

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.

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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

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## 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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