



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

MEMORANDUM

To: Local Jurisdictions

From: Land Acquisition and Planning (LAP) Unit, Maryland Department of Natural Resources (DNR)

Date: June 2024

Re: Playground Surfacing Materials - Prohibition
2024 Regular Session - House Bill 1147/Chapter 488 - Effective October 1, 2024

The purpose of this memorandum is to provide notification to Local Jurisdictions that legislation passed by the General Assembly of Maryland in 2024 and related to playground surfacing may impact projects funded through DNR's Local Grant programs.

Background:

On May 9, 2024, the Governor of Maryland signed [HB 1147](#) (Chapter 488) into law to regulate lead and PFAS chemicals in playground surfacing materials. The new law amends Code of Maryland Environment Title 6 by adding 16A 'Playground Surfacing Materials'.

Definitions in the Law:

"PFAS chemicals" means a class of fluorinated organic chemicals that contain at least one fully fluorinated carbon atom, including per- and polyfluoroalkyl substances.

"Playground" means a public outdoor recreation area for children equipped with one or more play structures.

"Playground surfacing materials" means products, materials, or substances used or installed on the ground surface of a playground in the state that come into direct contact with a person.

Summary of the Law:

This law prohibits the installation, supply, sale, solicitation, or offer for sale of playground surfacing materials that contain more than 90 parts per million (ppm) of lead, or a component that previously had PFAS chemicals intentionally added to it, after October 1, 2024. It also prohibits a county, municipality, or any unit of local government from adopting less stringent regulations related to playground surfacing materials containing lead or PFAS chemicals. The law provides for enforcement through civil and administrative penalties, and directs the Department of the Environment to adopt regulations to carry out the law. The law applies only prospectively and does not affect any existing contracts that were ratified prior to October 1, 2024, for playground surfacing materials.

Impact to Local Grants and Requirements:

Local Grants include any funding from the following programs:

- Program Open Space (POS) Local
- Community Parks and Playgrounds (CPP)
- Local Parks and Playgrounds Infrastructure (LPPI)
- Greenspace Equity

For any Local Grants project that has a playground surfacing component and does not have a contract for playground surfacing materials prior to October 1, 2024, the Local Jurisdiction must confirm that it will not install playground surfacing materials that will conflict with the requirements of this law. This confirmation may be done in the following ways:

- as part of the application form for the respective Local Grants program listed above (if available);
- with an addendum to an existing application submitted by the Local Jurisdiction;
- by providing a certificate of compliance from the playground manufacturer through the vendor; or
- another method as determined by the requirements set by the Maryland Department of the Environment.

Failure to comply with this requirement may result in the Local Grants application not being accepted and/or reimbursements not being approved.

For questions, please contact your Local Grants Administrator:

Tiffany DePaoli | tiffanyr.depaoli@maryland.gov | 667-270-0789

Allegany, Baltimore, Carroll, Frederick, Garrett, Harford, and Washington Counties

Katelyn Woods | katelyn.woods@maryland.gov | 443-883-5800

Anne Arundel, Calvert, Cecil, Charles, Howard, Kent, and St. Mary's Counties, and Baltimore City

Michael McQuarrie | michael.mcquarrie@maryland.gov | 410-279-8147

Caroline, Dorchester, Montgomery, Prince George's, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties