

An Affiliate of  
the Maryland Association  
of Counties, Inc.



Reply to:

DATE: 02/23/2023

TO: Members, Education, Energy and the Environment Committee

FROM: Maryland Conference of Local Environmental Health Directors

RE: Senate Bill 830 Environmental Health Specialists and On-Site Sewage Disposal Systems – Reform – (Environmental Health Systems Support Act of 2023)

The Maryland Conference of Local Environmental Health Directors (Conference), an affiliate of the Maryland Association of Counties, **SUPPORT** Senate Bill 830 with amendments.

The Conference fully supports the aspects of this bill that reference development of consistent standards, providing appeal rights, informational meetings, studying the viability of a permit tracking system, additional staff for MDE, development of a student loan forgiveness program and study of the issues related to Environmental Health in Maryland. However, we take issue with some nuances and other aspects of the bill and recommend revisions as indicated below.

The Conference remains committed to working with the Department of the Environment to identify areas of commonality and data that could potentially be standardized or reported. We took the opportunity last year to provide detailed commentary and suggestions on a standard format and permit form inclusions that all jurisdictions would include in their permits. Unfortunately, no further meetings or discussions took place. A centralized permit application database/portal would overlook the substantial variations in the permitting process throughout the 24 local jurisdictions and the integration of those. The development of **minimum requirements for the permit forms** used by the counties should be the focus of any statewide efforts. Any efforts to the contrary would be potentially very costly to the local governments and taxpayers with no gains in efficiency and customer service. We mention the “middleman” scenario for a centralized permits portal which will only reduce productivity and create confusion at the local level where customer service depends on local contractors and owners dealing directly with local staff.

With respect to the establishment of a central permits tracking repository, the state would need to make the investments in sufficiently funded IT enhancements that make processes more efficient, collect better data, and allow for improved communications. If these investments were approved, a collaborative effort between MDH, MDE and local Approving Authorities (Local Health Departments or County Governments) would be required. MDH has contracted for an IT professional to study the various systems used in EH and Ms. Ghandi found that there is essentially no commonality or interoperability nor is it easily achievable. The scope of a project as described in **21-103 B (1) & (2)** would be massive and extremely costly. We

would advise that this provision **be removed** until the work in A(3) has taken place. Otherwise, there is absolutely no way to know how much this will cost or how much time it will take.

We are perplexed at the choice of the AgFS Extension Program to conduct a statewide study of the implications of the delegation of the Department's authority related to well and septic systems. The Program serves the agricultural producers of the state with applied research and research-based educational programming to increase producer productivity. This organization is ill-suited for an investigation of the merits of other states' well and septic permitting and local delegation programs and the specifics surrounding this matter currently confronting MDH and MDE. Multiple examinations comparing various aspects of Maryland's septic program with other states have already been done by MDE in past years. Further, a comprehensive study of Environmental Health was published in 2005 by the Johns Hopkins School of Public Health and the Conference believes that an updated study in the same fashion should be performed by the same or a similar **unbiased higher education organization**. Working with existing local and state onsite program personnel would produce a reliable report within the stated timeframe in the proposed bill.

The Conference would suggest **more flexibility** in the three allocated positions in MDE. While administrators and an attorney are needed, we believe that there is also a need for more staff with technical expertise to support the delegated programs.

While the loan forgiveness aspect could be potentially helpful with new hires into EH program departments, until the salary issue is addressed for EHS professionals, it is unlikely that any proposed solutions that have been discussed to date will remedy the current crisis in the Local Environmental Health Departments, whether they are considered state or local employees. The consequence of not addressing the **root causes**, such as understaffing, lead to delays in addressing well and septic issues. There have been more than a few lost opportunities for MDE and MDH to coordinate with Health Officers and EH Directors to achieve better outcomes in these programs. As a result, the Local Health Departments are frequently attributed as the source for delays and issues. The added consequence of these factors, further undermines trust in the Health Officer's and EH staff's professional decisions and leads to poor morale and a repeated difficulty in sustaining an effective recruitment and retention cycle.

The Conference recommends a **FAVORABLE WITH AMENDMENTS** report.

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