

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 642 (Delegate O'Donnell)
Environmental Matters

Transportation - Septic Tank Pump Trucks - Hazardous Materials Placards

This bill establishes that regulations adopted by the Motor Vehicle Administrator and the Secretary of the Environment must require a septic tank pump truck to display a placard indicating that the truck is transporting hazardous materials.

Fiscal Summary

State Effect: The provision of this bill could be enforced with existing resources.

Local Effect: None.

Small Business Effect: Minimal. Small businesses could be required to purchase placards under this bill.

Analysis

Current Law: The Motor Vehicle Administrator and the Secretary of the Environment must adopt regulations for the safe transportation of hazardous materials, and the regulations must duplicate or otherwise be consistent with federal regulations.

Any person in the business of shipping or transporting substances classified as hazardous material must comply with the regulations, including those persons involved in the preparation of hazardous materials, and those involved with interstate or intrastate movements. All persons involved with manufacturing, fabrication, marking, maintenance, reconditioning, repair, or retesting of hazardous materials packaging must also comply with the regulations. The administrator may exempt persons from

compliance with these regulations if the administrator determines, based on evidence, that public and environmental safety would not be adversely affected.

Background: Generally, federal authority occupies the field of hazardous materials transportation regulation and provides for the preemption of state and local provisions that are inconsistent with federal law and regulations. Federal law also provides, however, that a state or local government may apply to the Secretary of the U.S. Department of Transportation for a waiver of preemption relating to a hazardous materials provision that could be subject to preemption. The federal Secretary is authorized to waive preemption if the provision affords the public at least as much protection as that afforded by federal law and regulation and it is not regarded as an unreasonable burden on interstate or intrastate commerce.

Additional Comments: The bill does not specify how the presence of septic material is to be placarded. This fiscal estimate assumes that the placarding would be designed in such a way as to provide notification of the presence of materials that are perilous without requiring that septic material be labeled as “hazardous material.” The definition of a substance as a “hazardous material” subjects it to regulation by the federal government. That regulation would impose comprehensive protocols for the qualification of drivers, evaluation of materials, container composition, transportation, and disposal of material, and would also require extensive documentation. In the event of an accident with a substance classified as a “hazardous material” a comprehensive emergency response would also be required involving State and local government.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of the Environment, Maryland Department of Transportation, Code of Federal Regulations, U.S. Code Annotated, Department of Legislative Services

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