HOUSE BILL 1547

By: Delegates Lehman, Acevero, Boyce, Bridges, Carr, Charkoudian, Cullison, Fraser–Hidalgo, Guyton, R. Lewis, Love, Moon, Pena–Melnyk, Qi, Solomon, Terrasa, Valentino–Smith, and Wilkins

Introduced and read first time: February 7, 2020

Assigned to: Economic Matters

A BILL ENTITLED

AN ACT concerning

Environment – Synthetic Turf and Turf Infill – Producer Responsibility

FOR the purpose of requiring a producer of synthetic turf and turf infill, on or before a certain date, to individually or as part of a stewardship organization submit a synthetic turf and turf infill stewardship plan to the Department of the Environment for review and approval; on or after a certain date, prohibiting a producer of synthetic turf and turf infill from selling, offering for sale, distributing, importing, or offering for promotional purposes synthetic turf and turf infill in the State unless the producer, individually or as part of a stewardship organization, has an approved stewardship plan on file with the Department; requiring a stewardship plan to include certain information; requiring a producer or stewardship organization to be responsible for financing the end–of–life management of certain synthetic turf and turf infill under certain circumstances; requiring the Department to post a proposed stewardship plan and a certain amendment on its website for a certain number of days after the plan or amendment is submitted; requiring the Department to take certain actions within a certain number of days after receiving a proposed stewardship plan; requiring a certain producer or stewardship organization to submit a revised plan within a certain number of days after receiving notice of a certain rejection; requiring an approved stewardship plan to expire after a certain number of years, provided that the producer or stewardship organization remains in compliance with the terms of the approved plan and the requirements of this Act; authorizing the Department to require a producer or stewardship organization to submit a revised plan if the approved plan fails to meet performance goals; requiring a certain producer of synthetic turf and turf infill to establish a system to track the chain of custody of the synthetic turf and turf infill from its manufacture to its reuse, recycling, or final disposal on or before a certain date, subject to a certain exception; requiring a certain owner of synthetic turf and turf infill to establish a system to track the chain of custody of the synthetic turf and turf infill from its use to its reuse, recycling, and final disposal under certain circumstances; requiring the chain of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
custody to be transmitted in writing to the Department; requiring the chain of
custody to include certain information; requiring the Department to publish the
chain of custody on its website; notwithstanding certain provisions of law,
prohibiting synthetic turf and turf infill from being reused except under certain
circumstances; requiring a person to dispose of synthetic turf and turf infill in a
certain manner after exhausting certain recycling and reuse options; requiring a
producer or stewardship organization to submit a certain annual report to the
Department on or before certain dates; requiring the report to include certain
information; requiring the Department to develop and maintain a website that
displays certain information on approved stewardship plans; providing for a certain
immunity from liability; authorizing the Department to prohibit a producer or
stewardship organization that violates certain provisions of this Act from soliciting
new contracts related to synthetic turf and turf infill for at least a certain number of
years; authorizing the Department to withdraw a prohibition of soliciting new
contracts related to synthetic turf and turf infill; defining certain terms; and
generally relating to synthetic turf and turf infill.

17 BY adding to
18 Article – Environment
19 Section 9–2301 through 9–2308 to be under the new subtitle “Subtitle 23. Synthetic
20 Turf and Turf Infill”
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2019 Supplement)

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

25 Article – Environment

26 SUBTITLE 23. SYNTHETIC TURF AND TURF INFILL.

27 9–2301.

28 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
29 INDICATED.

30 (B) (1) “PERFORMANCE GOAL” MEANS A METRIC PROPOSED IN A
31 SYNTHETIC TURF AND TURF INFILL STEWARDSHIP PLAN TO ANNUALLY MEASURE
32 THE PERFORMANCE OF THE STEWARDSHIP PLAN, TAKING INTO CONSIDERATION
33 ECONOMIC PRACTICALITY AND TECHNICAL FEASIBILITY IN ACHIEVING
34 CONTINUOUS, MEANINGFUL PROGRESS TO IMPROVE THE RATE OF SYNTHETIC TURF
35 AND TURF INFILL REUSE AND RECYCLING IN THE STATE.

36 (2) “PERFORMANCE GOAL” INCLUDES TARGET RECYCLING RATES
37 AND TARGET RECYCLING EFFICIENCIES FOR SYNTHETIC TURF AND TURF INFILL
38 RECYCLING PROCESSES.
(C) “PRODUCER” MEANS A PERSON WHO:

(1) OWNS OR LICENSES A TRADEMARK OR BRAND UNDER WHICH SYNTHETIC TURF AND TURF INFILL IS SOLD, OFFERED FOR SALE, DISTRIBUTED, OR OFFERED FOR PROMOTIONAL PURPOSES IN THE STATE; OR

(2) IMPORTS SYNTHETIC TURF AND TURF INFILL INTO THE STATE FOR SALE OR DISTRIBUTION.

