

HOUSE BILL 1547

M3

0lr3371

By: **Delegates Lehman, Acevero, Boyce, Bridges, Carr, Charkoudian, Cullison, Fraser-Hidalgo, Guyton, R. Lewis, Love, Moon, Pena-Melnyk, Qi, Solomon, Terrasa, Valentino-Smith, and Wilkins**

Introduced and read first time: February 7, 2020

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Synthetic Turf and Turf Infill – Producer Responsibility**

3 FOR the purpose of requiring a producer of synthetic turf and turf infill, on or before a
4 certain date, to individually or as part of a stewardship organization submit a
5 synthetic turf and turf infill stewardship plan to the Department of the Environment
6 for review and approval; on or after a certain date, prohibiting a producer of synthetic
7 turf and turf infill from selling, offering for sale, distributing, importing, or offering
8 for promotional purposes synthetic turf and turf infill in the State unless the
9 producer, individually or as part of a stewardship organization, has an approved
10 stewardship plan on file with the Department; requiring a stewardship plan to
11 include certain information; requiring a producer or stewardship organization to be
12 responsible for financing the end-of-life management of certain synthetic turf and
13 turf infill under certain circumstances; requiring the Department to post a proposed
14 stewardship plan and a certain amendment on its website for a certain number of
15 days after the plan or amendment is submitted; requiring the Department to take
16 certain actions within a certain number of days after receiving a proposed
17 stewardship plan; requiring a certain producer or stewardship organization to
18 submit a revised plan within a certain number of days after receiving notice of a
19 certain rejection; requiring an approved stewardship plan to expire after a certain
20 number of years, provided that the producer or stewardship organization remains in
21 compliance with the terms of the approved plan and the requirements of this Act;
22 authorizing the Department to require a producer or stewardship organization to
23 submit a revised plan if the approved plan fails to meet performance goals; requiring
24 a certain producer of synthetic turf and turf infill to establish a system to track the
25 chain of custody of the synthetic turf and turf infill from its manufacture to its reuse,
26 recycling, or final disposal on or before a certain date, subject to a certain exception;
27 requiring a certain owner of synthetic turf and turf infill to establish a system to
28 track the chain of custody of the synthetic turf and turf infill from its use to its reuse,
29 recycling, and final disposal under certain circumstances; requiring the chain of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



custody to be transmitted in writing to the Department; requiring the chain of custody to include certain information; requiring the Department to publish the chain of custody on its website; notwithstanding certain provisions of law, prohibiting synthetic turf and turf infill from being reused except under certain circumstances; requiring a person to dispose of synthetic turf and turf infill in a certain manner after exhausting certain recycling and reuse options; requiring a producer or stewardship organization to submit a certain annual report to the Department on or before certain dates; requiring the report to include certain information; requiring the Department to develop and maintain a website that displays certain information on approved stewardship plans; providing for a certain immunity from liability; authorizing the Department to prohibit a producer or stewardship organization that violates certain provisions of this Act from soliciting new contracts related to synthetic turf and turf infill for at least a certain number of years; authorizing the Department to withdraw a prohibition of soliciting new contracts related to synthetic turf and turf infill; defining certain terms; and generally relating to synthetic turf and turf infill.

BY adding to

Article – Environment

Section 9–2301 through 9–2308 to be under the new subtitle “Subtitle 23. Synthetic Turf and Turf Infill”

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

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

Article – Environment

SUBTITLE 23. SYNTHETIC TURF AND TURF INFILL.

9–2301.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) “PERFORMANCE GOAL” MEANS A METRIC PROPOSED IN A SYNTHETIC TURF AND TURF INFILL STEWARDSHIP PLAN TO ANNUALLY MEASURE THE PERFORMANCE OF THE STEWARDSHIP PLAN, TAKING INTO CONSIDERATION ECONOMIC PRACTICALITY AND TECHNICAL FEASIBILITY IN ACHIEVING CONTINUOUS, MEANINGFUL PROGRESS TO IMPROVE THE RATE OF SYNTHETIC TURF AND TURF INFILL REUSE AND RECYCLING IN THE STATE.

