



Affiliates of

The Maryland Association of Counties, Inc.

TO: Members of the House Economic Matters Committee
FROM: Maryland Conference of Local Environmental Health Directors
Maryland Association of County Health Officers (MACHO)
RE: **HB 559 - Food Establishments-Portable Chemical Toilets**

The Maryland Conference of Local Environmental Health Directors (Conference) and the Maryland Association of County Health Officers (MACHO) provide this letter of concern for HB 559 in their capacities as the state's twenty-four Health Officers who oversee the state's twenty-four local public health departments and their Environmental Health Directors who carry out delegated authorities from both MDE and MDH. The concerns are as follows:

On page 2, in line 25-28, the bill specifies that **A FOOD ESTABLISHMENT MAY COMPLY WITH THE REQUIREMENT TO PROVIDE CONVENIENT LAVATORY BY PROVIDING A PORTABLE CHEMICAL TOILET THAT OTHERWISE MEETS THE REQUIREMENTS OF SUBSECTION (A)(2) OR (B)(2) OF THIS SECTION.**

- Due to portable chemical toilet design, they do not meet requirements of subsection A(2) or B(2).
- Lavatory design must allow full hand washing with soap, water, towels, or other approved hand-drying devices/materials to prevent the spread of infection.
- Hand sanitizer has been proven less effective than hand washing in removing pathogens or certain viruses, such as Norovirus, which has been causing increasing rates of illness across the state.
- To meet these requirements, a chemical toilet would need to include a stocked hand-washing sink that can dispense potable water under pressure. Chemical toilets do not typically contain these sinks.
- To protect the health and safety of patrons and food and beverage handlers, chemical toilets must have access to a sufficient, stocked toilet and handwashing area to support safe food practices.

HB 559 does not include any limitations on the time frame that chemical toilets can be used in place of an approved restroom, nor does it require a preliminary evaluation of a property to support the installation of a sewage disposal system in the future.

- Currently, chemical toilets are allowed for special-term events and are a short-term solution.
- If businesses want to offer longer-term events or expand food and beverage offerings, the regulations require proper sewage disposal systems and access to a potable, sufficient water supply. These requirements would need to be implemented in coordination with their local public health department or other regulatory agency.
- There are activities included in the definition of agritourism provided in §4-212 of the Land Use Article that would place a property in violation when using chemical toilets (i.e., there are other regulated uses under agritourism that are not defined as a food service facility). One example is agritourism camping, which under COMAR 10.16.03, requires a bathhouse that meets certain design standards.

These issues are under discussion by the Governor's Intergovernmental Commission for Agriculture (GICA), which includes both agencies and stakeholders to identify solutions.

Therefore, MACHO and the Conference provide a **letter of concern for HB 559**. For more information:
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