



August 16, 2018

BY EMAIL

Senator Roger Manno and Delegate Sandy Rosenberg  
Joint Committee on Administrative, Executive & Legislative Review  
Legislative Services Building, 90 State Circle  
Annapolis, Maryland 21401

**Re: Oppose Proposed Regulations Implementing Keeping Antibiotics Effective Act that Fail to Comply with Legislative Intent [COMAR 15.01.15 Use of Antimicrobial Drugs]**

Dear Chairmen Manno and Rosenberg,

We urge you to vote to oppose adoption of the Department of Agriculture's proposed livestock antibiotic regulations because the regulations fail to comply with the purpose and intent of Maryland Senate Bill 422 (Keeping Antibiotics Effective Act, 2017). These regulations should not be adopted unless they are modified to prohibit routine use of antibiotics in healthy livestock. At a minimum, we request that you hold the regulations to allow additional time for detailed review.

The AELR Committee is charged with determining whether the proposed regulation “reasonably complies with the legislative intent” of the SB 422.<sup>1</sup> The purpose of SB 422 is to curb the overuse of antibiotics in livestock, primarily by eliminating routine preventative use of antibiotics in healthy animals.<sup>2</sup> However, in the words of the bill’s author, Senator Pinsky, “The proposed regulations contain a giant loophole that will eviscerate the law and do little to protect the public.”

As our July 19, 2018 letter detailed, the proposed regulations fail to carry out the Legislature’s intent because they include an unreasonably narrow definition of “regular pattern” and they could be construed as allowing all preventative uses of antibiotics, instead of restricting preventative use to the narrow situations identified in the statute. As written, these regulations will undermine efforts to curb the overuse of livestock antibiotics in Maryland. Our previous letter with suggested revisions is attached for your reference, and we welcome your questions.

Respectfully,

Mary Kay DeMarco, PhD, RN, CNE  
President  
Maryland Nurses Association

Emily L. Heil, PharmD, BCPS-AQ ID, AAHIVP  
Secretary/Treasurer  
Society of Infectious Diseases Pharmacists

Betsy Nicholas  
Executive Director  
Waterkeepers Chesapeake

Lisa G. Radov  
President & Chairman  
Maryland Votes for Animals, Inc.

Emily Ranson  
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Laura Rogers  
Deputy Director  
Antibiotic Resistance Action Center, Milken  
Institute School of Public Health, George  
Washington University

Emily Scarr  
Director  
Maryland PIRG

Josh Tulkin  
Chapter Director  
Sierra Club - Maryland Chapter

Mae Wu  
Deputy Director, Health and Food  
Natural Resources Defense Council

Attached: Letter from Mae Wu, Emily Scarr, and Betsy Nicholas to Chairmen Manno and Rosenberg, July 19, 2018

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<sup>1</sup> Md. State Government Code Ann. § 10-111.1(b)(2).

<sup>2</sup> See, e.g., NRDC, New WHO List Underscores Need for Maryland Antibiotics Bill, <https://www.nrdc.org/experts/carmen-cordova/new-who-list-underscores-need-maryland-antibiotics-bill> (“The Keep Antibiotics Effective Act of 2017 is a critical bill that would address the overuse of antibiotic in the livestock industry by ensuring they are used only when animals are sick and not as a primary tool for preventative health.”).