerals, metals, or earthen materials or by-products that result from the
20 extracting or processing; and

21 (iii) Research and development activities.

22 (3) “Manufacturing” does not include:

23 (i) Activities that are primarily a service;

24 (ii) Activities that are intellectual, artistic, or clerical in nature;

25 (iii) Public utility services, including gas, electric, water, and steam
26 production services; [or]

27 (iv) **THE PRODUCTION OF CEMENT; OR**

28 (v) Any other activity that would not commonly be considered as
29 manufacturing.

30 2–1205.

1 (a) The State shall develop plans, adopt regulations, and implement programs
2 that reduce statewide greenhouse gas emissions in accordance with this subtitle.

3 (g) (1) **PARAGRAPHS (2) AND (3) OF THIS SUBSECTION APPLY ONLY TO**
4 **PERSONS WHO ENGAGED IN MANUFACTURING IN 2023.**

5 (2) (I) Unless required by federal law or regulations or existing State
6 law, regulations adopted by State agencies to implement a final plan may not:

7 [(i)] 1. Require **ANY MANUFACTURER TO REDUCE** greenhouse
8 gas emissions [reductions from the State's manufacturing sector] **BELOW THE EMISSIONS**
9 **LEVELS FOR THAT MANUFACTURER IN 2023;** or

10 [(ii)] 2. Cause [a significant] **AN** increase in costs to [the State's
11 manufacturing sector] **A MANUFACTURER THAT ARE SIGNIFICANTLY BEYOND THE**
12 **COSTS THAT WERE INCURRED BY THAT MANUFACTURER IN 2023.**

13 [(2)] (II) [Paragraph (1)] **SUBPARAGRAPH (I)** of this [subsection]
14 **PARAGRAPH** may not be construed to exempt greenhouse gas emissions sources in the
15 State's manufacturing sector from the obligation to comply with:

16 [(i)] 1. Greenhouse gas emissions monitoring, recordkeeping, and
17 reporting requirements for which the Department had existing authority under § 2-301(a)
18 of this title on or before October 1, 2009; or

19 [(ii)] 2. Greenhouse gas emissions reductions required of the
20 manufacturing sector as a result of the State's implementation of the Regional Greenhouse
21 Gas Initiative.

22 [(h)] (3) A regulation adopted by a State agency for the purpose of reducing
23 greenhouse gas emissions in accordance with this section may not be construed to result in
24 a significant increase in costs to the State's manufacturing sector unless the source would
25 not incur the cost increase but for the new regulation.

26 **(H) (1) AS PART OF THE CONSIDERATION OF ANY REGULATION OF THE**
27 **PRODUCTION OF CEMENT UNDER THIS SECTION, THE DEPARTMENT SHALL**
28 **CONSIDER:**

29 **(I) THE EXTENT TO WHICH CEMENT MANUFACTURING IS AN**
30 **ENERGY INTENSIVE AND TRADE EXPOSED INDUSTRY;**

31 **(II) CREDIT FOR EARLY ACTION INVESTMENTS MADE BY**
32 **CEMENT PRODUCERS TO REDUCE EMISSIONS;**

1 (III) THE ADOPTION OF POLICIES THAT ENCOURAGE,
2 FACILITATE, AND OFFER FINANCIAL INCENTIVES FOR THE USE OF ALTERNATIVE
3 FUEL SOURCES;

4 (IV) THE AVAILABILITY AND COST OF MATURE GREENHOUSE
5 GAS ABATEMENT TECHNOLOGIES; AND

6 (V) ADVANCING POLICIES THAT PROVIDE FINANCIAL
7 INCENTIVES TO OFFSET THE COSTS OF INSTALLING AND TRANSITIONING TO
8 GREENHOUSE GAS EMISSIONS ABATEMENT TECHNOLOGIES.

9 (2) IN CONSIDERING THE FEASIBILITY OF REGULATION AND THE
10 ITEMS UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL
11 CONSULT WITH IMPACTED CEMENT PRODUCERS AND OTHER STAKEHOLDERS.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.