

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

House Bill 123 (Delegate Carr)  
Environmental Matters

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Program Open Space - Use of Funds - Artificial Turf Surfaces

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This bill prohibits the use of State and local Program Open Space (POS) funds to build new or replace existing athletic fields with artificial or synthetic turf surfaces.

The bill takes effect July 1, 2014.

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Fiscal Summary

**State Effect:** None. Overall funding for POS is not affected.

**Local Effect:** Because local governments are prohibited from using local POS funds to build new or replace existing athletic fields with artificial or synthetic turf surfaces, local jurisdictions may incur additional recreation-related costs. Although the effect cannot be reliably estimated, the impact on some local governments may be significant.

**Small Business Effect:** Potential meaningful.

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Analysis

**Current Law/Background:** POS, established in 1969 and administered by the Department of Natural Resources (DNR), provides funds for State and local acquisition and development of public outdoor recreational sites, facilities, and open space. The State share focuses on the acquisition of land for natural resource conservation with the inclusion of low-impact recreational activities where appropriate. The local jurisdiction's share is used primarily for the acquisition and development of high-impact recreational sites and facilities. As of January 8, 2014, the State share had preserved 320,181 acres and the local share had preserved 45,457 acres.

DNR advises that to date, 41 local projects involving artificial turf (in Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's counties and Baltimore City) have been completed with or approved for POS funding. Although DNR does not track costs for artificial turf separately from other project costs (such as parking, lighting, buildings, and bleachers), DNR estimates that POS funds typically cover an estimated \$650,000 per artificial turf field.

Concern has been raised as to whether the use of POS funds for artificial turf fields is appropriate. Proponents of artificial turf indicate that the turf stands up to rain and heavy wear, thus reducing maintenance costs. Proponents also argue that artificial turf reduces the need for pesticides and fertilizer and that the rubber cushion prevents injuries to athletes. Opponents contend, however, that artificial turf is bad for the environment because it reduces the amount of natural vegetation and the rubber pellets release chemicals into the air and water.

According to DNR, while natural grass fields have historically been and will continue to be used for athletic fields, certain natural grass fields are incapable of adequately meeting public demand. Natural grass fields that do not receive adequate time to rest and grow develop bald patches, ruts, and compaction problems. Artificial surface fields, on the other hand, allow for almost constant play. Accordingly, DNR advises that a single artificial surface field may well provide the same use capacity as several natural grass facilities.

Most synthetic turf fields are constructed with several layers of material including a drainage layer, a backing system, and a top layer of synthetic turf. Synthetic infill turf fields have a man-made topsoil-like material interspersed into the blades of synthetic turf or into the backing to add cushioning and stability. Infill is generally made from either a combination of fine sand and granulated rubber, or granulated rubber by itself, sometimes called crumb rubber or tire crumb. Granulated rubber is largely derived from recycled tires. Synthetic infill turf fields continue to grow in popularity as improved products offer longer-lasting and better-performing surfaces for recreation.

However, in recent years, the public has become increasingly concerned about public health risks from infill materials. In 2008, the U.S. Centers for Disease Control and Prevention (CDC) issued a statement regarding testing conducted by the New Jersey Department of Health and Senior Services that revealed potentially unhealthy levels of lead dust in some artificial turf playing fields in New Jersey. CDC advised that the risk for harmful lead exposure is low from new fields with elevated lead levels in their turf fibers because the fibers are still intact; however, as the turf ages and weathers, lead is released in dust and the risk for harmful exposure increases.

In 2009, the U.S. Environmental Protection Agency (EPA) published a report based on a limited 2008 study on recycled tire rubber use in recreational spaces. The report and study focused on feasible and accurate methods for monitoring and generating data to help EPA assess the safety of rubber infill use in recreational fields. EPA concluded that its extraction and collection methods were reliable and that average concentrations of dangerous components were low enough that they did not pose a public health threat. However, EPA also concluded that due to the high variability in the sample sites, these results cannot be extrapolated to additional recreational spaces that contain tire crumb. EPA is considering future studies to develop more comprehensive and widely applicable testing methods and results regarding tire crumb use in recreational spaces.

The Synthetic Turf Council, a Georgia-based nonprofit that represents the industry, states that many studies and independent sources have confirmed that synthetic turf is safe and that no one has ever reported ill effects from synthetic turf or crumb rubber. Further, the Synthetic Turf Council asserts that after the 2008 tests in New Jersey found elevated lead levels on synthetic turf fields, the industry switched to a nonlead pigment.

**Local Fiscal Effect:** Because local governments are prohibited from using local POS funds for building or replacing athletic fields with artificial or synthetic turf surfaces, they may incur additional costs to move forward with such projects. Counties with plans to install artificial turf fields may be required to delay or abandon such plans unless alternative funding sources are identified.

**Small Business Effect:** The extent to which small businesses are involved with the sale and/or installation of artificial or synthetic turf and/or the maintenance of natural grass athletic fields through contracts with local governments is unknown. In addition, the extent to which artificial or synthetic turf projects would move forward with local funds or be canceled altogether cannot be predicted. Accordingly, the bill's potential impact on small businesses cannot be reliably estimated. However, *for illustrative purposes*, based on Maryland data from the U.S. Census Bureau's *2011 County Business Patterns*, 441 small businesses provide specialty trade contracting (including artificial turf installation) and 1,804 small businesses provide landscaping services.

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### **Additional Information**

**Prior Introductions:** HB 896 of 2013 received a hearing in the House Environmental Matters Committee, but no further action was taken. Its cross file, SB 877, received a hearing in the Senate Budget and Taxation Committee, but no further action was taken. HB 1035 of 2012, a similar bill, was referred to the House Environmental Matters Committee but was subsequently withdrawn. HB 328 of 2008, a similar bill, received an unfavorable report from the House Environmental Matters Committee.

**Cross File:** None.

**Information Source(s):** Garrett, Howard, and Montgomery counties; Department of Natural Resources; Maryland State Department of Education; Maryland Association of Counties; Maryland Municipal League; U.S. Centers for Disease Control and Prevention; U.S. Environmental Protection Agency; Synthetic Turf Council; Department of Legislative Services

**Fiscal Note History:** First Reader - January 27, 2014  
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