



Committee: Transportation & Environment
Committee Review: Completed
Staff: Christine Wellons, Legislative Attorney
Purpose: Final action – vote expected
Keywords: #BalloonWaste

AGENDA ITEM #17B
September 29, 2020
Action

SUBJECT

Bill 6-20, Solid Waste (Trash) –Release of Balloons - Prohibited
Lead Sponsor: Councilmember Hucker

EXPECTED ATTENDEES

N/A

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- T&E Committee recommends (3-0) approval with amendments
- Final Action – Council vote required

DESCRIPTION/ISSUE

Bill 6-20 would amend the Solid Waste Chapter of the County Code to:

- (1) prohibit the release of a balloon into the air in certain circumstances; and
- (2) prescribe penalties for the unlawful release of a balloon.

SUMMARY OF KEY DISCUSSION POINTS

The T&E Committee recommends (3-0) approval of the bill with amendments to:

- (1) make the ban on the intentional release of balloons apply to county agencies in addition to other persons and organizations;
- (2) clarify that the bill applies when a person intentionally releases a balloon *while in the County*, not outside of the County; and
- (3) clarify that the presumption under the bill that the owner of private property from which a balloon is released is responsible for the release when an enforcement officer cannot determine the specific person who released the balloon is a “rebuttable presumption”.

This report contains:

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MEMORANDUM

September 24, 2020

TO: County Council

FROM: Christine Wellons, Legislative Attorney

SUBJECT: Bill 6-20, Solid Waste (Trash) –Release of Balloons - Prohibited¹

PURPOSE: Action – Council vote required

Transportation and Environment Committee recommendation (3-0): enact Bill 6-20 with amendments

Council Bill 6-20 - Solid Waste (Trash) –Release of Balloons - Prohibited, sponsored by Lead Sponsor Councilmember Hucker, was introduced on February 25, 2020. A public hearing was held on July 28, 2020, at which three speakers supported the bill. A Transportation and Environment Committee worksession was held on September 14.

Bill 6-20 would amend the Solid Waste Chapter of the Code to:

1. prohibit the release of a balloon into the air in certain circumstances; and
2. prescribe penalties for the unlawful release of a balloon.

BACKGROUND

The County Code does not currently regulate the release of balloons into the atmosphere. Several jurisdictions throughout the nation – including Queen Anne’s County, Maryland – have adopted laws to restrict balloon releases. *See* Queen Anne’s County Ordinance No. 19-13. These laws have been enacted in response to concerns about environmental harms caused by balloons, including harms to farms, water, and wildlife.

BILL DESCRIPTION

Bill 6-20 would generally prohibit the intentional release of balloons. A “balloon” would be defined under the legislation as: an inflatable object: (i) manufactured from plastic, latex, rubber, or mylar; and (ii) inflated with a gas that is lighter than air, such as helium.

¹ #balloonrelease #BalloonsBlow

The prohibition under the bill would not apply to the release of a balloon that is: (1) released unintentionally; (2) released by a minor child without the permission of an adult; (3) used for scientific or meteorological purposes; or (4) used solely indoors.

A violation of the prohibition against releasing balloons would incur a Class A civil violation under the bill. Each release of 50 or fewer balloons at one time would constitute a separate violation.

The bill would require the Director of the Department of Environmental Protection to conduct public outreach and education regarding the prohibition against releasing balloons.

PUBLIC HEARING SUMMARY

Mr. Adam Ortiz, Director of the Department of Environmental Protection (DEP), submitted testimony on behalf of the County Executive. Mr. Ortiz explained that “the release of balloons can harm farms, water bodies, and wildlife.” He requested an amendment to make the bill applicable to government agencies, except when balloons are used for scientific or meteorological purposes.

Two organizations, the Audubon Naturalist Society and the Neighbors of the Northwest Branch of the Anacostia River, spoke in support of the bill and submitted written testimony.

Additional organizations and individuals submitted testimony in support of the bill. They noted, among other points:

- Balloons are not biodegradable and waste valuable helium.
- “Latex balloons are the most common form of balloon found in the stomachs of deceased animals. Because balloons float on the currents, where so many marine animals look for food, they are deadly to the entire marine ecosystem.” (Safe Skies Maryland).
- “The equivalent of a garbage truck full of plastic is dumped into the oceans every minute. Plastic pollution is everywhere, and that includes Maryland’s coastlines and waterways. According to a 2014 study, microplastics were found in 59 out of 60 water samples from the Chesapeake Bay and its tributaries.” (Oceana; footnotes omitted).
- “Balloons pose a hazard to seabirds, sea turtles and other aquatic species that may mistake the balloons for squid or other marine life. Birds may try to use the strings in nesting material and become entangled....[H]elium balloons released into the atmosphere can pose a threat to the pilots and passengers of small aircraft....” (Humane Society Wildlife Land Trust).

