

## **Open Work Session**

### **Proposed Legislation to Ban the Release of Balloons**

**October 15, 2019**

Mr. Paul Wilber, Ms. Kerry Bunting, and Mr. Jay Falstead from the Queen Anne's Conservation Association came before Council. Mr. Wilber said Mr. Bill Chambers, President and CEO of the Salisbury Area Chamber of Commerce, is in the audience, and he would like to make a comment. Mr. Chambers then came to the podium and said the Chamber appreciates Council having this Work Session today on this potential Legislation. He said the Chamber supports it, and their business members support it, and it will not have an adverse impact on the business community. He said he thinks their business members are very environmentally sensitive, and he thinks this was a long time coming, so they appreciate Council having this Work Session, and hope this will lead to Legislation.

Mr. Wilber said the proposed Legislation is to prevent or prohibit the release of balloons in Wicomico County. He said balloons are defined in this as balloons that are filled with helium that tend to escape into the atmosphere and can cause environmental, agricultural, wildlife, and marine damage. He said this Legislation prohibits the release of those balloons except in certain situations, one of which is a balloon that is released by or on behalf of an agency of the State of Maryland or the United States pursuant to a contract with the State of Maryland or the United States, or any other State, for scientific or meteorological purposes. He said other exceptions would be a hot air balloon recovered after launch, and the negligent or unintentional release of a balloon. He said there is a fine of \$250 associated with this. He said Ms. Bunting provided him with a copy of a piece of Legislation this morning, which is being proposed in the upcoming Legislative Session at the State level. He said it is virtually identical, but it has a section that talks about a balloon release by an institute of higher education conducting research, so that might also be worth consideration.

Ms. Bunting thanked Council for hearing this issue, and said she came before this Council a couple of years ago with the same issue. She said, through the work of Mr. Falstead with the Queen Anne's Conservation Association and the Council in Queen Anne's County they were able to be the first County in the State of Maryland to pass a balloon release ban. She said, as mentioned, she has draft Legislation that is going before Annapolis in January, but the thought is that the more Counties that prove this is an issue to the Counties, the municipalities, and the citizens, that would be more evidence for the State to want to pass it as well. She said, in terms of background, there are a lot of different issues. She said there are two kinds of balloons, which are Mylar and latex. She said Mylar is a metallic material, is not biodegradable, and is the one found most often laying on the ground because it does not bust or disintegrate very well. She said the biggest issues with those is, being metal, they hit power lines and cause fires, explosions, and power outages. She said even one of the wildfires in California this past summer was said to have been caused by a Mylar balloon hitting a power line, so they are very dangerous. She said the other type of balloon is latex, which is a natural element, and is naturally biodegradable, however, it takes several years. She said a lot of the manufacturers of those types of balloons are now marketing them as biodegradable, which means probably six months is the earliest it would naturally biodegrade. She said, as they have seen in pictures, it can take two, three, or four days for that balloon to come back to the ground, become litter, and also potentially kill a lot of different kinds of wildlife, so six months is irrelevant knowing that two or three days is how long it could take to kill an animal. She said the other thing to take into consideration is it is not just the balloons, but the strings, which are nylon and not biodegradable, and the vast majority of animals that are killed are killed from the string because they get tangled up in it. She said birds cannot fly away, and fish get it in their

gills, so they are not just talking about balloons. She said the other issue is helium, and they all contain helium, but there is a global helium shortage. She said she has talked to a few Dollar General owners, and they are paying more for their helium tanks, so they are limiting how many balloons they are going to fill for their customers because they cannot afford it anymore. She said helium is essential in a lot of medical research as well as respiratory treatments, so there are a lot of issues well beyond the litter. She said she really hopes this Council can see that it is not just a litter issue, but it is a wildlife issue.

Mr. Falstead thanked Council for allowing him to speak, and said the reason he is there is to give a little bit of background on the Queen Anne's County Bill, the genesis of it, and why they decided to move it forward. He said this all started a few years back when he personally ended up finding a cluster of balloons where he lives, and written on a balloon in a Sharpie pen was a telephone number that said "If you find this balloon, please call." He said he is sure every one of them have released a balloon at some point in their youth, but they called that number, and it turned out they were released from Dayton, Ohio four days earlier, and had traveled some 500 miles. He said he has a farm, but in talking to other farmers in the community, he asked them if they have found balloons, and it turned out that a neighboring farm had found some from the Indianapolis 500. He said, from that point on, they started finding that balloons being released elsewhere were impacting a wide cross-section of the community, and not just the AG community where these things get tied up in farming equipment, but also livestock operations. He said, if these balloons are lying in a field and a calf finds it, once the ribbon gets caught in their system, it is a virtual death sentence. He said, through that research they found that this impacted a wide area of the environment. He said they then started talking with watermen, and just about every waterman they talked to on the Eastern Bay and the Chesapeake Bay said they routinely find floating balloons almost all the time. He said they then started talking to offshore fishermen and sailors, and they too were reporting this. He said, if they can imagine balloons that are being launched from the Midwest are landing here, the balloons that are being launched from the east coast are ending up out at sea and causing a problem. He said they introduced a Bill that went through without any opposition mostly because everybody agreed with it, and they hope Council will consider doing the same thing. He said he thinks between Wicomico County and Queen Anne's County they can lead the State in doing the right thing, and they hope to bring this forward in the next Legislative Session. He said, if Council could all lend their support to it, he thinks it would help set the tone for what comes in Annapolis this January. He again thanked Council for the opportunity to speak.

