

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

House Bill 685

(Delegate Stein, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

Environment - Fluorescent and Compact Fluorescent Light Recycling - County
Plans

This bill requires a county's recycling plan to address a strategy for collecting and recycling fluorescent and compact fluorescent lights that contain mercury. The strategy may include recycling, exchange, and take-back programs voluntarily established by manufactures or vendors. The recycling plan must be revised to reflect the new requirements by October 1, 2011.

Fiscal Summary

State Effect: The bill's requirements can be implemented with existing resources by the Maryland Department of the Environment (MDE).

Local Effect: Local government workloads may increase minimally beginning in FY 2011 to revise county recycling plans; however, it is anticipated that most jurisdictions can update their plans with existing resources. Plan implementation may result in increased costs for counties that do not already recycle fluorescent lights.

Small Business Effect: Minimal benefit for small business recycling contractors that accept fluorescent lights.

Analysis

Current Law/Background:

State Regulation of Mercury

Chapter 494 of 2004 requires MDE to establish a limit on the amount of fluorescent lamps that a person may discard in a calendar year. State regulations now require that if a small quantity generator or household discards more than 200 kilograms of fluorescent lamps exhibiting specified toxicity characteristics, the lamps must be sent to a reclamation facility, or a permitted hazardous waste facility. A reclamation facility is a site where equipment is used to recapture mercury from fluorescent lamps for the purpose of recycling or reusing the mercury. Enforcement of the law is limited to investigations of complaints and incidental discovery of violations.

According to MDE, 10 counties and Baltimore City have fluorescent lamp recycling programs, which often are a component of broader electronics recycling (“eCycling”) efforts. Several private companies in Maryland also accept fluorescent lights for recycling. According to the Quicksilver Caucus, as of 2005, all but five states and the District of Columbia have some type of mercury legislation, including 11 disposal bans and 16 sales or usage bans or phase outs.

County Recycling Plans

In 1988, the Maryland Recycling Act required each county to submit a recycling plan. Jurisdictions with more than 150,000 residents were required to reduce their solid waste by 20%, and jurisdictions with less than 150,000 residents were required to reduce their solid waste by 15%. According to MDE, by 2000, every county had met or exceeded those requirements. Legislation enacted in 2000 established a voluntary statewide diversion goal of 40% by 2005.

Counties have flexibility to determine the best way to reach the required recycling rates. However, the county recycling plan, which is reviewed for revision on a triennial basis, must address specified issues such as the feasibility of composting mixed solid waste, methods for the separate collection and composting of yard waste, and methods of financing county recycling efforts, among others. Chapters 264 and 265 of 2009 added to this list a strategy for collecting, processing, marketing, and disposing of recyclable materials from county public schools.

Local Fiscal Effect: According to MDE, 10 counties (Allegany, Anne Arundel, Baltimore, Calvert, Cecil, Frederick, Harford, Montgomery, Prince George’s, and St. Mary’s) and Baltimore City already collect fluorescent lights. However, under this bill, all counties, including those that already collect fluorescent lights, must revise their

county recycling plan to include their strategies for collecting and recycling such lights, unless their plans already address this requirement. Therefore, the bill likely has at least a minimal operational burden on most counties. It is assumed, however, that most counties can update their plans with existing local resources.

The bill does not actually require the collection of fluorescent lights, only the development of a strategy to do so, which must be approved by MDE. Nevertheless, assuming most counties adopt a viable strategy for the collection and recycling of fluorescent lights that is approved by MDE and eventually implemented, county expenditures may increase. The extent of any such increase depends on the nature of the recycling program implemented and its compatibility with existing recycling efforts. For example, while Cecil County advises that its annual budget for the collection of fluorescent lights is about \$12,000, Harford County estimates that, if required to implement an extensive new recycling program for fluorescent lights, one-time expenditures increase by about \$30,000, with annual operating costs of at least \$140,000. Legislative Services notes, however, that some counties hold household hazardous waste collection events once or twice a year; accordingly, it is not unreasonable to assume that a similar approach could be approved by MDE to meet the strategy required by the bill. Further, in some counties, some or all of the recycling envisioned by the bill's additional plan requirement may be achieved with assistance from manufactures and private vendors through recycling, exchange, and take-back programs.

Small Business Effect: According to MDE, as of July 2008 there were at least seven fluorescent light recyclers in Maryland, six of which are presumably small businesses.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore, Cecil, Carroll, and Harford, counties; Maryland Department of the Environment; Northeast Maryland Waste Disposal Authority; Environmental Council of the States; Department of Legislative Services

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