

CHESAPEAKE BAY CLEANUP

Pa. has made strides, but with Trump EPA now what?



Pennsylvania Secretary of Agriculture Russell Redding and Pennsylvania Gov. Josh Shapiro

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HARRISBURG, Pa. >> At a dire point in the Chesapeake Bay restoration effort, some say hope is springing from an unlikely place: the state of Pennsylvania.

Maryland and other states filed a lawsuit against the Environmental Protection Agency in 2020, arguing that heavily agricultural Pennsylvania was too far behind on its bay pollution commitments, and that the federal government, under Donald Trump's guidance, was ignoring its obligation to drop the hammer.

The lawsuit was settled in 2023, with the EPA pledging to hold Pennsylvania to account, and today, with Trump back in office, the rhetoric about the Keystone State is altogether

different. Politicians and some bay advocates in Maryland say they consider Pennsylvania an ally rather than a foe — a stark change from years ago.

During a December convening of bay leaders, Maryland Gov. Wes Moore commended Pennsylvania's recent effort, saying: "This is what it looks like when we have a united front to solve a big problem."

'Whole bunch of chemicals'

At the Pennsylvania Farm Show last month, Pennsylvania Gov. Josh Shapiro roamed from booth to booth in the Harrisburg convention hall, stopping to watch a demonstration about farm field erosion.

A showerhead sprayed small patches of grass in boxes, and a single patch with no plants at all, demonstrating the rapid erosion of fallow farmland.

"For a lot of years, Pennsylvania, as a result of this," Shapiro said, gesturing toward the muddy soil, "was seeing a whole bunch of chemicals spill off into our waterways and pollute the Chesapeake Bay."

Shapiro's state is home to 7.3 million acres of farmland, which pours polluted runoff into its thousands of miles of streams, many of which lead to the nation's largest estuary.

Thanks to livestock manure and other fertilizers, that runoff includes harmful nutrients nitrogen and phosphorus, which fill waterbodies with algae and deplete them of oxygen.

Maryland and other groups filed suit against EPA in 2020. It came after surges of pollution and debris flowed from Pennsylvania's Susquehanna River during a rainy 2018, and after the federal agency approved what was seen as a deficient pollution reduction plan for the state. Trump's EPA had also referred to the bay pollution program as "aspirational," rather than legally enforceable, infuriating environmentalists.

In short, Maryland and Pennsylvania were at odds.

But in 2022, Pennsylvania spent federal coronavirus dollars to jump-start a \$154 million program that would reimburse farmers for projects to reduce runoff, from fencing to keep livestock out of streams, to riparian buffers — rows of newly planted trees meant to slow erosion near stream banks.

The following April, after lengthy negotiations between EPA, Maryland and the Chesapeake Bay Foundation the 2020 lawsuit was resolved, with the EPA agreeing to increase its scrutiny on Pennsylvania farming operations.

And in 2024, Pennsylvania lawmakers further committed \$50 million in state funding to sustain the program beyond 2026, when ARPA funding would run dry.

“We’re cleaning up the bay. Pennsylvania’s doing a great job with that, and that’s great for everybody,” said Shapiro, a Democrat.

A report showed the bay was cleanest since 2002, though the grade was still a C minus, but progress has been made

A difficult juncture

The program was long-awaited.

Similar cost-share programs for farm conservation efforts were passed in Maryland and Virginia in the 1980s. And since then, the goalposts have moved, with scientific groups calling for conservation measures to be selected based on ecological benefits rather than being chosen by farmers.

The infusion of cash and talking points from Pennsylvania also comes at a difficult juncture for the decades-long bay cleanup effort, with its 2025 pollution deadline unmet.

The vast majority of the bay states, including Maryland and Virginia, fell well short of their 2025 commitments.

And Pennsylvania didn’t just miss the mark by a little. The Keystone State has achieved 29% of its required reductions in nitrogen, 50% for phosphorus and 58% for sediment, according to the EPA.

As of 2024, 29.8% of the bay and its tributaries met water quality standards, including for clarity and algae growth. Go back to 1985, and the figure was 26.5%, showing just how little progress has been made.