T&E COMMITTEE RECOMMENDATION

The Committee voted (3-0) to recommend enactment of Bill 6-20 with the following amendments.

1. Application to Government Agencies

In its testimony, DEP suggested making the balloon prohibition applicable to government agencies. As drafted, the bill does not apply to any government agencies. The Committee voted (3-0) to adopt the following amendment to make County agencies subject to the prohibition.

Amend lines 13-14 of the bill as follows:

Person means a natural person, an organization, or a legal entity.

Person includes the County and its agencies.

Person does not include [[a]] any other government or government agency.

2. Office of the County Attorney – Clarifying Amendments

The Office of the County Attorney (OCA) has recommended the following clarifying, non-substantive amendments to the bill.

- Amend line 16 to read: “a person while in the County must not....”
- Amend lines 33-37 to read: “There is a rebuttable presumption that the owner of private property from which a balloon is released in violation of section 48-60 is responsible for the violation if the enforcement officer cannot determine which person released the balloon.”

The Committee voted (3-0) to adopt the clarifying amendments recommended by OCA.

NEXT STEPS: Roll call vote on whether to enact Bill 6-20 with amendments, as recommended (3-0) by the T&E Committee.

This packet contains:

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Bill No. 6-20
Concerning: Solid Waste (Trash) –
Release of Balloons - Prohibited
Revised: 01/27/2020 Draft No. 3
Introduced: February 25, 2020
Expires: August 25, 2021
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Hucker

AN ACT to:

- (1) prohibit the release of a balloon into the air in certain circumstances;
- (2) prescribe penalties for the unlawful release of a balloon; and
- (3) generally amend the law regarding solid waste.

By adding

Montgomery County Code
Chapter 48, Solid Waste (Trash)
Article VII, Prohibited Release of Balloons
Sections 48-59, 48-60, 48-61, and 48-62.

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec 1. Sections 48-59, 48-60, 48-61, and 48-62 are added as follows:

ARTICLE VII. PROHIBITED RELEASE OF BALLOONS

48-59. Definitions.

(a) In this Article, the following terms have the meanings indicated.

(b) Terms defined.

Balloon means an inflatable object:

(A) manufactured from plastic, latex, rubber, or mylar; and

(B) inflated with a gas that is lighter than air, such as helium.

Balloon does not include a hot-air balloon.

Department means the Department of Environmental Protection.

Director means the Director of the Department or the Director's designee.

Person means a natural person, an organization, or a legal entity.

Person does not include a government or government agency.

48-60. Prohibition.

(a) Except as provided in subsection (b), a person must not release or cause to be released a balloon into the air of the County.

(b) This section does not prohibit the release of a balloon that is:

(1) released unintentionally;

(2) released by a minor child without the permission of an adult;

(3) used for scientific or meteorological purposes; or

(4) used solely indoors.

48-61. Education and Outreach.

(a) The Director must conduct education and outreach regarding implementation of this Article.

(b) The education and outreach should include:

(1) direct contact with affected businesses and organizations; and

(2) distribution of information through the County website.

48-62. Enforcement.

(a) The Department must administer and enforce this Article.

(b) A person who violates Section 48-60 is guilty of a Class A civil violation under Section 1-19.

(c) Each release of 50 or fewer balloons at one time in violation of Section 48-60 is a separate civil violation.

(d) *Presumption of responsibility.* The owner of private property from which a balloon is released in violation of Section 48-60 is presumed to be responsible for the violation if the enforcement officer cannot determine which occupant of the property released the balloon.

(e) *Regulations.* The Executive may adopt regulations under Method (2) to administer and enforce this Article.

LEGISLATIVE REQUEST REPORT

Bill 6-20

Solid Waste (Trash) –Release of Balloons – Prohibited

DESCRIPTION:	Solid Waste (Trash) –Release of Balloons - Prohibited
PROBLEM:	Environmental harms of balloons released into the air.
GOALS AND OBJECTIVES:	Bill 6-20 would prohibit the release of a balloon into the air in certain circumstances; and prescribe penalties for the unlawful release of a balloon.
COORDINATION:	Department of Environmental Protection
FISCAL IMPACT:	OMB
ECONOMIC IMPACT:	Department of Finance
EVALUATION:	To be done.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Christine Wellons, Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	Applicable to municipalities that have opted into the requirements of the Solid Waste Chapter of the County Code.
PENALTIES:	Class A violation.