(2) “PERFORMANCE GOAL” INCLUDES TARGET RECYCLING RATES AND TARGET RECYCLING EFFICIENCIES FOR SYNTHETIC TURF AND TURF INFILL RECYCLING PROCESSES.

(C) “PRODUCER” MEANS A PERSON WHO:

(1) OWNS OR LICENSES A TRADEMARK OR BRAND UNDER WHICH SYNTHETIC TURF AND TURF INFILL IS SOLD, OFFERED FOR SALE, DISTRIBUTED, OR OFFERED FOR PROMOTIONAL PURPOSES IN THE STATE; OR

(2) IMPORTS SYNTHETIC TURF AND TURF INFILL INTO THE STATE FOR SALE OR DISTRIBUTION.

(D) “RECYCLING” MEANS THE SERIES OF ACTIVITIES, INCLUDING SEPARATION, COLLECTION, AND PROCESSING, THROUGH WHICH MATERIALS USED IN SYNTHETIC TURF AND TURF INFILL ARE RECOVERED OR OTHERWISE DIVERTED FROM THE SOLID WASTE STREAM FOR USE AS RAW MATERIALS OR IN THE MANUFACTURE OF NEW SYNTHETIC TURF AND TURF INFILL.

(E) “STEWARDSHIP ORGANIZATION” MEANS A COLLECTIVE OF PRODUCERS WHO ARE RESPONSIBLE FOR THE COLLECTION, RECYCLING, OR DISPOSAL OF SYNTHETIC TURF AND TURF INFILL.

(F) “STEWARDSHIP PLAN” MEANS A PLAN DEVELOPED BY A PRODUCER OR STEWARDSHIP ORGANIZATION IN ACCORDANCE WITH § 9-2302 OF THIS SUBTITLE FOR RESPONSIBLY, OVER A 5-YEAR PERIOD:

(1) SELLING, OFFERING FOR SALE, DISTRIBUTING, IMPORTING, OR OFFERING FOR PROMOTIONAL PURPOSES SYNTHETIC TURF AND TURF INFILL IN THE STATE; AND

(2) PROVIDING FOR THE RECYCLING, REUSE, OR DISPOSAL OF SYNTHETIC TURF AND TURF INFILL.

(G) “SYNTHETIC TURF” MEANS PLASTIC TUFTED CARPET THAT:

(1) IS INTENDED TO HAVE, OR INCIDENTALLY HAS, AN APPEARANCE THAT MIMICS GRASS; AND

(2) FUNCTIONS AS A REPLACEMENT FOR GRASS.

(H) “TURF INFILL” MEANS MATERIAL THAT:

(1) IS POURED ON TOP OF SYNTHETIC TURF TO HOLD SYNTHETIC TURF BLADES IN PLACE;

(2) WEIGHS DOWN THE SYNTHETIC TURF SO IT DOES NOT DEVELOP WRINKLES OR BUCKLES;

(3) MIMICS THE IMPACT ABSORPTION PROPERTIES OF SOIL UNDER NATURAL GRASS; AND

(4) INCLUDES SHREDDED OR GRANULATED TIRE, RUBBER, OR SILICA SAND.

9-2302.

(A) (1) ON OR BEFORE JANUARY 1, 2021, EACH PRODUCER THAT SELLS, OFFERS FOR SALE, DISTRIBUTES, IMPORTS, OR OFFERS FOR PROMOTIONAL PURPOSES SYNTHETIC TURF AND TURF INFILL IN THE STATE SHALL, INDIVIDUALLY OR AS PART OF A STEWARDSHIP ORGANIZATION, SUBMIT A SYNTHETIC TURF AND TURF INFILL STEWARDSHIP PLAN TO THE DEPARTMENT FOR REVIEW AND APPROVAL.

