
By: **Delegates Pitkin, Conroy, and Hubbard**
Introduced and read first time: February 12, 1998
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Fertilizers - Recycled Hazardous Material**

3 FOR the purpose of prohibiting the sale of certain commercial fertilizers containing
4 certain constituents derived from certain hazardous materials unless the
5 constituents are approved for sale in the State and are labeled in a certain
6 manner; requiring the Department of Agriculture, in consultation with certain
7 units and persons, to review certain constituents of commercial fertilizers before
8 the fertilizers may be sold in the State; requiring certain labeling and
9 information to be provided in a certain manner concerning certain constituents
10 of certain commercial fertilizers; and generally relating to fertilizer sales and
11 labeling.

12 BY adding to
13 Article - Agriculture
14 Section 6-210.1
15 Annotated Code of Maryland
16 (1985 Replacement Volume and 1997 Supplement)

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

19 **Article - Agriculture**

20 6-210.1.

21 (A) THIS SECTION APPLIES TO A COMMERCIAL FERTILIZER THAT CONSISTS
22 WHOLLY OR PARTLY OF MATERIAL REPROCESSED OR RECYCLED FROM ONE OR
23 MORE OF THE FOLLOWING:

24 (1) A HAZARDOUS MATERIAL, AS DEFINED IN § 7-101 OF THE
25 ENVIRONMENT ARTICLE;

26 (2) A CONTROLLED HAZARDOUS SUBSTANCE, AS DEFINED IN § 7-201 OF
27 THE ENVIRONMENT ARTICLE; OR

1 (3) A HAZARDOUS OR TOXIC CHEMICAL, AS DEFINED IN TITLE 5 OF THE
2 LABOR AND EMPLOYMENT ARTICLE.

3 (B) A COMMERCIAL FERTILIZER DESCRIBED IN SUBSECTION (A) OF THIS
4 SECTION MAY NOT BE DISTRIBUTED IN THE STATE UNLESS:

5 (1) THE REPROCESSED OR RECYCLED HAZARDOUS CONSTITUENT IS
6 ALLOWED FOR SALE IN THE STATE; AND

7 (2) THE COMMERCIAL FERTILIZER IS LABELED IN ACCORDANCE WITH
8 THIS SECTION.

9 (C) (1) BEFORE THE DEPARTMENT MAY ALLOW A REPROCESSED OR
10 RECYCLED HAZARDOUS CONSTITUENT FOR SALE IN A COMMERCIAL FERTILIZER IN
11 THE STATE, THE DEPARTMENT SHALL REVIEW THE CONSTITUENT, IN
12 CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT, THE DEPARTMENT
13 OF NATURAL RESOURCES, AND OTHER INTERESTED UNITS AND PERSONS, AND
14 DETERMINE THAT THE CONSTITUENT:

15 (I) IS SAFE FOR ITS INTENDED USE IN SPECIFIC AMOUNTS AS
16 APPLIED; AND

17 (II) DOES NOT POSE A RISK TO THE HEALTH OR SAFETY OF
18 HUMANS, DOMESTIC AND WILD ANIMALS, PLANTS, AND AQUATIC RESOURCES.

19 (2) THE PROCEEDINGS FOR DETERMINING THAT A REPROCESSED OR
20 RECYCLED HAZARDOUS CONSTITUENT MAY BE ALLOWED FOR SALE IN THE STATE
21 SHALL INCLUDE NOTICE AND PUBLIC HEARING IN ACCORDANCE WITH TITLE 10,
22 SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

23 (D) (1) A COMMERCIAL FERTILIZER, NOT SOLD IN BULK, THAT CONTAINS A
24 REPROCESSED OR RECYCLED HAZARDOUS CONSTITUENT SHALL BE
25 CONSPICUOUSLY LABELED AS TO THE CONTENT OF THE REPROCESSED OR
26 HAZARDOUS CONSTITUENT, THE POTENTIAL RISKS ASSOCIATED WITH EXPOSURE OF
27 HUMANS, ANIMALS, OR PLANTS TO THE CONSTITUENT AND ITS HAZARDOUS
28 PRECURSOR, AND CONTRAINDICATIONS TO THE USE OF THE CONSTITUENT.

29 (2) COMMERCIAL FERTILIZER SOLD IN BULK MUST BE ACCOMPANIED
30 BY THE SAME INFORMATION AS IS REQUIRED FOR NONBULK SALES.

31 (3) THE MATERIAL SAFETY DATA SHEET FOR THE CONSTITUENT MUST
32 BE PROVIDED TO THE PURCHASER AT TIME OF SALE.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 1998.