(D) “RECYCLING” MEANS THE SERIES OF ACTIVITIES, INCLUDING SEPARATION, COLLECTION, AND PROCESSING, THROUGH WHICH MATERIALS USED IN SYNTHETIC TURF AND TURF INFILL ARE RECOVERED OR OTHERWISE DIVERTED FROM THE SOLID WASTE STREAM FOR USE AS RAW MATERIALS OR IN THE MANUFACTURE OF NEW SYNTHETIC TURF AND TURF INFILL.

(E) “STEWARDSHIP ORGANIZATION” MEANS A COLLECTIVE OF PRODUCERS WHO ARE RESPONSIBLE FOR THE COLLECTION, RECYCLING, OR DISPOSAL OF SYNTHETIC TURF AND TURF INFILL.

(F) “STEWARDSHIP PLAN” MEANS A PLAN DEVELOPED BY A PRODUCER OR STEWARDSHIP ORGANIZATION IN ACCORDANCE WITH § 9–2302 OF THIS SUBTITLE FOR RESPONSIBLY, OVER A 5–YEAR PERIOD:

(1) SELLING, OFFERING FOR SALE, DISTRIBUTING, IMPORTING, OR OFFERING FOR PROMOTIONAL PURPOSES SYNTHETIC TURF AND TURF INFILL IN THE STATE; AND

(2) PROVIDING FOR THE RECYCLING, REUSE, OR DISPOSAL OF SYNTHETIC TURF AND TURF INFILL.

(G) “SYNTHETIC TURF” MEANS PLASTIC TUFTED CARPET THAT:

(1) IS INTENDED TO HAVE, OR INCIDENTALLY HAS, AN APPEARANCE THAT MIMICS GRASS; AND

(2) FUNCTIONS AS A REPLACEMENT FOR GRASS.

(H) “TURF INFILL” MEANS MATERIAL THAT:

(1) IS POURLED 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 buckles; 

(3) Mimics the impact absorption properties of soil under natural grass; and 

(4) Includes shredded or granulated tire, rubber, or silica sand. 

9–2302. 

(A) (1) On or before January 1, 2021, each producer that sells, offers for sale, distributes, imports, or offers for promotional purposes synthetic turf and turf infill in the State shall, individually or as part of a stewardship organization, submit a synthetic turf and turf infill stewardship plan to the Department for review and approval. 

(2) On or after January 1, 2021, a producer may not sell, offer for sale, distribute, import, or offer for promotional purposes synthetic turf and turf infill in the State unless the producer, individually or as part of a stewardship organization, has an approved stewardship plan on file with the Department. 

(B) A stewardship plan shall include: 

(1) A list of the producers and brands covered by the stewardship plan, including: 

(i) Each participating producer and the producer’s contact information; and 

(ii) Each brand of synthetic turf and turf infill covered by the stewardship plan; 

(2) A description of the financing method that will be used to implement the plan, taking into account that the plan shall provide: 

(i) For producer or stewardship organization–financed end–of–life management for synthetic turf and turf infill, including synthetic turf and turf infill that: 

1. The producer, or producers participating in a
STEWARDSHIP ORGANIZATION, SELL, DISTRIBUTE, IMPORT, OR OFFER IN THE
STATE DURING THE 5–YEAR TERM OF THE STEWARDSHIP PLAN; AND

2. SUBJECT TO SUBSECTION (C) OF THIS SUBSECTION, IS
ALREADY INSTALLED ON SURFACES IN THE STATE AND WAS SOLD, DISTRIBUTED,
IMPORTED, OR OFFERED BY A PRODUCER THAT NO LONGER DOES BUSINESS IN THE
STATE; AND

(II) FUNDING FOR THE DEPARTMENT TO CONDUCT
ADMINISTRATION, OVERSIGHT, AND ENFORCEMENT OF THE STEWARDSHIP PLAN;

(3) PERFORMANCE GOALS FOR THE 5–YEAR TERM OF THE
STEWARDSHIP PLAN;

(4) A DESCRIPTION OF HOW THE PLAN WILL ENSURE THAT THE
COMPONENTS OF THE SYNTHETIC TURF AND TURF INFILL ARE RECYCLED TO THE
MAXIMUM EXTENT ECONOMICALLY AND TECHNICALLY FEASIBLE; AND

(5) A LIST OF ALL PARTICIPANTS IN THE SYNTHETIC TURF AND TURF
INFILL RECYCLING PROGRAM, INCLUDING THE NAME, ADDRESS, AND CONTACT
INFORMATION OF:

(I) ANY TRANSPORTER OR CONTRACTOR THAT WILL BE
RESPONSIBLE FOR REMOVING AND TRANSPORTING THE SYNTHETIC TURF AND TURF
INFILL TO A RECYCLING, REUSE, OR DISPOSAL FACILITY; AND

(II) ANY RECYCLING, REUSE, OR DISPOSAL FACILITY THAT WILL
BE ACCEPTING AND PROCESSING SYNTHETIC TURF AND TURF INFILL UNDER THE
PLAN.