(2) ON OR AFTER JANUARY 1, 2021, A PRODUCER MAY NOT SELL, OFFER FOR SALE, DISTRIBUTE, IMPORT, OR OFFER FOR PROMOTIONAL PURPOSES SYNTHETIC TURF AND TURF INFILL IN THE STATE UNLESS THE PRODUCER, INDIVIDUALLY OR AS PART OF A STEWARDSHIP ORGANIZATION, HAS AN APPROVED STEWARDSHIP PLAN ON FILE WITH THE DEPARTMENT.

(B) A STEWARDSHIP PLAN SHALL INCLUDE:

(1) A LIST OF THE PRODUCERS AND BRANDS COVERED BY THE STEWARDSHIP PLAN, INCLUDING:

(I) EACH PARTICIPATING PRODUCER AND THE PRODUCER'S CONTACT INFORMATION; AND

(II) EACH BRAND OF SYNTHETIC TURF AND TURF INFILL COVERED BY THE STEWARDSHIP PLAN;

(2) A DESCRIPTION OF THE FINANCING METHOD THAT WILL BE USED TO IMPLEMENT THE PLAN, TAKING INTO ACCOUNT THAT THE PLAN SHALL PROVIDE:

(I) FOR PRODUCER OR STEWARDSHIP ORGANIZATION-FINANCED END-OF-LIFE MANAGEMENT FOR SYNTHETIC TURF AND TURF INFILL, INCLUDING SYNTHETIC TURF AND TURF INFILL THAT:

1. THE PRODUCER, OR PRODUCERS PARTICIPATING IN A

1 STEWARDSHIP ORGANIZATION, SELL, DISTRIBUTE, IMPORT, OR OFFER IN THE
2 STATE DURING THE 5-YEAR TERM OF THE STEWARDSHIP PLAN; AND

3 2. SUBJECT TO SUBSECTION (C) OF THIS SUBSECTION, IS
4 ALREADY INSTALLED ON SURFACES IN THE STATE AND WAS SOLD, DISTRIBUTED,
5 IMPORTED, OR OFFERED BY A PRODUCER THAT NO LONGER DOES BUSINESS IN THE
6 STATE; AND

7 (II) FUNDING FOR THE DEPARTMENT TO CONDUCT
8 ADMINISTRATION, OVERSIGHT, AND ENFORCEMENT OF THE STEWARDSHIP PLAN;

9 (3) PERFORMANCE GOALS FOR THE 5-YEAR TERM OF THE
10 STEWARDSHIP PLAN;

11 (4) A DESCRIPTION OF HOW THE PLAN WILL ENSURE THAT THE
12 COMPONENTS OF THE SYNTHETIC TURF AND TURF INFILL ARE RECYCLED TO THE
13 MAXIMUM EXTENT ECONOMICALLY AND TECHNICALLY FEASIBLE; AND

14 (5) A LIST OF ALL PARTICIPANTS IN THE SYNTHETIC TURF AND TURF
15 INFILL RECYCLING PROGRAM, INCLUDING THE NAME, ADDRESS, AND CONTACT
16 INFORMATION OF:

17 (I) ANY TRANSPORTER OR CONTRACTOR THAT WILL BE
18 RESPONSIBLE FOR REMOVING AND TRANSPORTING THE SYNTHETIC TURF AND TURF
19 INFILL TO A RECYCLING, REUSE, OR DISPOSAL FACILITY; AND

20 (II) ANY RECYCLING, REUSE, OR DISPOSAL FACILITY THAT WILL
21 BE ACCEPTING AND PROCESSING SYNTHETIC TURF AND TURF INFILL UNDER THE
22 PLAN.

23 (C) A PRODUCER OR STEWARDSHIP ORGANIZATION SHALL BE
24 RESPONSIBLE FOR FINANCING THE END-OF-LIFE MANAGEMENT OF SYNTHETIC
25 TURF AND TURF INFILL UNDER SUBSECTION (B)(2)(I)2 OF THIS SECTION IN
26 PROPORTION TO THE PRODUCER'S OR STEWARDSHIP ORGANIZATION'S MARKET
27 SHARE OF SYNTHETIC TURF AND TURF INFILL SALES DURING THE IMMEDIATELY
28 PRECEDING CALENDAR YEAR.

