



# Maryland

## Department of the Environment

Larry Hogan  
Governor

Boyd Rutherford  
Lieutenant Governor

Ben Grumbles  
Secretary

January 23, 2020

The Honorable Senator Paul G. Pinsky, Chair  
Education, Health, and Environmental Affairs Committee  
2 West, Miller Senate Office Building  
Annapolis, Maryland 21401

**Re: Senate Bill 28 – Solid Waste Management – Prohibition on Releasing a Balloon Into the Atmosphere**

Dear Chair Pinsky and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed House Bill 13, entitled *Solid Waste Management – Prohibition on Releasing a Balloon Into the Atmosphere*. While we support efforts to reduce balloon-related litter in the environment, we would like to provide a letter of information regarding the bill.

The bill would add § 9-2301 to the Environment Article and prohibit a person from knowingly and intentionally releasing, or organizing the release of, a balloon into the atmosphere. It would establish civil penalties and require MDE to enforce the prohibition, except to the extent that it delegates enforcement to an enforcement unit, officer, or official of a county, a municipality, or any other local government. A local government with enforcement authority would be responsible for reporting violations to MDE. The bill does not specify a fund where penalty revenue would be deposited. The bill does not prohibit the sale or use of balloons for any use other than intentional and knowing balloon releases.

If passed, MDE would seek to delegate enforcement of the bill's provisions to local governments, which may be better positioned to enforce the prohibition because of their involvement in regulating nuisance dumping (littering) and special events. Wicomico and Queen Anne's Counties have banned the release of balloons into the atmosphere unless the balloon is either biodegradable or photodegradable, Frederick County has banned the release of helium-filled balloons into the atmosphere, and the Town of Ocean City has banned the release and overall littering of balloons in the city. For any locality where MDE is unable to delegate enforcement to the local government, MDE's solid waste inspectors would investigate violations upon receipt of complaints of planned or actual balloon releases. In order to enforce the prohibition, MDE would need sufficient evidence of who released, caused, or organized the release of the balloons and that they did so knowingly and intentionally. MDE would conduct outreach to notify the public of the prohibition, which would include sharing outreach materials on MDE's social media platforms and website.

Balloons are made from materials such as latex, metalized plastic, rubber, synthetic rubber, or synthetic fibers like nylon. When intentionally released, balloons and attached strings can pose litter and water quality problems. To address these problems, the following states and cities have passed

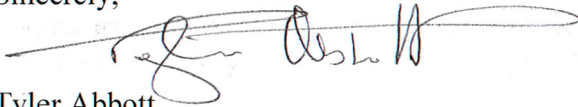
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similar laws banning the release of balloons: California; Connecticut; Florida; Tennessee; Virginia; Louisville, Kentucky; Huntsville, Alabama; San Francisco, California; Nantucket, Massachusetts; and Provincetown, Massachusetts.

Many marine species can mistake balloon remnants for jellyfish and other food, and once ingested the material can cause intestinal blockages or other complications that may lead to death. Also, marine and terrestrial animals can become entangled in balloon strings leading to injury or strangulation. The proposed prohibition could help Maryland in meeting the local Total Maximum Daily Load (TMDL) for trash in the Anacostia River and the Baltimore Harbor. The bill may also encourage persons planning to release balloons to choose an alternative celebratory or commemorative gesture.

Thank you for your consideration. We will continue to monitor Senate Bill 28 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at [tyler.abbott@maryland.gov](mailto:tyler.abbott@maryland.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Tyler Abbott', with a long horizontal flourish extending to the right.

Tyler Abbott

cc: The Honorable Clarence K. Lam  
Ms. Kaley Laleker, Director, Land and Materials Administration