

HB510 and HB574

Intro:

Good afternoon Chairman Barve, Vice Chair Stein and members of the committee.

My name is Patrick Hess and I am here to speak in opposition to House Bills HB510 and HB574

I am a lifelong resident of Harford County and currently a member of the Maryland Farm Bureau

I worked on my family's farm through age 18, I then left to find my own way. After working in the restaurant business for several years, I ran my own company of franchised restaurants for 30 years. I've been retired from the Hospitality Industry for 7 years now. After my wife retired from teaching 2 years ago, we moved to an 89 acre farm. Our farm is located at 3021 Clayton Road in Joppa, Maryland. This property has been farmed by a local farmer for many years, rotating corn and soybeans very other year. The passing of the 2018 Farm Bill presented new opportunities for our land use. While we continue to lease our farm to the same local farmer, we decided to reserve 3 acres in 2019 to start a family hemp business.

There seems to be a great deal of public ignorance surrounding the industrial hemp industry, and the hemp plant's relationship to marijuana. I encourage you to inform yourselves about the many benefits and uses of CBD, hemp seed, and fiber from hemp, each produced from a different variety of hemp plant. In addition, the hemp plant is known to remove toxins from the soil in which it grows, thus improving our farming environments.

Alert from the Hemp Community:

I was first alerted to House Bill #510, introduced by Delegates Hettleman, Stein and Cardin through an online Maryland Hemp Growers forum. Further research led me to House Bill #574, also introduced by Delegates Cardin, Hettleman and Stein. I am here today to represent my family and the farming community and to address these two bills.

Concerns:

In an article from the Delmarva Farmer Dated February 14th 2020 with the heading

“State odor tests cleared Maryland hemp farm”

The article states the following:

“The Maryland Department of the Environment conducted an odor survey around a controversial hemp farm in Baltimore County in the fall and did not consider its crop a nuisance to nearby homeowners.

State air inspectors surveyed neighborhoods surrounding the Lutherville-Timonium farm on Oct. 30 following complaints from residents who claimed the operation's hemp crop smelled terribly and was causing respiratory issues and other ailments.

Some slight odors were detected north and northwest of the farm, but they were mild, and neither inspector considered the odor to be strong enough to rise to the level of a nuisance," said Jeff Fretwell, a legislative assistant at the environment department, in an e-mail to the office of Baltimore County Del. Dana Stein, on Nov. 1.

Both legislators have said they have no problem with the hemp industry but are responding to the demands of constituents. Three months before she filed her bill, Hettleman said in an e-mail to a constituent that she didn't support a buffer restriction.

"I stated that I would not support a ban on hemp farms being within 2 miles of a residential area because there may be a strain of hemp farming that has no odor and would not be a nuisance — not solely because it's an economic issue for the state," she wrote in late October."

So how did we get to the introduction of these two Bills? To my knowledge, there is no widespread complaints or problems with hemp farming or any significant number of residents having complained about the aroma of the hemp plant during its flowering stage. Aroma preferences are completely subjective, and there are just as many Maryland residents, if not more, who find the hemp flower aroma pleasing. Many misconceptions may have led to the introduction of the bills.

I'd like to read to you a section from the State of Maryland *States' Right-to-Farm Statute*:

Section 5-403. Actions against farms for nuisance

(c) If an agricultural operation has been under way for a period of 1 year or more and if the

operation is in compliance with applicable federal, State, and local health, environmental, zoning, and permit requirements relating to any nuisance claim and is not conducted in a negligent manner:

- (1) The operation, including any noise, odors, dust, or insects from the operation, may not be deemed to be a public or private nuisance; and
- (2) A private action may not be sustained on the grounds that the operation interferes or has interfered with the use or enjoyment of other property, whether public or private.

The legislative history of this law recognized the long history and importance of farming in Maryland. Farming is at the very heart of Maryland's heritage. The legislature has historically protected and strengthened this heritage with the Right to Farm law and many other laws and programs.

ALTHOUGH THE BILLS DO NOT VIOLATE THE LAW ITSELF, THEY ARE MOST DEFINITELY VIOLATING THE SPIRIT OF THE LAW'S INTENTION AND LONG HELD MARYLAND PUBLIC POLICY OF PROTECTING FARMING OPERATIONS.

THE BILLS BYPASS THE RIGHT-TO-FARM STATUTES AND CHANGE THE LAND USE REQUIREMENTS FOR FARMS CURRENTLY IN OPERATION BASED ON A PROBLEM THAT DOES NOT EXIST.

We have had no complaints about the hemp aroma or our hemp farming operations from neighbors, nor from communities within 2 miles from us. We have, however, received many positive comments about the hemp aroma as well as genuine interest about the passing of the 2018 Farm Bill. We have received words of encouragement about our farming venture from our neighbors, our county leaders and agriculture community, and our family & friends. We have followed all Federal and State guidelines, laws, and requirements throughout this process. Our hemp farm is pesticide and herbicide free. Our first harvest was very successful, and we are very proud of the quality of our product. Hemp farming is becoming a new and growing piece of Maryland's diverse economy in general, and of the agriculture industry in particular.

If these bills pass, where does it stop? Will the crop farmers be told where they can plant corn, soy beans, wheat, clover, Orchard Grass and many other crops? Will the vegetable farmer be told where and what vegetables that he can plant? Will the dairy farmer be told that he can no longer have cattle because the smell offends the people in the new housing development a half of a mile down the road? And lastly will the farmer be told that he no longer spread animal manure as a natural fertilizer.

Hemp is a new crop in the State and is very vulnerable to changing legislation, but I firmly

believe the passing of these bills will open the doors for the government to dictate what the agricultural community can and cannot produce.

The passing of these bills will put my family farm out of business. Our start-up expenses are around \$250,000.00 to date, and will take years to recoup. We have funded our hemp business out-of-pocket, using our personal savings targeted for retirement. We have committed to staying in Maryland and remaining a part of its agricultural heritage. The legislature should encourage, support and protect family farming from the housing projects and commercial developments which are encroaching on the shrinking farmland in the State.

On behalf of my family and my fellow Maryland farmers I ask that these two bills do not go forward. At the very least there should be an in-depth study to assess whether there is a need for this legislation and the long-term impact it would have on all farmers. A one-size fits all restriction on farming for all counties and areas in Maryland is not the way to go. Each local jurisdiction can address specific concerns through zoning or local regulations. I hope that you will allow us the opportunity to continue my family's generational farming in Maryland.

Thank you for the opportunity to speak to you today.