

# SENATE BILL 542

M3, M4  
SB 133/18 – EHE

9lr1074

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By: **Senators Lam, Benson, Carter, Elfreth, Ellis, Kagan, Lee, Nathan–Pulliam, Rosapepe, Smith, Washington, and Young**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Community Healthy Air Act**

3 FOR the purpose of establishing the Committee on Air Quality; providing for the  
4 composition, chair, and staffing of the Committee; prohibiting a member of the  
5 Committee from receiving certain compensation, but authorizing the reimbursement  
6 of certain expenses; requiring the Committee to create a certain air quality sampling  
7 and monitoring protocol on or before a certain date; requiring the protocol to  
8 establish the methodology for the Department of the Environment to use to quantify  
9 and assess certain air pollutants and public health risks associated with large  
10 animal–feeding operations in the State; requiring the Committee to identify certain  
11 air pollutants and potential public health risks in preparing the protocol; requiring  
12 the Committee to submit the protocol for public comment and peer review with a  
13 certain panel of experts; requiring the Committee to review comments and  
14 incorporate certain comments into the protocol on or before a certain date; requiring  
15 the Department to publish the final protocol on its website; requiring the  
16 Department to use the protocol created under this Act to assess air pollutants and  
17 public health risks associated with large animal–feeding operations in the State on  
18 or before a certain date; requiring the Department to use the assessments made  
19 under this Act to evaluate compliance of large animal–feeding operations in the State  
20 with certain State and federal laws and regulations on or before a certain date;  
21 requiring the Department to report its findings to the Governor and the General  
22 Assembly on or before a certain date; requiring the Department to post the report on  
23 its website; providing for the termination of this Act; and generally relating to the  
24 Committee on Air Quality and air pollutant monitoring.

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
26 That:

27 (a) (1) There is a Committee on Air Quality.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) The Committee consists of the following members:

2 (i) one expert in regulatory compliance, appointed by the Office of  
3 the Attorney General;

4 (ii) the following members, appointed jointly by the Dean of the  
5 University of Maryland School of Public Health and the Dean of the Johns Hopkins  
6 Bloomberg School of Public Health:

7 1. one expert in air pollution sampling and monitoring;

8 2. one expert in spatial statistics and monitoring;

9 3. one expert in exposure science;

10 4. one expert in environmental epidemiology;

11 5. one expert in toxicology;

12 6. one expert in human health risk assessment; and

13 7. one preventive medicine physician; and

14 (iii) the following members, appointed by the Dean of the College of  
15 Agriculture and Natural Resources at the University of Maryland:

16 1. one expert in commercial animal production; and

17 2. one expert in animal housing construction.

18 (3) The members of the Committee shall designate the chair of the  
19 Committee from among the members of the Committee.

20 (4) The Department of the Environment shall provide staff for the  
21 Committee.

22 (5) A member of the Committee:

23 (i) may not receive compensation as a member of the Committee;  
24 but

25 (ii) is entitled to reimbursement for expenses under the Standard  
26 State Travel Regulations, as provided in the State budget.

27 (6) (i) On or before January 1, 2020, the Committee shall create an air  
28 quality sampling and monitoring protocol for the collection of air quality and public health  
29 data associated with large animal–feeding operations as defined by the Department of the

1 Environment in regulation.

2 (ii) The protocol shall establish the methodology for the Department  
3 of the Environment to use to:

4 1. quantify the amount of the air pollutants identified under  
5 subparagraph (i) of this paragraph that are emitted from large animal–feeding operations,  
6 including emissions of:

7 A. ammonia;

8 B. fine particulate matter;

9 C. coarse particulate matter;

10 D. volatile organic compounds; and

11 E. other air pollutants subject to State or federal laws and  
12 regulations related to air pollutant emissions from large animal–feeding operations; and

13 2. assess the public health risks associated with air  
14 pollutants emitted from large animal–feeding operations in the State.

15 (iii) In preparing the protocol, the Committee shall:

16 1. identify all air pollutants emitted from large  
17 animal–feeding operations in the State; and

18 2. identify potential public health risks associated with air  
19 pollutants emitted from large animal–feeding operations in the State.

20 (7) (i) Subject to subparagraph (ii) of this paragraph, the Committee  
21 shall submit the completed protocol for:

22 1. public comment; and

23 2. peer review with a panel composed of experts in the  
24 following fields, as selected by the Department of the Environment in consultation with the  
25 Committee:

26 A. air pollution monitoring;

27 B. spatial statistics and modeling;

28 C. exposure science;

29 D. environmental epidemiology;

1 E. toxicology;

2 F. human health risk assessment; and

3 G. preventive medicine.

4 (ii) The experts selected for the peer review panel under  
5 subparagraph (i)2 of this paragraph may not be a member of the Committee or an employee  
6 of the Department of the Environment.

7 (8) On or before April 1, 2020:

8 (i) the Committee shall:

9 1. review the comments received under paragraph (7) of this  
10 subsection; and

11 2. incorporate into the protocol any comments determined by  
12 the Committee to be appropriate for inclusion; and

13 (ii) the Department of the Environment shall publish the final  
14 protocol on its website.

15 (b) (1) On or before October 1, 2020, the Department of the Environment shall:

16 (i) use the protocol created under subsection (a)(6) of this section to  
17 assess air pollutants and public health risks associated with all large animal-feeding  
18 operations in the State; and

19 (ii) use the assessments conducted under item (i) of this paragraph  
20 to evaluate compliance of all large animal-feeding operations in the State with State and  
21 federal laws and regulations related to air pollutant emissions that apply to large  
22 animal-feeding operations in the State.

23 (2) On or before December 1, 2021, the Department of the Environment  
24 shall:

25 (i) report its findings from the assessments and evaluations  
26 conducted under paragraph (1) of this subsection to the Governor and, in accordance with  
27 § 2-1246 of the State Government Article, the General Assembly; and

28 (ii) post the report on its website.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
30 1, 2019. It shall remain effective for a period of 3 years and, at the end of June 30, 2022,  
31 this Act, with no further action required by the General Assembly, shall be abrogated and

1 of no further force and effect.