

112TH CONGRESS
1ST SESSION

S. 1122

To amend title 23, United States Code, to establish standards limiting the amounts of arsenic and lead contained in glass beads used in pavement markings.

IN THE SENATE OF THE UNITED STATES

MAY 26, 2011

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, to establish standards limiting the amounts of arsenic and lead contained in glass beads used in pavement markings.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Highway Mark-
5 ings Act of 2011”.

1 **SEC. 2. STANDARDS LIMITING AMOUNTS OF ARSENIC AND**
2 **LEAD CONTAINED IN GLASS BEADS.**

3 (a) IN GENERAL.—Chapter 3 of title 23, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 330. Standards limiting amounts of arsenic and**
7 **lead contained in glass beads**

8 “(a) DEFINITIONS.—In this section, the following
9 definitions apply:

10 “(1) GLASS BEAD.—The term ‘glass bead’
11 means a transparent spherical glass that is manu-
12 factured for use in pavement markings to provide
13 retroreflective properties or for other purposes.

14 “(2) PAVEMENT MARKING.—The term ‘pave-
15 ment marking’ means a system composed of pig-
16 mented binders that is applied to the pavement sur-
17 face to convey guidance, regulations, or warnings to
18 motorists.

19 “(b) STANDARDS.—

20 “(1) WITHHOLDING OF APPORTIONMENTS FOR
21 NONCOMPLIANCE.—The Secretary shall withhold up
22 to 5 percent of the amount required to be appor-
23 tioned to a State under paragraphs (1), (3), and (4)
24 of section 104(b) on the first day of fiscal year 2013
25 and each fiscal year thereafter, if the State does not

1 meet the requirement under paragraph (2) by that
2 date.

3 “(2) REQUIREMENT.—A State meets the re-
4 quirement under this paragraph if the State has in
5 effect, and is enforcing, requirements to ensure that
6 glass beads used in the State do not contain more
7 than 200 parts per million of arsenic or lead, as de-
8 termined in accordance with Environmental Protec-
9 tion Agency testing methods 3052 and 6010C.

10 “(3) AVAILABILITY FOR APPORTIONMENT.—
11 Amounts withheld from apportionment to a State
12 under paragraph (1) may not subsequently be made
13 available for apportionment to that State.”.

14 (b) CONFORMING AMENDMENT.—The analysis for
15 chapter 3 of title 23, United States Code, is amended by
16 adding at the end the following:

“330. Standards limiting amounts of arsenic and lead contained in glass
beads.”.

17 (c) EFFECTIVE DATE.—This Act, and the amend-
18 ments made by this Act, shall take effect on the date that
19 is 90 days after the date of the enactment of this Act.

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