OFFICE OF MANAGEMENT AND BUDGET

Marc Elrich
County Executive

MEMORANDUM

Richard S. Madaleno
Director

March 26, 2020

TO: Sidney Katz, President, County Council

FROM: Richard S. Madaleno, Director, Office of Management and Budget *RSM*

SUBJECT: FEIS for Council Bill 6-20, Solid Waste (Trash) – Release of Balloons – Prohibited

Please find attached the Fiscal and Economic Impact Statements for the above-referenced legislation.

RSM:cm

c: Andrew Kleine, Chief Administrative Officer
Fariba Kassiri, Deputy Chief Administrative Officer
Caroline Sturgis, Assistant Chief Administrative Officer
Debbie Spielberg, Special Assistant to the County Executive
Dale Tibbitts, Special Assistant to the County Executive
Lisa Austin, Office of the County Executive
Barry Hudson, Director, Public Information Office
Adam Ortiz, Director, Department of Environmental Protection
Dennis Hetman, Department of Finance
David Platt, Department of Finance
Monika Coble, Office of Management and Budget
Rich Harris, Office of Management and Budget
Chrissy Mireles, Office of Management and Budget
Joshua Watters, Office of Management and Budget

Office of the Director

101 Monroe Street, 14th Floor • Rockville, Maryland 20850 • 240-777-2800
www.montgomerycountymd.gov/omb

Fiscal Impact Statement
Council Bill 6-20, Solid Waste (Trash) – Release of Balloons – Prohibited

1. Legislative Summary

Bill 6-20 prohibits the intentional release of a balloon into the air in certain circumstances and makes the unlawful release of a balloon a Class A civil violation. The bill does not apply to instances of when balloons are released accidentally, by a minor child without the permission of an adult, or for a scientific purpose.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

Bill 6-20 is not estimated to impact revenues or expenditures. There are very few instances of intentional balloon release in the County and minimal staff time and expenditures would be needed to implement the legislation. Similarly, any additional revenue generated by the bill would be minimal with the lack of violations to cite.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

Bill 6-20 is not estimated to impact revenues or expenditures over the next 6 fiscal years.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Not applicable.

6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Not applicable.

7. An estimate of the staff time needed to implement the bill.

DEP advises that implementing the bill would likely not materially impact staff time and enforcement could be absorbed within the existing complement.

8. An explanation of how the addition of new staff responsibilities would affect other duties.

Bill 6-20 is not expected to affect the other duties of current staff.

9. An estimate of costs when an additional appropriation is needed.

Not applicable.

10. A description of any variable that could affect revenue and cost estimates.

There are no known variables that would affect the revenue or cost estimates of Bill 6-20.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Bill 6-20 is not estimated to impact revenues or expenditures.

12. If a bill is likely to have no fiscal impact, why that is the case.


DEP reports that there have been very few instances of the release of balloons covered by Bill 6-20. Thus, implementing the bill would likely not materially impact staff time and enforcement could be absorbed within the existing complement.

13. Other fiscal impacts or comments.

Not applicable.

14. The following contributed to and concurred with this analysis:

Stan Edwards, Department of Environmental Protection
Richard H. Harris, Office of Management and Budget


Richard S. Madaleno, Director
Office of Management and Budget


Date

Economic Impact Statement
Bill 6-20, Solid Waste (Trash) – Release of Balloons - Prohibited

Background:

This legislation would prohibit the release of a balloon into the air in certain circumstances. The prohibition does not apply to the release of a balloon that is released unintentionally, released by a minor child without the permission of an adult, used for scientific or meteorological purpose, or used solely indoors.

1. The sources of information, assumptions, and methodologies used.

Not applicable

2. A description of any variable that could affect the economic impact estimates.

Not applicable


3. The Bill's positive or negative effect, if any on employment, spending, saving, investment, incomes, and property values in the County.

There are no economic impacts from Bill 6-20.

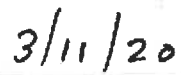
4. If a Bill is likely to have no economic impact, why is that the case?

There are no economic impacts from Bill 6-20.

5. The following contributed to and concurred with this analysis: David Platt, Finance.



Michael J. Coveyou, Acting Director
Department of Finance



Date

**TESTIMONY ON BEHALF OF COUNTY EXECUTIVE MARC ELRICH
ON BILL 6-20, SOLID WASTE (TRASH) – RELEASE OF BALLOONS – PROHIBITED**

July 28, 2020

Good afternoon. My name is Adam Ortiz. I am the Director of the Department of Environmental Protection. Thank you for the opportunity to testify on behalf of County Executive Marc Elrich regarding Bill 6-20, which would prohibit the release of balloons into the environment except under certain limited circumstances.

The Department does not receive many complaints about this issue. Nonetheless, it is consistent with our desire to prevent waste from entering the environment rather than cleaning it up after it does. As noted in the introduction of the bill, the release of balloons can harm farms, water bodies, and wildlife.