29 (D) (1) THE DEPARTMENT SHALL:

30 (I) POST A PROPOSED STEWARDSHIP PLAN AND ANY
31 PROPOSED AMENDMENT TO AN EXISTING STEWARDSHIP PLAN ON ITS WEBSITE FOR
32 30 DAYS AFTER THE PLAN OR AMENDMENT IS SUBMITTED; AND

(II) PROVIDE FOR PUBLIC REVIEW AND COMMENT ON THE PROPOSED STEWARDSHIP PLAN OR AMENDMENT.

(2) WITHIN 45 DAYS AFTER RECEIVING A PROPOSED STEWARDSHIP PLAN, THE DEPARTMENT SHALL:

(I) DETERMINE WHETHER THE PROPOSED STEWARDSHIP PLAN COMPLIES WITH THE REQUIREMENTS OF THIS SECTION;

(II) NOTIFY THE PRODUCER OR STEWARDSHIP ORGANIZATION THAT SUBMITTED THE PLAN IN WRITING OF THE APPROVAL OR REJECTION OF THE PROPOSED STEWARDSHIP PLAN; AND

(III) IF THE DEPARTMENT REJECTS A PROPOSED STEWARDSHIP PLAN, INCLUDE THE REASONS FOR REJECTING THE PLAN IN THE WRITTEN DETERMINATION PROVIDED UNDER ITEM (II) OF THIS PARAGRAPH.

(3) A PRODUCER OR STEWARDSHIP ORGANIZATION WHOSE PLAN IS REJECTED SHALL SUBMIT A REVISED PLAN TO THE DEPARTMENT WITHIN 45 DAYS AFTER RECEIVING NOTICE OF THE REJECTION.

(E) AN APPROVED STEWARDSHIP PLAN SHALL EXPIRE AFTER 5 YEARS, PROVIDED THAT THE PRODUCER OR STEWARDSHIP ORGANIZATION REMAINS IN COMPLIANCE WITH THE TERMS OF THE APPROVED STEWARDSHIP PLAN AND THE REQUIREMENTS OF THIS SECTION.

(F) THE DEPARTMENT MAY REQUIRE A PRODUCER OR STEWARDSHIP ORGANIZATION TO SUBMIT A REVISED PLAN IF THE APPROVED PLAN FAILS TO MEET PERFORMANCE GOALS.

9-2303.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE JANUARY 1, 2021, EACH PRODUCER OF SYNTHETIC TURF AND TURF INFILL SOLD OR DISTRIBUTED IN THE STATE SHALL ESTABLISH A SYSTEM TO TRACK THE CHAIN OF CUSTODY OF THE SYNTHETIC TURF AND TURF INFILL FROM ITS MANUFACTURE TO ITS INSTALLATION, USE, REUSE, RECYCLING, AND FINAL DISPOSAL.

(2) FOR SYNTHETIC TURF AND TURF INFILL ALREADY INSTALLED IN THE STATE AS OF JANUARY 1, 2021, THE OWNER OF THE SYNTHETIC TURF AND TURF INFILL SHALL ESTABLISH A SYSTEM TO TRACK THE CHAIN OF CUSTODY OF THE SYNTHETIC TURF AND TURF INFILL FROM ITS USE TO ITS REUSE, RECYCLING, AND

1 FINAL DISPOSAL.

2 (3) THE CHAIN OF CUSTODY INFORMATION SHALL BE TRANSMITTED
3 IN WRITING TO THE DEPARTMENT AND SHALL INCLUDE THE NAME AND CONTACT
4 INFORMATION OF:

5 (I) THE PRODUCER OF THE SYNTHETIC TURF OR TURF INFILL;

6 (II) THE BUSINESS OR CONTRACTOR THAT INSTALLS, OR HAS
7 INSTALLED, THE SYNTHETIC TURF OR TURF INFILL;

8 (III) THE OWNER OF THE SYNTHETIC TURF OR TURF INFILL; AND

9 (IV) THE TRANSPORTER OF THE SYNTHETIC TURF OR TURF
10 INFILL.

