



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

House Bill 1374

Environment – Crematory – Setback Requirements and Permits

Position: Oppose

Committee: Environment and Transportation Committee

Date: March 06, 2024

From: Hadley Anthony

The Maryland Department of the Environment (MDE) **OPPOSES** HB 1374.

Bill Summary

House Bill 1374 would prohibit human crematories from being located within 1000 feet of a residence, a school, or certain care-related facilities in Maryland.

Position Rationale

The limitations under HB 1374 would make it extremely difficult to locate a crematory in Maryland. As written, the bill would prevent MDE from issuing a renewal operating permit for existing crematories in Maryland, as all existing human crematories violate the bill's locational requirements. Not being able to issue renewal operating permits would mean the eventual elimination of all current human crematories in Maryland.

Currently, there are 49 human or human/animal crematory facilities in Maryland. All 49 facilities are located within 1000 feet of an assisted living or nursing facility; a child care center; a family child care home; a preschool facility; a public or nonpublic elementary or secondary school; or a residential property. The proposed legislation would prohibit these existing facilities from adding an additional crematory or replacing a crematory at the facility.

As drafted, the bill does not provide a defensible basis for the location limitations. To be enforceable, MDE must follow a science-based review process when evaluating crematory permits. The evaluation determines air quality and public health impacts using tools that consider conservative emission estimates, the distance between those emissions and the property line, the actual equipment to be used to conduct cremations, the geometry of the building, and the associated emission stack. MDE uses these same tools for the hundreds of projects that need approval for an Air Quality Permit to Construct received each year. This bill would remove the science-based review without providing a justification for the 1000-foot buffer.

Accordingly, MDE asks for an **UNFAVORABLE** report for HB 1374.

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