The proposed outreach to businesses and organizations that can convey the message that the release of balloons is illegal should help minimize the instances when this does occur. While enforcement of this bill may be challenging, the Department's Environmental Compliance Group will investigate situations where balloons are released provided evidence is available to determine the source of the release.

One amendment we would propose to the bill relates to the definitions. As drafted, the bill exempts government and government agencies from regulation. There is an exemption for the release of balloons "used for scientific or meteorological purposes." Other than for this stated exemption, there is no reason the law should not apply to government and government agencies.

I would be happy to address any questions the Council may have.



March 17, 2020

Montgomery County Council
100 Maryland Ave.
Rockville, MD 20850

RE: Support for Bill 6-20, Solid Waste (Trash) – Release of Balloons - Prohibited

Dear President Katz and members of the Council:

My name is Linda Winter and I am the Program Coordinator for the Humane Society Wildlife Land Trust with our office located in Gaithersburg, MD. I have also been a resident of Montgomery County for 40 years. On behalf of our Montgomery County members and supporters, the Humane Society Wildlife Land Trust requests your support for Bill 6-20 to prohibit the intentional release of balloons into the atmosphere.

On our 117 sanctuaries across the U.S. and Canada, spanning over 21,085 acres, the Trust works to permanently preserve habitat, protecting the homes of all species of wildlife. Unfortunately, trash is a serious problem on several of our sanctuaries, especially those located near suburban areas. One of our sanctuaries in Maryland is located along the Back River in Essex County, and many items of trash have washed up along the shore there, including deflated balloons.

It is well-documented that balloons and attached ribbons or strings pose a serious hazard to wildlife. Once released into the atmosphere, balloons can travel long distances before coming back down to earth. Balloons pose a hazard to seabirds, sea turtles and other aquatic species that may mistake the balloons for squid or other marine life. Birds may try to use the strings in nesting material and become entangled.

In addition, on a more personal level, helium balloons released into the atmosphere can pose a threat to the pilots and passengers of small aircraft. Our Director of Stewardship has a pilot's license so that he can survey some of our properties from the air. On at least one occasion, while in the air his plane narrowly missed flying into a group of balloons. That encounter could have ended in disaster.

There are many ways other than releasing balloons by which people can celebrate or remember a loved one. Our Montgomery County members and supporters ask your support for Bill 6-20 to prohibit the intentional release of balloons into the atmosphere, and we thank Council Member Hucker for introducing this important bill.

Linda Winter,

Program Coordinator and Montgomery County resident

Oceana Comments
Montgomery County Bill 6-20 Public Hearing
July 28, 2020

Thank you for the opportunity to submit testimony on behalf of Bill 6-20, prohibiting the release of balloons into the air. Oceana works to advance science-based policies that will restore the ocean's abundance and biodiversity. We represent over 17,800 Oceana supporters across Maryland, including Montgomery County, and we stand in strong support of Bill 6-20 and urge the Montgomery County Council to pass this important legislation.

In Maryland, a healthy Chesapeake Bay and Atlantic Ocean support 96,000 jobs and \$6 billion in GDP, but plastic pollution is a growing threat to marine ecosystems and the communities dependent on healthy shorelines.¹ Balloons, plastic bags and other throwaway plastics are profoundly flawed by design. Companies are choosing to make something that will be used just once from a material that lasts centuries. In the end, coastal communities and marine life are left to deal with the consequences of this growing global problem.

The amount of plastic flooding our seas is staggering. The equivalent of a garbage truck full of plastic is dumped into the oceans every minute.² Plastic pollution is everywhere, and that includes Maryland's coastlines and waterways. According to a 2014 study, microplastics were found in 59 out of 60 water samples from the Chesapeake Bay and its tributaries.³

A 2019 scientific report found that among the marine debris items ingested by seabirds, balloons were the most likely to result in death.⁴ Balloons, which can travel hundreds of miles after they're released, must land somewhere. Those released in Montgomery County could end up in the Chesapeake Bay, which is home to hundreds of bird species, including many that are threatened with extinction. Additionally, plastic debris like balloons can affect other types of marine life, from plankton to dolphins and sea turtles. Tens of thousands of individual marine animals have been observed to be suffering from entanglement in, or the ingestion of, plastic.⁵

Thankfully, local communities are taking action by passing policies limiting the use of single-use plastic and banning balloon releases. Baltimore, Ocean City, Queen Anne's County and Frederick have already prohibited the release of balloons into the environment. Montgomery County now has a chance to join them, and to call on the Maryland General Assembly to follow suit.

We strongly support Bill 6-20 for limiting the plastic pollution that impacts the Chesapeake Bay, marine life along the Atlantic Coast and communities that depend on a healthy ocean. We thank you for the opportunity to provide comments and urge you to pass this important legislation.