11 (4) THE DEPARTMENT SHALL PUBLISH THE CHAIN OF CUSTODY ON
12 THE DEPARTMENT'S WEBSITE.

13 9-2304.

14 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SYNTHETIC TURF
15 AND TURF INFILL MAY NOT BE REUSED UNLESS:

16 (1) THE ORIGINAL OWNER OF THE SYNTHETIC TURF AND TURF INFILL
17 SUBMITS A WRITTEN REQUEST TO THE DEPARTMENT; AND

18 (2) THE DEPARTMENT APPROVES THE WRITTEN REQUEST.

19 (B) AFTER EXHAUSTING THE RECYCLING AND REUSE OPTIONS UNDER THIS
20 SUBTITLE, A PERSON SHALL DISPOSE OF SYNTHETIC TURF AND TURF INFILL IN A
21 MANNER THAT PREVENTS THE MATERIAL FROM CONTAMINATING AIR, SOIL, AND
22 WATER.

23 9-2305.

24 (A) ON OR BEFORE JANUARY 1, 2022, AND EACH JANUARY 1 THEREAFTER,
25 A PRODUCER OR STEWARDSHIP ORGANIZATION SHALL SUBMIT A REPORT TO THE
26 DEPARTMENT EVALUATING THE PROGRESS MADE TOWARD REACHING
27 PERFORMANCE GOALS.

28 (B) THE REPORT SHALL INCLUDE THE AMOUNT OF SYNTHETIC TURF AND
29 TURF INFILL THE PRODUCER OR STEWARDSHIP ORGANIZATION:

(1) APPLIED TO SURFACES IN THE STATE DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR; AND

(2) COLLECTED, REUSED, RECYCLED, OR DISPOSED OF IN THE IMMEDIATELY PRECEDING CALENDAR YEAR.

9-2306.

THE DEPARTMENT SHALL DEVELOP AND MAINTAIN A WEBSITE THAT INCLUDES:

(1) A COPY OF ALL APPROVED SYNTHETIC TURF AND TURF INFILL STEWARDSHIP PLANS ON FILE WITH THE DEPARTMENT;

(2) THE NAMES OF PRODUCERS COVERED BY APPROVED STEWARDSHIP PLANS; AND

(3) A LIST OF THE BRANDS COVERED BY APPROVED STEWARDSHIP PLANS.

9-2307.

ANY PERSON PARTICIPATING IN A STEWARDSHIP PLAN IN COMPLIANCE WITH THIS SUBTITLE IS IMMUNE FROM LIABILITY UNDER STATE LAW RELATING TO ANTITRUST AND RESTRAINT OF TRADE FOR ANY COOPERATIVE ACTIVITIES ARISING OUT OF THE RECYCLING, REUSE, AND DISPOSAL OF SYNTHETIC TURF AND TURF INFILL.

9-2308.

(A) IF A PRODUCER OR STEWARDSHIP ORGANIZATION VIOLATES A PROVISION OF THIS SUBTITLE, THE DEPARTMENT MAY PROHIBIT THE PRODUCER OR STEWARDSHIP ORGANIZATION FROM SOLICITING NEW CONTRACTS RELATED TO SYNTHETIC TURF AND TURF INFILL, INCLUDING NO-BID AND SINGLE-SOURCE CONTRACTS, FOR AT LEAST 1 YEAR.

(B) THE DEPARTMENT MAY WITHDRAW THE PROHIBITION UNDER SUBSECTION (A) OF THIS SECTION FOR A PRODUCER OR STEWARDSHIP ORGANIZATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.