

Regular Session, 2010

SENATE BILL NO. 402

BY SENATOR RISER

ROADS/HIGHWAYS. Provides standards for heavy metals contained in glass beads used in highway markings. (8/15/10)

1 AN ACT

2 To enact R.S. 48:35.1, relative to roads and highways in this state; to provide relative to

3 reflective glass markings on streets, roads, or highways; and to provide for related

4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 48:35.1 is hereby enacted to read as follows:

7 **§35.1. Reflective Glass Highways Markings; minimum standards**

8 **A. The Legislature finds and declares the following:**

9 **(1) Inorganic arsenic is a hazardous substance and is recognized by the**

10 **United States Environmental Protection Agency and the United States**

11 **Occupational Health and Safety Administration as a human carcinogen.**

12 **(2) Release of this substance to the environment may lead to**

13 **contamination of soil and water, and the ingestion or inhalation of soil, water,**

14 **plant material, or animal tissues contaminated with inorganic arsenic may lead**

15 **to lung cancer, damage to the nervous system, or, in extreme cases, death from**

16 **systemic poisoning.**

17 **(3) Reflective glass beads are used to reflect light when applied to street,**

1 road, or highway markers.

2 (4) Glass beads that contain more than 75 parts per million of inorganic  
3 arsenic may represent a danger to workers who handle and apply them and a  
4 contamination potential to soil and water surrounding street; roadways, or  
5 highways.

6 (5) It is in the public interest to prohibit the manufacture, sale, or use  
7 of glass beads used to reflect light when applied to markings on streets,  
8 roadways, or highways in this state if those beads contain more than 75 parts  
9 per million of inorganic arsenic.

10 B. The department, any local, municipal or parish governing authority,  
11 or any political subdivision of this state shall not place any markings made with  
12 paint that has been mixed, in whole or in part, with reflective glass beads  
13 containing more than 75 parts per million of inorganic arsenic as determined  
14 using EPA Method 6010B in conjunction with EPA Method 3052 for sample  
15 preparation, on or along any street, road, or highway in this state under their  
16 jurisdiction.

17 C. (1) No person shall manufacture, sell, offer for sale, or offer for  
18 promotional purposes in this state reflective glass beads that are used to reflect  
19 light when applied to markings on streets, roadways, or highways in this state  
20 if those glass beads contain inorganic arsenic in more than 75 parts per million  
21 as determined using EPA Method 6010B in conjunction with EPA Method 3052  
22 for sample preparation.

23 (2) Any person who violates this Section shall be subject to a civil penalty  
24 of not less than five hundred dollars (\$500) nor more than one thousand dollars  
25 (\$1,000) for each violation. If the violation is of a continuing nature, each day  
26 during which it continues constitutes an additional, separate, and distinct  
27 offense.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

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#### DIGEST

Proposed law prohibits the DOTD, any local, municipal or parish governing authority, or any political subdivision of this state from placing any markings made with paint that has been mixed, in whole or in part, with reflective glass beads containing more than 75 parts per million of inorganic arsenic as determined using EPA Method 6010B in conjunction with EPA Method 3052 for sample preparation on or along any street, road, or highway under their jurisdiction.

Proposed law prohibits any person from manufacturing, selling, offering for sale, or offering for promotional purposes in the state reflective glass beads that are used to reflect light when applied to markings on any street, road, or highway if those glass beads contain inorganic arsenic in more than 75 parts per million as determined using EPA Method 6010B in conjunction with EPA Method 3052 for sample preparation.

Proposed law authorizes a civil penalty of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for each violation of this section. Further, provides that if the violation is of a continuing nature, each day during which it continues constitutes an additional, separate, and distinct offense.

Effective August 15, 2010.

(Adds R.S. 48:35.1)