Thank you for your time and consideration.

¹ -- Maryland's Clean Coast Economy. Oceana. 2p.

² Jambeck JR, Geyer R, Wilcox C, *et al.* (2015) Plastic waste inputs from land into the ocean. *Science* 347: 768-771. doi: 10.1126/science.1260352

³ Yonkos LT, Friedel EA, Perez-Reyes AC, Ghosal S and Arthur CD (2014) Microplastic in four estuarine rivers in the Chesapeake Bay, U.S.A. *Environmental Science & Technology* 48: 14195-14202. doi: 10.1021/es5036317

⁴ Roman L, Hardesty BD, Hindell MA and Wilcox C (2019) A quantitative analysis linking seabird mortality and marine debris ingestion. *Scientific Reports* 9. doi: 10.1038/s41598-018-36585-9

⁵ Gall SC and Thompson RC (2015) The impact of debris on marine life. *Marine Pollution Bulletin* 92: 170-179. doi: 10.1016/j.marpolbul.2014.12.041



Safe Skies Maryland

Dedicated to a Sustainable Future

Montgomery County Council

Bill 6-20, Solid Waste (Trash) - Release of Balloons - Prohibited

Position: Support

Safe Skies Maryland is a statewide conservation initiative with an organizational membership representing a diverse and active body of citizens seeking to advance sustainability. We advocate for birds and other wildlife and their relationship with human quality of life. We respectfully submit this letter in support of Bill 6-20.

Helium balloons pollute everywhere, because they are the only type of single-use item whose very use defines its intended goal—the intentional release of this item into the environment. When released, there can be no expectation of proper disposal, as they travel many miles into the atmosphere and up to thousands of miles from the point of release, often ending up in our coastal and marine environments as deadly marine debris. **If we were to design a method to spread hazardous trash as far and wide as possible, we would fill it with helium and release into the air.**

Balloons are not biodegradable. Balloons made from latex, Mylar, and foil contain elements of trees, plastic sheeting, and metals. It is important to note that while one of these types, latex, is marketed as a biodegradable product, the natural latex has chemicals, plasticizers, and artificial dyes that change its composition to become what we know of as a commercial balloon that is no longer biodegradable. Additionally, saltwater acts as a preservative, further inhibiting the decomposition of the chemical compounds in balloons and ensuring they remain deadly in the marine environment for long periods of time.

Balloons are a human hazard and a waste of valuable helium. It is not uncommon for balloons to ensnare and impact power lines, where they can cause fires and power outages. And, the non-renewable element of helium can be better conserved for its vital use in medical life-saving equipment such as MRIs and Spectrometers.

Balloons are the most hazardous form of trash to wildlife. Latex balloons are the most common form of balloon found in the stomachs of deceased animals. Because balloons float on the currents, where so many marine animals look for food, they are deadly to the entire marine ecosystem. This includes marine mammals, sea turtles, sea birds, and a host of other fish and invertebrates **who actively select to consume this trash**, because they cannot distinguish a food item like jellyfish or squid from floating balloon fragments. Studies have shown that unlike hard plastics, these soft plastics can be deadly upon one incidence of ingestion, as the material conforms to internal organs, cause gastrointestinal



Safe Skies Maryland

Dedicated to a Sustainable Future

blockages, is not passed through the body like hard plastics, and can cause the animal to starve. In one recently published study, researchers called **balloons, “the highest-risk debris item; 32 times more likely to result in death than ingesting hard plastic.”** (Roman, et al. 2018. A quantitative analysis linking seabird mortality and marine debris ingestion. Scientific Reports.) This current study supports similar prior findings in sea turtles. In addition to ingestion, entanglement in the items used to tether balloons prior to release, like strings and ribbons, create more opportunity for these wayward items to become deadly pollutants, as it is estimated that upwards of 100,000 marine animals annually become entangled and die as a result of being prevented from traveling and feeding normally.

We are drowning in trash. Communities everywhere are confronted with the realities of too much trash in the environment, in landfills, not enough of the trash produced being recycled, and there is the sad reality of huge floating islands of garbage in our oceans. Simply put, we are all living with too much trash. One of the deadliest and farthest traveling forms of this trash comes from the intentional release of balloons. What takes mere seconds to do creates an ongoing trail of damage, destruction, and death for which the environmental toll has been costly. The solution is both reasonable and responsible. It can no longer be argued that the intentional release of trash into the environment is acceptable given all that we know now and the hope we all have to save of our natural world. For so many reasons, we support the intended outcome of this welcomed legislative effort.

We thank the Montgomery County Council for its consideration of this bill and respectfully ask for its passage.