(C) A PRODUCER OR STEWARDSHIP ORGANIZATION SHALL BE
RESPONSIBLE FOR FINANCING THE END–OF–LIFE MANAGEMENT OF SYNTHETIC
TURF AND TURF INFILL UNDER SUBSECTION (B)(2)(I)2 OF THIS SECTION IN
PROPORTION TO THE PRODUCER’S OR STEWARDSHIP ORGANIZATION’S MARKET
SHARE OF SYNTHETIC TURF AND TURF INFILL SALES DURING THE IMMEDIATELY
PRECEDING CALENDAR YEAR.

(D) (1) THE DEPARTMENT SHALL:

(I) POST A PROPOSED STEWARDSHIP PLAN AND ANY
PROPOSED AMENDMENT TO AN EXISTING STEWARDSHIP PLAN ON ITS WEBSITE FOR
30 DAYS AFTER THE PLAN OR AMENDMENT IS SUBMITTED; AND
(II) Provide for public review and comment on the proposed stewardship plan or amendment.

(2) Within 45 days after receiving a proposed stewardship plan, the Department shall:

(I) Determine whether the proposed stewardship plan complies with the requirements of this section;

(II) Notify the producer or stewardship organization that submitted the plan in writing of the approval or rejection of the proposed stewardship plan; and

(III) If the Department rejects a proposed stewardship plan, include the reasons for rejecting the plan in the written determination provided under item (II) of this paragraph.

(3) A producer or stewardship organization whose plan is rejected shall submit a revised plan to the Department within 45 days after receiving notice of the rejection.

(E) An approved stewardship plan shall expire after 5 years, provided that the producer or stewardship organization remains in compliance with the terms of the approved stewardship plan and the requirements of this section.

(F) The Department may require a producer or stewardship organization to submit a revised plan if the approved plan fails to meet performance goals.

9–2303.

(A) (1) Except as provided in paragraph (2) of this subsection, on or before January 1, 2021, each producer of synthetic turf and turf infill sold or distributed in the State shall establish a system to track the chain of custody of the synthetic turf and turf infill from its manufacture to its installation, use, reuse, recycling, and final disposal.

(2) For synthetic turf and turf infill already installed in the State as of January 1, 2021, the owner of the synthetic turf and turf infill shall establish a system to track the chain of custody of the synthetic turf and turf infill from its use to its reuse, recycling, and
FINAL DISPOSAL.

(3) The chain of custody information shall be transmitted in writing to the Department and shall include the name and contact information of:

(i) The producer of the synthetic turf or turf infill;

(ii) The business or contractor that installs, or has installed, the synthetic turf or turf infill;

(iii) The owner of the synthetic turf or turf infill; and

(iv) The transporter of the synthetic turf or turf infill.

(4) The Department shall publish the chain of custody on the Department’s website.

9–2304.

(A) Notwithstanding any other provision of law, synthetic turf and turf infill may not be reused unless:

(1) The original owner of the synthetic turf and turf infill submits a written request to the Department; and

(2) The Department approves the written request.

(B) After exhausting the recycling and reuse options under this subtitle, a person shall dispose of synthetic turf and turf infill in a manner that prevents the material from contaminating air, soil, and water.

9–2305.

(A) On or before January 1, 2022, and each January 1 thereafter, a producer or stewardship organization shall submit a report to the Department evaluating the progress made toward reaching performance goals.

(B) The report shall include the amount of synthetic turf and turf infill the producer or stewardship organization:
(1) Applied to surfaces in the State during the immediately preceding calendar year; and

(2) Collected, reused, recycled, or disposed of in the immediately preceding calendar year.

9–2306.

The Department shall develop and maintain a website that includes:

(1) A copy of all approved synthetic turf and turf infill stewardship plans on file with the Department;

(2) The names of producers covered by approved stewardship plans; and

(3) A list of the brands covered by approved stewardship plans.

9–2307.

Any person participating in a stewardship plan in compliance with this subtitle is immune from liability under State law relating to antitrust and restraint of trade for any cooperative activities arising out of the recycling, reuse, and disposal of synthetic turf and turf infill.

9–2308.

(A) If a producer or stewardship organization violates a provision of this subtitle, the Department may prohibit the producer or stewardship organization from soliciting new contracts related to synthetic turf and turf infill, including no–bid and single–source contracts, for at least 1 year.

(B) The Department may withdraw the prohibition under subsection (A) of this section for a producer or stewardship organization.

Section 2. And be it further enacted, That this Act shall take effect October 1, 2020.