

March 4, 2024

Re: Testimony in support of SB1074

Dear Chairman Feldman and Members the Energy, Environment and Education Committee,
Thank you for this opportunity to submit testimony in support of SB1074 with amendments.

I commend the Sponsors of this Bill from the Western Shore addressing a serious Eastern Shore health issue. I apologize in advance for being wordy in this letter. It has been frustrating to live on the Eastern Shore for many years and have my concerns fall on deaf ears. There are many of us that view DAF and Bio Solids as a Waste and not a fertilizer. Most importantly, they are responsible for major health concerns, beyond just being a horrible odor nuisance.

I must start by saying the idea that CBF and River Alliance are promoting the continuance of the Storage and Land application of waste primarily on the Eastern Shore of Maryland was initially shocking. It took a great deal of soul searching for me to support any legislation that allows this horrible practice to continue. I know from professional experience that all forms of waste contain harmful chemicals, such as PFAs. It is not just one bad apple that is responsible.

Only the realization that an immediate stop to waste disposal is not good for the health of the Poultry and Agricultural Industry that is so important to our Eastern Shore Economy that I began to realize the challenges. However, without a long-term solution our Health and Economic vulnerabilities will continue to be political trade bait for a few winners that don't follow ESG principals or BMPs laid out by EPA for this waste.

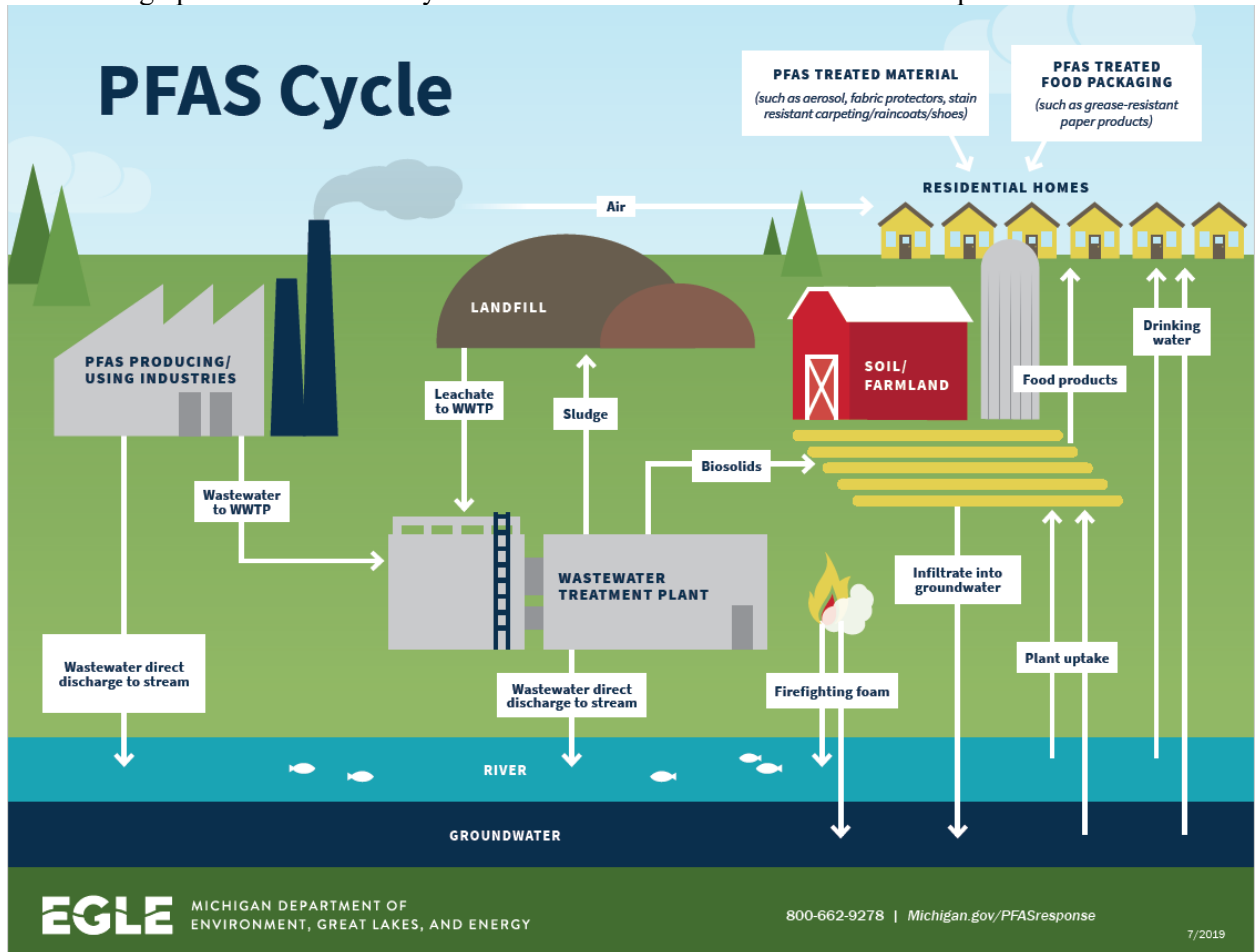
It is common knowledge that the practice of storage and land application of Waste is a serious health and quality of life issue that should not be allowed without a serious long-term solution that ends the practice. Professionally, I am involved in this issue in numerous states. Those states are addressing this issue in various ways primarily due to the contamination of farmland and shutting down their businesses. These states are not home to our Chesapeake Bay; but are way ahead of Maryland on this issue. Voluntary sampling and regulating the continuance of a known pollutant is far from a scientific approach. The Goal should be to end this practice by developing a real solution that ends land application.