Mark Southerland, Ph.D.
Legislative Director
Safe Skies Maryland



Of the Anacostia River

Re: Bill 6-20, Release of Balloons-Prohibited

Position: Support

What child says, “I’d like to choke a sea turtle to celebrate my birthday”? What couple says, “We want to celebrate our wedding by strangling a seabird”? And quite certainly, people releasing a bunch of balloons to celebrate the life of a loved one who has died do not *intend* to kill sea turtles and birds. But these are some of the tragic results if they celebrate by releasing masses of balloons.

I present this testimony on behalf of the Neighbors of the Northwest Branch (NNWB), a volunteer organization dedicated to protecting the Northwest Branch of the Anacostia and interested in healthy aquatic ecosystems wherever waters flow. We are grateful to Councilmember Hucker for introducing Bill 6-20 to ban releasing balloons, and we fully support its passage.

Balloons are yet another part of the plastic pollution scourge we know all too well through our many stream cleanups. Balloons released here may travel many miles to litter Maryland farms and beaches, just as balloons from as far away as Indianapolis have landed in Maryland.

Balloon fragments are a plague for sea birds and marine life. According to a study reported in Science Daily (3/1/19), they are the marine debris most likely to kill, because while hard plastic may, with luck, go through the gut, balloon fragments get stuck and cause fatal obstructions. Ribbons make it worse by extending the obstruction. Balloon fragments even endanger the Assateague ponies. Latex balloons, sold as biodegradable, take up to 4 years to biodegrade. Mylar, a polyester resin, takes longer, if ever, leaving plenty of time to kill. Be it noted that sometimes humans suffer too, such as folks in California where Pacific Gas & Electric Co. reported 203 power outages in the first 5 months of 2018 from foil-coated balloons hitting power lines.

You are hearing from many organizations with documentation of marine damage from balloons. Right now, many more people are realizing the horrible damage inflicted worldwide to land, oceans, and air by the rise in single use plastics that are not, or cannot be recycled. For example, on Earth Day 2020, The Discovery Channel distributed “The Story of Plastic” to 88.3

million U.S. homes and 224 countries and territories.¹ It was also available through Amazon.² There have been numerous screenings and discussions panels. Although the film did not specifically mention balloons, it certainly raised awareness of the harm done by plastics loose in the environment.

The problem is exacerbated by our throw-away culture. But NNWB stresses that **with appropriate leadership, regulations, and education called for in this bill, customs with respect to balloons can change.** One of our members even mentioned to me that when she was growing up, she and her friends typically released balloons at birthday parties—they all did. **But she was horrified to see pictures of the results, such as these:**



As we try to be better Earth stewards, ending this unnecessary carnage is a no-brainer. This must be one of the simplest ways to reduce plastic pollution.

¹ <http://www.thefutoncritic.com/news/2020/02/13/discovery-channel-to-air-the-story-of-plastic-in-honor-of-earth-day-712213/20200213discovery01/>.

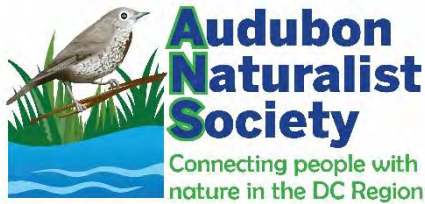
² <https://www.amazon.com/The-Story-of-Plastic-Special/dp/B087DZ6NXX>.

A child's birthday is so much better celebrated by planting a tree to grow as the child grows. A wedding is better celebrated by planting bushes that can over time entwine. And a deceased loved one's *life* should be celebrated with *life, not death*.

Please pass Bill 6-20 so that no balloons used as celebrations in Montgomery County harm any more wildlife anywhere. Thank you for the opportunity to comment.

A handwritten signature in black ink, appearing to read "Anne Ambler". The signature is fluid and cursive, with the first name "Anne" and last name "Ambler" clearly distinguishable.

Anne Ambler
Advocacy Chair, NNWB
P.O. Box 4314
Silver Spring, MD 20914
anne@neighborsnwb.org



July 24, 2020

Written Testimony for Bill No. 6-20 – Solid Waste (Trash) – Release of Balloons - Prohibited¹

Submitted by:

Joan Boros, ANS Conservation Advocacy Volunteer, Audubon Naturalist Society (ANS)

Denisse Guitarra, Maryland Conservation Advocate, Audubon Naturalist Society (ANS)

Dear Montgomery County Council,

For 123 years, Audubon Naturalist Society has inspired people to enjoy, learn about and protect nature. We thank the Council for the opportunity to provide testimony relating to Bill 6-20. This bill rises to our attention because of the simple opportunity it provides to reduce harm to wildlife from a completely needless activity: releasing balloons into the sky.

