

SENATE BILL 158

Introduced by Rea, et al.

1/15	Introduced
1/15	Referred to Natural Resources
1/15	Fiscal Note Requested
1/15	First Reading
1/20	Fiscal Note Received
1/21	Fiscal Note Printed
1/25	Hearing
2/10	Tabled in Committee

1 Senate BILL NO. 158
2 INTRODUCED BY Sen. D. Michael Roney
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE
5 PURCHASE OR USE BY STATE GOVERNMENT OF CEMENT THAT CONTAINS
6 HAZARDOUS WASTE OR CEMENT THAT IS PRODUCED THROUGH A PROCESS
7 THAT BURNS HAZARDOUS WASTE; REQUIRING THE LABELING OF SUCH
8 CEMENT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
9

10 WHEREAS, the disposal of hazardous waste is sometimes
11 accomplished by the burning of that waste in cement kilns
12 and in boiler and industrial furnaces, whether for energy
13 recovery purposes or otherwise; and

14 WHEREAS, part of the residue of hazardous waste fuel
15 used in this process is absorbed into the cement product;
16 and

17 WHEREAS, there are two proposals to burn hazardous
18 waste-derived fuel in cement kilns in Montana; and

19 WHEREAS, the safety of cement and cement products made
20 in facilities that burn hazardous waste has not been proved;
21 and

22 WHEREAS, the burning of hazardous waste in cement kilns
23 can adversely affect public health and the environment
24 through the routine or accidental release of hazardous waste
25 during transportation, transfer, or storage and through the

1 burning process itself; and

2 WHEREAS, the public policy of the state of Montana
3 should be to enhance the market for cement that neither
4 contains hazardous waste nor is produced by a process that
5 burns hazardous waste; and

6 WHEREAS, consumers should have the opportunity to decide
7 for themselves whether or not to purchase cement that
8 contains hazardous waste or is produced through a process
9 that burns hazardous waste.

10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. Definitions. As used in
13 [sections 2 and 3], the following definitions apply:

14 (1) "Hazardous waste" means any waste considered
15 hazardous under this part.

16 (2) "State agency" means any board, bureau, commission,
17 department, university unit, authority, officer, or other
18 unit of state government.

19 NEW SECTION. Section 2. Prohibition on state purchase
20 or use of certain types of cement. A state agency may not
21 purchase or use cement or grant a contract to a person who
22 purchases or uses cement in fulfillment of the contract if
23 the cement:

24 (1) contains hazardous waste as an ingredient; or

25 (2) is produced or manufactured through a process that

burns hazardous waste, whether for fuel value, energy recovery, destruction, processing, or material recovery.

NEW SECTION. Section 3. Cement produced or manufactured using hazardous waste or hazardous waste-derived fuel -- labeling required. (1) A person who distributes or sells cement that contains hazardous waste as an ingredient or distributes or sells cement that is produced or manufactured through a process that burns hazardous waste, whether for fuel value, energy recovery, destruction, processing, or material recovery, shall label the cement in the following manner:

(a) Cement sold by retail must have a warning label, clearly distinguishable from the packaging, that prints in boldface type at least one-quarter of an inch in size the statement provided in subsection (2).

(b) Cement sold by wholesale must have printed on the top of the bill of sale a warning label that contains the statement provided in subsection (2).

(c) Cement that is manufactured or produced in Montana and distributed for retail sale or wholesale in another state must have affixed to it the statement provided in subsection (2).

(2) A warning label required by the provisions of subsection (1) must state the following: "WARNING: THIS CEMENT WAS MADE THROUGH A PROCESS THAT BURNS HAZARDOUS

WASTE. IT MAY CONTAIN VARIOUS AMOUNTS OF HAZARDOUS WASTE, INCLUDING LEAD, CADMIUM, AND OTHER TOXIC METALS. HAZARDOUS WASTE MAY LEACH OUT OF THIS PRODUCT AND RESULT IN ENVIRONMENTAL CONTAMINATION FOR WHICH YOU MAY BE PARTIALLY LIABLE. THE HEALTH AND SAFETY OF WORKERS EXPOSED TO THIS PRODUCT CANNOT BE ASSURED. USE AT YOUR OWN RISK."

NEW SECTION. Section 4. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 75, chapter 10, part 4, and the provisions of Title 75, chapter 10, part 4, apply to [sections 1 through 3].

NEW SECTION. Section 5. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. Section 6. Effective date. [This act] is effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0158, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: "An act prohibiting the purchase or use by state government of cement that contains hazardous waste or cement that is produced through a process that burns hazardous waste; requiring the labeling of such cement; and providing an immediate effective date."

ASSUMPTIONS:

1. The two existing Montana cement plants constitute the only facilities which will fall subject to the provisions of the labeling requirements of this bill. These will be the only facilities requiring inspection under §75-10-410, MCA, and those inspections will be conducted as a part of routine hazardous waste facility inspections.
2. Existing Department of Health and Environmental Sciences (DHES) program staff will be utilized for implementation of the provisions of this bill.
3. The labeling requirements of Section 3 will constitute adequate notice to prospective purchasers of cement derived from the burning of hazardous wastes. No additional information will be distributed to these prospective purchasers through mailing, public advertising, or other means.
4. There will be no fiscal impact on the DHES.

FISCAL IMPACT:

None.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION: A portion of the market for cement produced through the use of hazardous waste fuels will be eliminated within Montana and may be reduced outside the state. Production costs for cement made in Montana could increase due to the labeling requirement.

David Lewis 1-20-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Jack "Doc" Rea 1/21/93
JACK "DOC" REA, PRIMARY SPONSOR DATE

Fiscal Note for SB0158, as introduced

SB 158