This Bill should be amended to accomplish this goal AND put in place the guidelines and procedures this Bill provides to without doubt ensure the protection of the Public's Health and Landowner Liabilities.

Some Facts for consideration:

- EPA and Federal Department of Agriculture acknowledge PFAs exist in the majority of waste, including the Poultry Industry. [The Poultry Industry: Recent Rulings, Sustainability, PFAS, & More \(rouxinc.com\)](#)
- Counties on the Eastern Shore have some of the highest rates of cancer in Maryland. (Nexus?) [Counties With the Highest Cancer Rates in Maryland | Stacker](#)

- PFAs are “forever “Chemicals and bioaccumulate in Soils, water, animals and Humans. Causing cancer and affecting fertility. [EPA to Fund Studies of Toxic ‘Forever Chemicals’ in Agriculture - Inside Climate News](#)
- [Risk of Cancer in a Community Exposed to Per- and Poly-Fluoroalkyl Substances - PMC \(nih.gov\)](#)
- [Leaked FDA Documents Reveal Dangerous ‘Forever Chemicals’ in Meat, Poultry, Milk, and Chocolate Cake \(vice.com\)](#)
- The below graphic of the PFA lifecycle makes it easier to understand all the components.



- Millions of acres of Farmland all across the US is thought to be contaminated: [‘Forever chemicals’ may have polluted 20m acres of US cropland, study says | PFAS | The Guardian](#)
- PFAs already exist in our waterways: [Maryland’s waterways contain high levels of ‘forever chemicals’ pollution – CNS Maryland](#)
- EPA is moving forward with Developing standards: [Key EPA Actions to Address PFAS | US EPA](#)
- What is Maryland doing for the largest estuary we love? Voluntary sampling.
- Liability Issue is real: [2-20-24-Synagro-Complaint-final.pdf \(peer.org\)](#)

You all know and love this mighty Chesapeake Bay; the largest estuary that we all respect and attempt to protect and enhance. I spent most of my career trying to protect it and the Natural Resource based industries that rely upon a healthy Bay.

The bottom line is that the waste being addressed in this Bill is not an asset to most farmers. It is a liability. It is a waste that should be applied to a more beneficial use. Please consider amending this great Bill to address Public health and liabilities specifically; while defining a process to create a solution that ends this horrible health hazard to the Eastern Shore.

I understand the need to regulate an unregulated industry. So, I support the intent of SB1074.

I offer the following public best interest items to be considered as an amendment to SB1074:

Additional Public and Landowner protection:

Section 296 – Require public hearing for storage permits.

Section 297 and 8 –

* Authorize a fine and cancellation of all storage and application permits upon any substantial violation

* Require a copy of permit be filed within land records to protect inform and protect future landowners

Section 299.3 - Add a Permit Holder strict liability clause

Section 299.4 – Add emphasis for testing and monitoring specifically for PFA and PFO’s inherent in waste and specify not on an interval basis but on a batch basis.

Other –

- Deny application on any public lands
- Require a committee lead by Maryland Energy Administration for 3 years to develop a net zero emissions solution with MSW, Wastewater and DAF material waste in Maryland.

In closing I ask that the committee vote favorably for SB1074 with amendments brought forward by the sponsors.

Sincerely,

David M. Sutherland
201 River Run
Queenstown, MD 21658
703- 795-4051