The proposed new sections of the County Code's Chapter 48 rise to our attention as they all relate to the significant environmental harms to farms, water and wildlife from the release of bio-degradable and nonbiodegradable balloons and their attached cords. Bio-degradable balloons degrade at about the same rate as oak leaves which can take up to four years to breakdown.^{2, 3} Researchers have found marine mammals, turtles, sea birds, and land animals dead by entanglement in cords or ingestion of balloons and cords.⁴ Marine life, especially sea turtles, can easily mistake balloon fragments for jellyfish or squid – their preferred food choices.⁵ Seabirds have been found to be 32 times more likely to die if they eat balloon fragments, placing

¹ Bill 6-20. Available from:

https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2643_1_10472_Bill_6-2020_Introduction_20200225.pdf

² Balloon Facts (2020) <https://balloonfacts.org/articles/are-balloons-biodegradable/>

³ Balloons Blow (2020) Available from: <https://balloonsblow.org/>

⁴ Balloons Blow (2020) Available from: <https://balloonsblow.org/>

⁵ O'Brien (2019) The Environmental Impact of Balloon Releases and Suggestions for Eco-Friendly Alternatives. Available from: <http://sustainability.umich.edu/news/balloon-release-impact>

Woodend Sanctuary | 8940 Jones Mill Road, Chevy Chase, Maryland 20815 | 301-652-9188

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anshome.org

their existence in peril.⁶ Furthermore, Latex is commonly found as one of our water pollutants in sewage treatment plants.⁷ It is imperative that the Council approves Bill 6-20 for the health of the people, wildlife and waterways both locally and globally.

Once helium is released into the atmosphere, it is gone forever. ANS notes our planet Earth's dangerously low supply of helium given its many unique and essential uses such as cooling the superconducting magnets in MRI scanners and in breathing ventilators.⁸ These uses don't have fun substitutions for balloon releases, like making natural wreaths. Recycling by the vendors of helium, as well as its purchasers, in its various uses, would contribute greatly to its preservation.

ANS stands ready to assist the Council in identifying and teaching the general public on the importance of banning the release of balloons for the wellbeing of our wildlife, waterways and people. We will also encourage people to make alternative decorations for celebrations, made out of compostable or recyclable materials, as we already do in our GreenKids and Garbology programs in Montgomery County Public Schools. On behalf of ANS and our 28,000 members and supporters, we recommend that the Council supports the passage of Bill 6-20 into law.

Sincerely,

Joan Boros
Conservation Volunteer
Audubon Naturalist Society

Denisse Guitarra
Maryland Conservation Advocate
Audubon Naturalist Society

⁶ O'Brien (2019) The Environmental Impact of Balloon Releases and Suggestions for Eco-Friendly Alternatives. Available from: <http://sustainability.umich.edu/news/balloon-release-impact>

⁷ Duncan (2016) Balloons Pose Risk to Wildlife & The environment. Environmental Nature Center. Available from: <https://www.encenter.org/visit-us/programs/birthday-parties/balloons/>

⁸ Warr (2012) Christmas lectures to call for end to helium balloons. WIRED. Available from: <https://www.wired.co.uk/article/christmas-lectures-vs-helium-balloons>



Bill: 6-20

Date: March 17, 2020

Position: Support

Bill 6-20, Solid Waste (Trash) - Release of Balloons - Prohibited

Bill 6-20

Support

Dear Councilmembers,

Trash Free Maryland supports Bill 6-20 which is a bill prohibiting a person from knowingly and intentionally releasing a balloon into the atmosphere. Queen Annes's and Wicomico Counties have already passed similar balloon release prohibitions, and a statewide version is moving through the legislature.

Balloons negatively impact our environment by littering our watershed and harming birds and aquatic wildlife. Intentionally releasing a balloon into the atmosphere is like purposefully throwing trash on the ground. While balloon debris isn't among the top ten ocean pollutants, research shows that they are among the most harmful to sea birds and aquatic wildlife. Harder shards of plastic are thought to more easily pass through avian digestive systems, while balloons, which are soft, are more likely to cause blockages. Researchers in Australia estimate that one in five birds that consume balloons die, and that balloons or balloon fragments were the marine debris most likely to cause mortality.

Plastic ingestion is now recognized as a major global threat to marine life, particularly seabirds, with 250,000 tons of marine debris currently floating in the world's oceans. Over a quarter of seabird populations are experiencing serious population declines and scientists think their habit of mistaking marine debris for food is a likely driver of this problem.

We urge a favorable report on Bill 6-20. Thank you.