Ms. Bunting said, knowing that Maryland is going to be bringing this forth in January, there are several other entire States that have banned this, so it is a wave nationwide, and not just Maryland.

Mr. Falstead held up a picture and said both of these photos were taken in Maryland, and this is just a fraction of the number of photos that are out there. He said Ann Richardson has a whole portfolio of photos of these balloons and the ribbons impacting marine life, wildlife, and, as he said, the problem is widespread. He said it is a nationwide problem, but the only way to really tackle it is to start locally.

Mr. McCain said the irony of this is he was actually hunting this weekend and while walking to his stand he came across two balloons that were deflated. He said he was not quite as investigatory to determine where they came from, but he knew this was on their agenda. He said he cannot tell them how many times he has come across balloons as an outdoorsman, either fishing offshore, duck hunting marshes, or just in the woods, but it is a pretty routine thing, and he comes across these all the time.

Ms. Bunting said people asked her how often she thinks this happens, but they do not know because there are private releases, funerals, weddings, and that kind of thing. She said last Tuesday there were

many released at the Civic Center to honor Seth Abbey with strings and latex and all. She said God bless him, but balloons are not the way to praise somebody's honor, and it is happening every day.

Mr. Falstead clarified, their Bill does not seek to prosecute the six-year-old kid who accidentally lets go of a balloon at a birthday party, but is meant mostly towards the large releases at weddings, used car sales, and large events where people are releasing hundreds of balloons at a time. He said that is the genesis of where this Bill comes from, so he does not want Council to think that anybody who releases a balloon will be fined, to which Mr. McCain responded, it says knowingly and intentionally.

Mr. Cannon said he has a question in regards to the text of the Resolution. He said, in the first whereas, it states into the atmosphere a large numbers of balloons, and he would think that needs to be more clearly defined because someone's interpretation of large could be anywhere from three to 300. He said he thinks maybe it would be more beneficial to have a more specific number there if at all possible. He said the second thing is, on the release of balloons prohibited in the actual section of Article 3, it says any balloon, and does not say multiple balloons, but the actual body of the text refers to any balloon, which could be one balloon. Mr. McCain asked if it should say large numbers, or just simply say released into the atmosphere, to which Mr. Wilber responded, he can delete "large numbers". Mr. Cannon suggested, however Mr. Wilber might think it needs to be phrased so it is more exact so if anyone needs to enforce it, there is a clearer definition as to what they are talking about.

Mr. Holloway said this is going to be kind of hard to enforce because they are not going to know how many are being let loose, to which Ms. Bunting responded, her hope is that it does not get that far. She clarified, if they educate people, they will know it is against the law, but once they are released, the damage is done. Mr. Falstead said they had the same questions in Queen Anne's County, and they ultimately concluded that it is true that it is difficult to enforce, but the Commissioner who introduced the Bill is a lawyer, so they came to the conclusion that, if they know the law is out there, most people will follow the law. He said they might have that outlier from time to time, but most people will follow it. He explained, this was mainly brought forward to raise the visibility of the issue so that, once people know it is out there, they will do their best to try to stop it. Mr. McCain said, if there is an event and someone starts talking about releasing balloons, someone could tell them they cannot release balloons in Wicomico County, so they want that knowledge to be out there.

Mr. Taylor said he has one thought to offer. He said, if there is going to be State Legislation, and he would think there would be a good chance of it based on what was said, it might be wise in Wicomico's ordinance to provide either for sun setting or synchronization with the State law so they do not have two separate sets of Codes more or less about the same thing. He said Council looked at that within the last year or so on animal control where it is almost inevitable, but here it can be controlled, and he thinks it might be wise to do that. He said this is something he thinks they ought to consider by maybe looking at the State Legislation, and, obviously, that could be changed going forward. He said, nevertheless, he thinks it makes sense to not have two separate sets of regulations on something like balloons. Mr. Cannon said that is a good point, and Council could look at the option of passing this, and then once the State does whatever they do, Council could just simply amend this to be in concert with the State, to which Mr. Taylor responded, or they could just pass it that way so it is self-operating. Mr. Wilber suggested it could say preempted by State Legislation. Mr. Cannon asked if they would have to have a particular section on that, to which Mr. Taylor responded, it would depend on whether the State Legislation preempts the local ordinance or not. He said, if the State does not preempt it, then he thinks synchronization would be the way to do that.

Mr. Dodd asked, if there is a shortage on helium, and they know it is a crucial element for science and medicine, have they considered lobbying the Federal government to put a ban on the sale of helium, to which Ms. Bunting responded, they will start with Wicomico County first. Mr. Falstead said they have talked internally on raising that with the Maryland Federal Delegation, but they have not brought that forward yet. Mr. Dodd said that would probably be the best option, if they can get that far, to which Mr. Falstead responded, eventually.

Mr. Taylor asked if they have a Bill number for the State Legislation, to which Ms. Bunting responded, it is in draft form with Senator Clarence Lam in District 12, which is Howard and Baltimore, as well as their local Delegate Wayne Hartman, so it is House and Senate. There was no further discussion.

  
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John T. Cannon, President

  
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Larry W. Dodd, Vice President, District 3

  
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Ernest F. Davis, District 1

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absent  
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Nicole Acle, District 2

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absent  
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Josh Hastings, District 4

  
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Joe Holloway, District 5

  
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William R. McCain, At-Large

  
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Laura Hurley, Council Administrator