Committee: Environment and Transportation
Testimony on: HB1147 – Environment – Playground Surfacing Materials – Prohibitions
Organization: Montgomery County Council of Parent Teacher Association
Submitted by: Hannah Donart, Chair
Position: Favorable
Hearing Date: February 28, 2024

Dear Chair Korman, Vice Chair Boyce and Committee Members:

As Chair of the Montgomery County Council of Parent Teacher Association (MCCPTA) Health and Wellness Committee, I am providing testimony in support of HB 1147. I strongly urge the MD State legislature to prohibit playground surfacing materials containing hazardous chemicals such as lead, PFAS, and PAHs. Some examples of playground materials found to contain these hazardous compounds included shredded tire mulch, poured-in-place, and crumb rubber used on plastic synthetic turf. There are healthier, safer, more sustainable, less expensive alternatives such as certified ADA-compliant engineered wood fiber (EWF) tested and verified to be free of chromated copper arsenate (CCA) that are readily available. A precautionary, protective approach is necessary to provide safer, healthier environments where our children play.

Our youngest, most vulnerable populations have a right to a healthy, safe environment. Children should not be exposed knowingly to materials containing contaminants like lead, PFAS, and PAH. Children are much more biologically and developmentally susceptible to harmful chemicals even at low exposure levels since their organs are still developing and behaviors such as increased hand-to-mouth contact and crawling put them at greater risk of harmful exposures. They also breathe more air and drink more water per body weight than adults, putting them at risk of exposure to higher concentrations of toxins in their environments.

Below are authoritative resources and scientific evidence supporting taking a proactive, preventative, evidence-based approach to better protect our children and community from known hazards incuding lead, PFAS, PAH, and more.

- **Well known hazardous chemicals found in shredded tire mulch:**
    - The science on the known hazards found in shredded tires is well documented in many studies and reports including the EPA FRAP literature review, a Yale report, UMASS Lowell Toxics Reduction Institute Playground Surfacing

report, and an Environment and Human Health report. This research provides evidence of the many **carcinogenic and hormone disrupting chemicals, in addition to skin, eye, and respiratory irritants that can exacerbate asthma**. These chemicals found in shredded tire mulch include but are not limited to **heavy metals including lead, volatile organic compounds (VOCs), polyaromatic hydrocarbons (PAH), phthalates, and PFAS.**

- **Lead alone** is linked to many harmful health effects including **permanent neurological, behavioral, and developmental problems and cancer**. There is no safe level of lead, especially for young children.
- Other contaminants found in this material raise additional cumulative health and environmental concerns. For example, according to the EPA skin contact and breathing in **PAH's increases the risk of developing** cancer and birth defects.

- **Hotter temperatures means less playtime:**
  - The Consumer Product Safety Commission (CPSC), Environmental Protection Agency (EPA), and Centers for Disease Control and Prevention (CDC) recommend limiting time on playgrounds with shredded tire mulch and other playground materials derived from tires as a result of hotter surface temperatures.
- **Soil, Surface and groundwater contamination leading to hazards in drinking water sources and soil degradation.**
  - There is potential for hazardous chemicals mentioned above to leach into Maryland's aquifers and soil, contaminating our drinking water and food. PFAS, also known as the "forever chemical" due to its high persistence in our environment, is posing an additional health and environmental risk to our communities across the state. Banning sources of PFAS contamination such as shredded tire mulch is critical as they are very costly and difficult to remove from our drinking water.

- As one such example, on August 23, 2022, two months after a playground fire in my hometown of Poolesville, MD, water testing results found PFAS in well two. This was the same well that was nearest to the site where the playground fire took place. Banning sources of PFAS contamination such as shredded tire mulch, PIP, and tire crumb rubber is critical since it is very costly and difficult to remove from our drinking water and soil. PFAS, otherwise known as "forever chemicals" are linked to irreversible health and environmental impacts and should not be down-cycled where our children play.

- **Relevant, common sense federal and MD local laws that are intended to protect communities and young children from the hazards found in tire waste:**

  - There is a scrap tire law in Montgomery County that includes provisions to safely dispose of tires properly, as they contain hazardous chemicals and are a fire hazard. The unfortunate fire that took place in Poolesville playground on Fisher Avenue in June of 2022 is a good example of the potential hazards from burning such material, which could have been avoided had safer materials been in use.
  - In 2015 the Montgomery County Council unanimously passed a resolution to ban tire crumb rubber used in synthetic turf and both Montgomery County Public Schools and Montgomery Parks do not use shredded tire mulch in their playgrounds, especially since it isn't ADA approved.
  - The Consumer Product Safety Commission has set strict limits for lead content in accessible parts of all children's products including playground equipment. Shredded tire mulch is highly accessible to children as it is loose and they often play with it. The CPSC documents the many instances of young children playing with the material and putting it in their mouths. All routes of exposure (skin and eye contact, ingestion, and inhalation) are a concern in this case.

- **Benefits of removal far outweigh the costs associated with exposure to shredded tire mulch:**

- Per a study looking at Economic gains resulting from the reduction in children's exposure to lead in the United States by NIH and CDC researchers, estimated costs associated with reducing a 2-year-old child's blood lead levels to the point where their IQ improves by just one point increases their lifetime productivity somewhere between 1.76-2.38%. Applying the lowest estimate, this translates to a present value of $22,375 (2022 dollars) of lifetime earnings for one child that otherwise would have been lost. Multiply that by the number of just 2-year-olds currently living in Poolesville today and it is clear that the resulting benefits far exceed the costs of shredded tire mulch removal. Note that this does not even factor in other healthcare costs associated with lead or other contaminant exposure.
- Engineered wood fiber and wood chips are also less expensive than shredded tire mulch!

In light of all of this, we strongly urge the MD State Legislature to take a preventative approach to better protect and prioritize the health and well-being of our children and community.