



House Bill 1147

Environment - Playground Surfacing Materials - Prohibitions

MACo Position: **OPPOSE**

To: Environment & Transportation Committee

Date: February 28, 2024

From: Dominic J. Butchko and Kristina Curley

The Maryland Association of Counties (MACo) **OPPOSES** HB 1147 as drafted. This bill would, among other actions, prohibit the use of certain playground surfacing materials after October 1, 2024.

Program Open Space (POS) is the heartbeat of Maryland's recreation and conservation landscape, and for the majority of jurisdictions, represents the most significant influx of capital and operating dollars. For Fiscal Year 2025, the local share of POS funding is projected to shrink from roughly \$90 million to roughly \$30 million. This is NOT \$30 million per county, but \$30 million to be divided amongst all political subdivisions. While counties agree with the intent of HB 1147, and in most instances already comply with the proposed requirements, there are concerns that this bill would mandate massive unplanned capital expenditures should a facility be found in violation after implementation.

While counties have significant concerns with the current language, MACo is grateful to the sponsor for developing a series of amendments that would alleviate county opposition. Specifically:

- Strike all references to polycyclic aromatic hydrocarbons (PAH) due to current technological and other concerns;
- Strike references to "USE" and replace with "INSTALL";
- Clarify that this bill only applies to materials that come directly into contact with a person; and
- Clarify that this bill is intended to be applied only prospectively, and not to contracts awarded prior to the implementation date.

Additionally, counties request that the implementation date be adjusted from October 1, 2024, to January 1, 2026, to give county partners in the private sector adequate time to adjust any products or services.

With these amendments, HB 1147 establishes a framework for ensuring playground materials are safe for Marylanders. MACo would like to express sincere gratitude for the sponsor's willingness to engage in dialogue and find common ground. While counties **OPPOSE** the introduced bill, they urge the Committee to favorably consider the changes suggested above.