

The Attorney General has advised me that the bill as enacted raises substantial questions of interpretation and application as to which activities related to the burning of used oil are permitted and which activities are prohibited. In addition, he has advised that provisions of the bill which exempt certain burning from federal air quality standards cannot be given effect because of the supremacy clause of the United States Constitution. A copy of the Opinion of the Attorney General is attached and should be considered to be a part of this letter.

Unquestionably, the disposal of used oil by all methods and the use of used oil as fuel requires regulatory protection, and that provision of the bill is desirable. It should be noted that the lead and sulfur emissions which result in any burning of used oil are currently subject to State and federal air quality laws and the Department of Health and Mental Hygiene issues permits to persons using used oil as fuel. Exempting certain uses of used oil from State and federal air quality standards may undermine existing regulatory protections and increase health risks to those workers or members of the public exposed to such burning.

In light of the uncertainty surrounding both its interpretation and application and because violation of the Maryland Used Oil Recycling Act is a criminal misdemeanor, I have decided to veto House Bill 1277.

Sincerely,
Harry Hughes
Governor

Read and ordered journalized.

May 27, 1982

Honorable Harry Hughes
Governor of Maryland
State House
Annapolis, Maryland 21401

Re: House Bill 1277

Dear Governor Hughes:

We have reviewed for constitutionality and legal sufficiency House Bill 1277. The bill raises substantial questions of interpretation and application that we wish to call to your attention.