

Department of Legislative Services  
 Maryland General Assembly  
 2023 Session

FISCAL AND POLICY NOTE  
 Third Reader - Revised

House Bill 299

(Delegate Lehman, *et al.*)

Environment and Transportation

Education, Energy, and the Environment

Environment - Synthetic Turf - Chain of Custody

This bill requires the Maryland Department of the Environment (MDE) to establish a system to track the chain of custody of “synthetic turf” installed on sports and playing fields in the State, as specified. By January 1, 2024, or within 30 days after the completion of the installation, whichever is later, the “custodian” of a synthetic turf sports or playing field installed in the State must report specified chain of custody information to MDE. MDE must serve as the repository for the chain of custody information submitted under the bill, maintain the information permanently, and develop and maintain a publicly accessible website that includes the chain of custody information and the names and contact information of each custodian that provided the information. The bill establishes an administrative penalty for violations.

Fiscal Summary

**State Effect:** General fund expenditures increase by \$52,400 in FY 2024 and by \$13,800 in FY 2025; future years reflect termination of contractual staff in FY 2025. State revenues are not materially affected by the bill’s administrative penalty provision.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	52,400	13,800	0	0	0
Net Effect	(\$52,400)	(\$13,800)	\$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 report chain of custody information for synthetic turf sports and playing fields is anticipated to be primarily operational, as discussed below. Local revenues are not affected.

**Small Business Effect:** Potential meaningful.

## Analysis

### Bill Summary:

#### *Key Definitions*

“Custodian” is a person that (1) owns or is in control of synthetic turf in the State or (2) any current or subsequent owner of a property where there is existing synthetic turf. “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; (3) has the primary purpose of being used as an indoor or outdoor sports or playing field; and (4) is at least 5,000 square feet in size.

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

MDE must establish a system to track the chain of custody of synthetic turf installed on sports and playing fields in the State, from their transportation, installation, and removal to their reuse, recycling, and final disposal.

By January 1, 2024, or within 30 days after the completion of the installation (whichever is later), the custodian of a synthetic turf sports or playing field installed in the State (including a replacement or brand new synthetic turf sports or playing field) must report specified chain of custody information to MDE. Among other things, the information must include the name, address, and contact information of the custodian of the synthetic turf, the producer of the synthetic turf, and the business or contractor who installed the synthetic turf. The information submitted must also include the type and brand of the synthetic turf installed; the area of the synthetic turf in square feet; the weight of the synthetic turf; the location and date of installation; and any other information required by MDE.

Except for a new custodian that transports the synthetic turf for use or disposal out-of-state, if the synthetic turf is removed after the chain of custody information is reported to MDE, the new custodian of the synthetic turf must report updated chain of custody information to MDE, including (1) the new location of the synthetic turf; (2) the name, address, and contact information of the transporter and new custodian of the synthetic turf; (3) the area of the synthetic turf; (4) to the extent practicable, the weight of the synthetic turf; (5) how the synthetic turf is used at the new location, as specified; (6) if installed at a sports or playing field, the date of installation; and (7) any other reasonably related information required by MDE. For a new custodian that transports the synthetic turf for use or disposal out-of-state, only some of that information must be reported to MDE.

A custodian may not be penalized for variation in the reported weight totals.

All chain of custody information must be reported in writing to MDE and be in a form required by MDE.

*Repository of Information and Publicly Accessible Website*

MDE must serve as the repository for the chain of custody information submitted and maintain the information permanently. Further, MDE must develop and maintain a publicly accessible website that includes the chain of custody information submitted to MDE under the bill and the names and contact information of each custodian that provided chain of custody information.

*Administrative Penalty for Violations*

A person that violates the bill’s provisions is subject to an administrative penalty of up to \$5,000. However, a penalty may not be imposed unless the person is first issued a written notice of the 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 Expenditures:**

*Maryland Department of the Environment – Administrative Costs*

General fund expenditures for MDE increase by \$52,420 in fiscal 2024, which accounts for the bill’s October 1, 2023 effective date. This estimate reflects the cost of hiring one contractual environmental compliance specialist to (1) establish the chain of custody tracking system; (2) develop a format to accept and then post the required chain of custody information on a publicly accessible website; (3) develop a strategy for MDE to serve as the repository for the chain of custody information; (4) conduct outreach to affected custodians; and (5) 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	\$39,761
Operating Expenses	<u>12,659</u>
<b>Total FY 2024 MDE Expenditures</b>	<b>\$52,420</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.

This estimate also does not include any costs for MDE to develop a database and/or website. To the extent that MDE incurs any such costs, general fund expenditures increase further.

Future year expenditures reflect termination of the contractual employee in fiscal 2025 after (1) MDE has conducted initial outreach and developed a method to receive, house, and post the required chain of custody information to its website and (2) most affected entities are aware of the bill's requirements. MDE advises that it needs the contractual employee until the end of fiscal 2026. However, the Department of Legislative Services assumes that any ongoing responsibilities after fiscal 2025 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 as Custodians of Synthetic Turf Fields*

Any State agency that owns/installs a synthetic turf sports or playing field must comply with the bill's reporting requirements. However, based on a limited survey of potentially affected State agencies, including the Department of Natural Resources, the University System of Maryland, and Morgan State University, the bill's reporting requirements are not anticipated to materially affect State expenditures for affected State custodians.

**Local/Small Business Effect:** Any local government or small business that meets the bill's definition of "custodian" must comply with the bill's chain of custody reporting requirements. Without actual experience under the bill, it is assumed that the reporting requirements primarily have operational effects on affected entities. Because these sports and playing fields are designed to last for several years, keeping track of and reporting required information throughout their lifetimes could impose an operational burden on custodians. For custodians that must track a higher number of products, the operational impact may be more significant.

The extent to which any local governments or small businesses incur any costs due to the chain of custody reporting requirements is unknown; any fiscal effect likely varies by entity, depending on the number of affected fields, available information, and the content of any additional chain of custody information required by MDE.

**Additional Comments:** 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.

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### **Additional Information**

**Prior Introductions:** Similar legislation has been introduced within the last three years. See HB 131 and SB 321 of 2022; HB 857 of 2021; and HB 1547 of 2020.

**Designated Cross File:** None.

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

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