Contact:

Shane Robinson, Executive Director, Trash Free Maryland

shane@trashfreemaryland.org

240-429-2330



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March 15, 2020

Montgomery County Council
100 Maryland Ave.
Rockville, MD 20850

RE: Support for 6-20: Prohibition on Releasing Balloons Into the Atmosphere

Dear President Katz and members of the Council,

My name is Kathryn Kullberg and I am the Director of Marine and Wildlife Protection at the Humane Society of the United States (The HSUS), working out of our Gaithersburg office. I grew up in Germantown, and am currently a Silver Spring resident. On behalf of our members and supporters in Montgomery County, The HSUS strongly supports 6-20, legislation aimed at ending environmentally unsound balloon releases. Thank you to Council Member Hucker for introducing this important bill.

While releasing a helium balloon into the atmosphere during a celebratory event or a solemn memorial may be visually pleasing, in reality it is extremely detrimental to the environment and the pain and suffering experienced by animals as a result of these releases is staggering. Discarding a balloon into the atmosphere is simply littering. Once released, balloons can travel for hundreds of miles before they burst or deflate and become litter. Birds, sea turtles, seals and other marine mammals are injured or killed after ingesting or becoming entangled in balloons and their strings. Animals on land such as horses, cows, and other farm animals are also at risk.

Balloons are commonly made of latex or mylar materials and present a danger to animals who perceive them as food, or they may get caught in the ribbons attached to them, hindering their ability to move around and feed. For example, when balloons burst, they resemble jellyfish, the natural prey of sea turtles, and subsequently block their digestive track when ingested. At particular risk are seabirds, as a [recent study](#) found that balloons are the leading marine debris risk of mortality for these animals.

Both the [U.S. Fish and Wildlife Service](#) and the [National Oceanic and Atmospheric Administration](#) warn against the practice. Even so-called 'biodegradable' balloons take years to break down in the environment. Therefore, wildlife and marine animals will continue to ingest them. A study found more than [18,000 balloons](#), strings, and other pieces were picked up along the Great Lakes shorelines in Detroit from 2016 to 2018.

There are so many eco-friendly alternatives to balloon releases that are appropriate for celebratory or solemn events including lighting a candle, making a donation in someone's name, planting a tree, or organizing a service day.



Additionally, there is a lot of momentum on this issue in Maryland. Frederick, Wicomico, and Queen Anne's Counties have already enacted bans. Montgomery County should join them as our county's environment is worthy of the greatest standards of protection. This is a simple, common sense environmental protection measure that we can take. As we become aware of the harmful implications of balloon releases, we need to change our behavior accordingly.

Thank you for your consideration of this important legislation. The HSUS respectfully urges the Montgomery County Council to advance 6-20.

Sincerely,

Kathryn Kullberg
Director of Marine and Wildlife Protection
The Humane Society of the United States



Marc Elrich
County Executive

OFFICE OF THE COUNTY ATTORNEY

Marc P. Hansen
County Attorney

MEMORANDUM

March 6, 2020

To: Adam Ortiz, Director
Department of Environmental Protection

Via: Edward Lattner, Chief *EBJ*
Division of Government Operations

From: Terrilyn Brooks *TB*
Associate County Attorney

Re: Bill 6-20 - Release of Balloons - Prohibited

Bill 6-20 is approved for legal sufficiency. We do have a few clarifying amendments.

Bill 6-20 would amend Chapter 48 of the Montgomery County Code, prohibit the intentional release of balloons into the air under certain circumstances, and provide for a civil penalty of \$500 for the first offense and \$750 for a repeat offense. The law, as written, does not include hot-air balloons but targets balloons made from latex, rubber, or mylar and inflated with helium or a gas lighter than air. Specifically, Bill 6-20 prohibits a person from releasing or causing the release of a balloon into County air. It does not apply to an unintended release, release by a minor child without adult permission, scientific or meteorological purposes, or indoor releases.

Recommended amendments:

- Amend line 16 to read: “a person while in the County must not release or cause to be released a balloon”. The current language could be interpreted to apply to someone who releases a balloon outside of the County if it drifts into the County.
- Amend lines 33-37 to read: “There is a rebuttable presumption that the owner of private property from which a balloon is released in violation of section 48-60 is responsible for the violation if the enforcement officer cannot determine which

Adam Ortiz
March 6, 2020
Page 2

person released the balloon.”

Finally, there is a substantially similar bill pending in the Maryland General Assembly (HB 0013 SB 0028 (2020) Solid Waste Management - Prohibition on Releasing a Balloon into the Atmosphere). There are some differences between Bill 6-20 and the state bill (e.g., the state law defines a individuals 13 years of age and older while Bill 6-20 does not apply to minors).

If you have any questions about this memorandum, please call me at (240) 777-6794.

cc: Marc P. Hansen, County Attorney
Dale Tibbitts, Special Assistant to the County Executive
Christine Wellons, Legislative Attorney

20-002168