



**The Maryland Department of the Environment
Secretary Serena McIlwain**

***House Bill 559
Food Establishments – Portable Chemical Toilets***

Position: Informational
Committee: Environment and Transportation
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The Maryland Department of the Environment (MDE) offers the following **INFORMATIONAL** testimony on HB 559.

Bill Summary

House Bill 559 would allow food establishments to use portable chemical toilets if the food establishment: (1) conducts agritourism; (2) has a Class 4 limited winery license; or (3) has a Class 8 farm brewery license. The chemical toilet must be supplied with water, soap, approved hand drying devices, properly ventilated, and kept in a sanitary condition. The bill will likely have a significant impact on MDE's regulatory oversight authority for septic systems and could raise public health concerns.

Position Rationale

Although HB 559 is found in the Health General Article, the bill overlaps with MDE's regulatory authority related to septic systems and sanitary facilities. Food establishments typically must install a septic system, which requires a permit and must follow COMAR 26.04.02. The septic system requirement is designed to protect public health. Chemical toilets, as defined per COMAR 26.04.02.01, do not have a pressurized water supply for hand washing. The lack of pressurized water poses a sanitary and public health risk.

The bill's provisions would also apply very broadly. A "food establishment" is defined as a food service facility or a food processing plant. So the bill would apply to both restaurants and food preparation facilities. "Agritourism" is also broadly as "an activity conducted on a farm that is offered to a member of the general public or to invited guests for the purpose of education, recreation, or active involvement in a farm operation." Agritourism includes activities such as: farm museums, guest farms, camping, incidental outdoor stays, classes related to agriculture products or skills, and picnic and party facilities. Depending on the specific circumstances, chemical toilets may not be appropriate for these types of activities and could, in turn, impact sanitation issues and raise public health concerns.

MDE hopes this **INFORMATIONAL** testimony regarding HB 559 is helpful. Please do not hesitate to reach out if you have any questions.

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