



December 1, 2011

Governor Martin O'Malley
State House
Annapolis, MD 21401

Dear Governor O'Malley,

We as the Executive Council of Senior Scientists and Policymakers for the Bay write to express our appreciation for your decision to withhold from publication and revise the Department of Agriculture's nutrient management regulations. We were disheartened to learn of the October 27 release of the weak revisions in the nutrient management regulations. Despite our several meetings with your Bay Cabinet and letters to you and your staff urging the adoption of regulations that would treat animal manure in the same manner that treated human sludge is treated under Maryland regulations, the regulations fell well short.

Our concerns were compounded by your letter to the Dean of the University of Maryland School of Law concerning ongoing litigation against Perdue Farms Inc. and one of their contracted poultry growers who was found by MDE to be illegally storing waste. The Baltimore Sun editorial of November 18, 2011 called this letter "odious" and we agree. We believe that not only are better regulations required for animal manure disposal but, as importantly, there needs to be more monitoring and enforcement of these laws and regulations. Interfering with ongoing civil litigation against one of the largest polluting sources in the Chesapeake Bay—the poultry industry—sends the wrong signal to all concerned with the restoration of this abused, but great body of water.

Forty Bay leaders affiliated with our group had written you on February 4, 2011 that:

"Now that the election is behind you and you have four years at the helm of the ship of state, we urge you to make Chesapeake Bay restoration your legacy issue and exert the bold leadership that it will take to overcome the many obstacles to turn around the decline of the Bay. We believe that you hold the key to the future of the Chesapeake—whether we will see a restored estuarine system flourishing as it once did or a Bay full of dead zones, fish kills, declining fisheries, and human diseases from water contact. You can exert a tremendous amount of leadership by moving Maryland forward on the main barriers to restoration: agricultural pollution and the pollution from new and previously developed areas."

We again urge you to exert the necessary leadership and adopt the measures we have suggested to restore the Bay and most immediately, to re-do the nutrient management regulations to achieve the consistency in handling all manure/biosolids by applying the same requirements for treated human wastewater sludge under COMAR 26.04.06.09 to animal waste. This consistency is the reason given by MDA for the October 27 regulatory changes. The human sludge regulations have been extant since the mid-1980s and were adopted by MDE at the urging of the State's agricultural community.

Why should the land application of untreated animal waste be treated differently than the treated sewage sludge from advanced wastewater treatment plants that destroy pathogens and remove all or a high percentage of contaminants?

See our attached letter below sent to all Bay Cabinet officers and to your staff concerning our specific concerns with the proposed changes in the nutrient management regulations.

Respectfully Submitted,

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