



February 8, 2023

The Honorable Kumar P. Barve
House Environment and Transportation Committee
House Office Building, Room 251
Annapolis, Maryland 21401

Re: House Bill 216 – Environment - Salt Applicator Certification Program - Establishment

Dear Chair Barve and Members of the Committee:

The Maryland Department of the Environment (MDE or the Department) has reviewed House Bill 216 and would like to share some information regarding this legislation. MDE has been in touch with the sponsor of this legislation and is looking forward to continuing the discussion on the best avenue forward.

This bill requires the Department to create a mandatory Salt Applicator Certification Program with the purpose to train and certify salt applicators on best management practices regarding the use of salt and salt alternatives for the winter maintenance of private roadways, parking lots, and sidewalks in the State. If enacted, this bill will require all “commercial applicators” to be certified by the Department, or its designee, and pay a fee associated with the certification. In order to be certified, commercial applicators must participate in the program and receive certification on or before October 1, 2025.

Voluntary Salt Applicator & Property Manager Certification Program

The Department is currently in the process of promulgating regulations to create a voluntary salt applicator and property manager certification program, which has an estimated start time of August 2023. This program is intended to focus on both salt applicators and the entities that have existing maintenance staff or hire outside contractors. It is designed to be flexible and responsive to the needs of the industry while promoting best management practices which will help to reduce the amount of winter salts used while maintaining public safety. The program as envisioned would more easily allow the Department to outsource administration of such a program with minimal cost to the State and keep fees lower through less administrative, compliance, and legal requirements.

The bill’s mandatory certification will inflate the cost of the program originally envisioned by MDE. The Department would need to hire additional staff to satisfy the proposed conditions in the bill and would require sophisticated data management systems to track participants in the program, their annual salt usage with respect to event type and scale, and to provide additional analysis to show success of the program. This cost will have to be passed on to the applicants, placing the burden on individuals required to get the certification under this program.

Fiscal and Personnel Impacts

If enacted, this bill will likely have personnel and fiscal impacts on the Department for many reasons. First, the intent of the bill is to reach the regulated community which is very large and includes anyone who uses or supervises someone who applies salt for de-icing and anti-icing at any commercial property and residential buildings with more than one unit. Second, the Department would be required to create a new program and draft regulations on or before October 1, 2023, which is currently not feasible. Third, the Department would be required to certify all commercial applicators on or before October 1, 2024. Fourth, beginning in 2025, and annually thereafter, the Department would be required to process and maintain all reports submitted by commercial applicators. Fifth, while “each commercial applicator must participate in the program”, this bill does not provide any enforcement authority. Therefore, the Department would lack the authority to require commercial applicators to submit applications, pay the required fees, and follow any regulatory authority issued by the Department. Additionally, the Bill does not specify where the funds go that the Departments receive for the applications and certifications.

Potential for a Pilot Project

During our discussion with the sponsor, they mentioned how they would like to pursue a pilot project; the Department would respectfully request that we proceed with the voluntary program as that pilot. Once the voluntary program has been in place for a year, data can be gathered and evaluated to determine the future direction of the program and if legislation is needed.

Thank you for considering the Department’s information regarding this legislation. We will continue to monitor House Bill 216 during the Committee’s deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-453-3235 or by e-mail at Gabrielle.Leach@maryland.gov.

Sincerely,



Gabrielle Leach
Deputy Director
Legislative and Intergovernmental Affairs

Cc: The Honorable Lily Qi
Lee Currey, Director, Water and Science Administration