

SENATE BILL 542

M3, M4
SB 133/18 – EHE

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By: **Senators Lam, Benson, Carter, Elfreth, Ellis, Kagan, Lee, Nathan–Pulliam, Rosapepe, Smith, Washington, and Young**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Community Healthy Air Act

FOR the purpose of establishing the Committee on Air Quality; providing for the composition, chair, and staffing of the Committee; prohibiting a member of the Committee from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Committee to create a certain air quality sampling and monitoring protocol on or before a certain date; requiring the protocol to establish the methodology for the Department of the Environment to use to quantify and assess certain air pollutants and public health risks associated with large animal–feeding operations in the State; requiring the Committee to identify certain air pollutants and potential public health risks in preparing the protocol; requiring the Committee to submit the protocol for public comment and peer review with a certain panel of experts; requiring the Committee to review comments and incorporate certain comments into the protocol on or before a certain date; requiring the Department to publish the final protocol on its website; requiring the Department to use the protocol created under this Act to assess air pollutants and public health risks associated with large animal–feeding operations in the State on or before a certain date; requiring the Department to use the assessments made under this Act to evaluate compliance of large animal–feeding operations in the State with certain State and federal laws and regulations on or before a certain date; requiring the Department to report its findings to the Governor and the General Assembly on or before a certain date; requiring the Department to post the report on its website; providing for the termination of this Act; and generally relating to the Committee on Air Quality and air pollutant monitoring.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That:

- (a) (1) There is a Committee on Air Quality.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) The Committee consists of the following members:

(i) one expert in regulatory compliance, appointed by the Office of the Attorney General;

(ii) the following members, appointed jointly by the Dean of the University of Maryland School of Public Health and the Dean of the Johns Hopkins Bloomberg School of Public Health:

1. one expert in air pollution sampling and monitoring;
2. one expert in spatial statistics and monitoring;
3. one expert in exposure science;
4. one expert in environmental epidemiology;
5. one expert in toxicology;
6. one expert in human health risk assessment; and
7. one preventive medicine physician; and

(iii) the following members, appointed by the Dean of the College of Agriculture and Natural Resources at the University of Maryland:

1. one expert in commercial animal production; and
2. one expert in animal housing construction.

(3) The members of the Committee shall designate the chair of the Committee from among the members of the Committee.

(4) The Department of the Environment shall provide staff for the Committee.

(5) A member of the Committee:

(i) may not receive compensation as a member of the Committee; but

(ii) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(6) (i) On or before January 1, 2020, the Committee shall create an air quality sampling and monitoring protocol for the collection of air quality and public health data associated with large animal–feeding operations as defined by the Department of the

Environment in regulation.

(ii) The protocol shall establish the methodology for the Department of the Environment to use to:

1. quantify the amount of the air pollutants identified under subparagraph (i) of this paragraph that are emitted from large animal–feeding operations, including emissions of:

A. ammonia;

B. fine particulate matter;

C. coarse particulate matter;

D. volatile organic compounds; and

E. other air pollutants subject to State or federal laws and regulations related to air pollutant emissions from large animal–feeding operations; and

2. assess the public health risks associated with air pollutants emitted from large animal–feeding operations in the State.

(iii) In preparing the protocol, the Committee shall:

1. identify all air pollutants emitted from large animal–feeding operations in the State; and

2. identify potential public health risks associated with air pollutants emitted from large animal–feeding operations in the State.

(7) (i) Subject to subparagraph (ii) of this paragraph, the Committee shall submit the completed protocol for:

1. public comment; and

2. peer review with a panel composed of experts in the following fields, as selected by the Department of the Environment in consultation with the Committee:

A. air pollution monitoring;

B. spatial statistics and modeling;

C. exposure science;

D. environmental epidemiology;

- E. toxicology;
- F. human health risk assessment; and
- G. preventive medicine.

(ii) The experts selected for the peer review panel under subparagraph (i)2 of this paragraph may not be a member of the Committee or an employee of the Department of the Environment.

(8) On or before April 1, 2020:

(i) the Committee shall:

- 1. review the comments received under paragraph (7) of this subsection; and
- 2. incorporate into the protocol any comments determined by the Committee to be appropriate for inclusion; and

(ii) the Department of the Environment shall publish the final protocol on its website.

(b) (1) On or before October 1, 2020, the Department of the Environment shall:

(i) use the protocol created under subsection (a)(6) of this section to assess air pollutants and public health risks associated with all large animal–feeding operations in the State; and

(ii) use the assessments conducted under item (i) of this paragraph to evaluate compliance of all large animal–feeding operations in the State with State and federal laws and regulations related to air pollutant emissions that apply to large animal–feeding operations in the State.

(2) On or before December 1, 2021, the Department of the Environment shall:

(i) report its findings from the assessments and evaluations conducted under paragraph (1) of this subsection to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly; and

(ii) post the report on its website.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. It shall remain effective for a period of 3 years and, at the end of June 30, 2022, this Act, with no further action required by the General Assembly, shall be abrogated and

of no further force and effect.