



Assateague Coastal Trust – PO Box 731, Berlin, MD 21811 – 410-629-1538

Testimony in Opposition of HB 847/ SB 447

Anaerobic Digestion Workgroup

February 27, 2023

Dear Members of the Committee:

Thank you for the opportunity to submit testimony in **opposition to HB847**, on behalf of Assateague Coastal Trust (ACT), the Waterkeeper program for the lower Eastern Shore of Maryland and our co signees. ACT protects and defends the health of Delmarva's coastal waters through advocacy, education, science, and the enforcement of just and equitable clean water laws.

To date, there have been numerous studies done on this topic, including a Financial Feasibility Study from University of Maryland, as well as Maryland Department of the Environment's Permitting Guidance for Maryland Anaerobic Digestion Facilities and an Organic Materials Diversion and Infrastructure Study Group on behalf of HB171 in 2019. The University of Maryland also has a test facility located in Pocomoke, operated by Planet Found Energy Development LLC.

To date, we have invested many dollars on these studies, as well as **the Animal Waste Technology Fund already funds these types of projects with millions of tax-payer dollars. In 2021, \$10.7 million dollars was awarded through grants. This year, MD is already slated to give out 3.3 million dollars.** In addition, the feasibility study addressed that it was financially infeasible to have these digesters unless they receive millions of incentives and only produce at industrial scale.

We are extremely concerned about this workgroup and have a few questions that we would like to raise for the committee:

1. **Why do more tax-payer dollars need to be used to fund more research for incentives for anaerobic digestion companies?**
2. **Why were groups, like the Institute for Local Self-Reliance not consulted before this bill was drafted?**

3. Why is this work group lacking environmental and engineering scientists, public health experts, MD Secretary of Health, Maryland Commission on Environmental Justice and Sustainable Communities (CEJSC) and community stakeholder groups?

The work group makeup is **heavily biased**, even including a trade group for the industry and industry leaders, but seems to be lacking in engineers, scientists, public health experts, Environmental Justice leaders, and community stakeholders. The language in the bill seems to have a predetermined outcome before the work starts, tasking the group to **“identify and examine options for incentivizing the use of the digestate produced during anaerobic digestion as agricultural fertilizer and manufactured topsoil”**.

Again, we are talking about incentives before the work group ever meets, even though there have been several studies done already as well as other funding initiatives.

This workgroup has also not been tasked with researching various health and safety concerns associated with the transport, processing and deposition of wastes. There is also no mention of research for PFAs/PFOAs in the digestate (by product), or biological and chemical wastes– PFAS/PFOAs are the forever chemicals which are contaminating our farmland and also found in biosolids- an “approved soil amendment” which farmers are also currently using on their fields.

There is also no mention of research on the emissions, potential risks or safety in terms of siting or facility operation. Any major industry seeking incentives to operate should have **clear, peer reviewed and third party study information that their business will not adversely affect local residents**. The proposals we have seen to date on the Delmarva Peninsula are being sited in communities which have no political power and already are considered overburdened by the EPA.

As we’ve seen before in legislative history, workgroups are not effective and end up wasting tax-payer dollars on industry-funded schemes. This current make up for this group has very obvious omissions, to which every member of this committee should be incredibly concerned about. For all these reasons, **we strongly oppose HB847 and ask that the committee does not support this bill.**

Thank you for your time and consideration.

Sincerely,

Gabby Ross, Assateague Coastkeeper, Assateague Coastal Trust
Maria Payan, Co-founder Sentinels of Eastern Shore Health
Monica Brooks, Concerned Citizens Against Industrial CAFOS (CCAIC)
Cedar Lane Environmental Justice Ministry

Environmental Integrity Project
HoCo Climate Action
Johns Hopkins Center for a Livable Future
Maryland Latinos Unidos
Maryland Legislative Coalition
Maryland Pesticide Education Network
Protectors of the St. Martin River
Unitarian Universalist Legislative Ministry of Maryland
Waterkeepers Chesapeake

Sources:

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