Meanwhile, the second Trump administration, which has sought to weaken environmental regulation, arrived in Washington with a bang. Funding freezes, buyout offers and personnel changes meant to shrink government have thrust the EPA into chaos alongside other federal agencies.

Observers worry the EPA’s Chesapeake Bay Program could fall into the president’s crosshairs.

Bay cleanup under Trump

During his first term, Trump unsuccessfully proposed defunding the Chesapeake Bay Program.

Jon Mueller, the former vice president for litigation at the Chesapeake Bay Foundation, worries Trump will go further this time, attempting to revoke a key regulation underpinning the restoration effort known as the Chesapeake Bay TMDL.

The TMDL, established in 2010 by President Barack Obama's administration and compelled by litigation, set a "total maximum daily load," for the amount of polluting nutrients entering the bay.

It was the largest-ever TMDL pursued by the EPA, and it faced swift legal challenges, including from the American Farm Bureau Federation and the National Association of Homebuilders. The case lasted for five years, with the TMDL ultimately winning out.

"If they decide to just abandon it, then we're fighting over whether there should be a TMDL or not. We're right back to where we were in 2010," Mueller said.

These days, the bay states are working on rewriting their 2014 compact to set new goals for an unspecified deadline beyond 2025. And some observers and politicians still strike an optimistic tone. With Pennsylvania leaders enthusiastically involved in the clean-up, things feel different, they say.

"The states can step it up and maintain the momentum. We just have to touch on it in different terms. Think about [the bay] as an economic driver, an economic engine. Think about it as a powerful, bipartisan kind of effort. So, I'm not all doom and gloom," said Bill Dennison, a professor and vice president for science application at the University of Maryland Center for Environmental Science.

Behind the curve?

Becky Nas, a farmer in Gettysburg, is a recipient of some of the Pennsylvania funding initiative, called the Agriculture Conservation Assistance Program. Two days before Christmas, workers finished constructing a manure storage area for her chicken litter and cattle manure, shielding it from the elements.

Her farm borders the Rock Creek, which eventually flows into the Chesapeake. She was delighted to learn of the report card score last year.

"It's nice to know that what we're doing and the decisions we're making are having an impact," she said.

Her farm's manure area is one of 1,236 environmental projects fueled so far by the new influx of funding from the Legislature. But some argue that Pennsylvania is still running behind.

Driving through Pennsylvania farmland, Ted Evgeniadis, the Lower Susquehanna Riverkeeper, said he can see the difference.

“You can pass a farm and see: well, now there’s a designated cattle crossing. There’s a riparian buffer,” he said. “Any time you see tree tubes, that’s a good sign.”

But Evgeniadis sees the bad and the ugly along with the good.

His team began a new bacteria monitoring program in 2024, and immediately found concerning bacteria results for the Pequea Creek, a Susquehanna tributary that runs through Lancaster County, which is surrounded by farmland, suggesting that farm runoff could be to blame.

“Each week was above and beyond any kind of state recreational standard. We have to scratch our heads and wonder why,” he said.

‘Scared to death’

John Painter, a dairy farmer in northern Pennsylvania, puts it bluntly.

“We used to think of them as the police. The minute you mentioned EPA, people would be backed up and scared to death,” said Painter, chair of the dairy committee at the Pennsylvania Farm Bureau.

But in recent years, the relationship has thawed considerably, in part because the EPA approached farmers differently, said Chris Hoffman, a first generation pig farmer in Central Pennsylvania, and president of the Pennsylvania Farm Bureau.

“I’d never experienced someone coming and saying: ‘I want to learn,’” Hoffman said.

Still, some observers in the environmental community think the actions haven’t gone far enough over the course of the bay agreement.

In an article published in the Environmental Law Reporter last year, Mueller, who is also the director of the Environmental Law Clinic at the University of Maryland Francis King Carey School of Law, said the EPA and the bay states “have continually bowed to powerful economic and political interests” and declined to take more aggressive steps, such as objecting to inadequate water pollution permits that make the bay goals challenging to achieve.

Ortiz has said that while Pennsylvania needed more scrutiny and enforcement from EPA, he favored a balanced approach, which he referred to as “tough love.”

“We increased our inspections and other enforcement actions several factors over, but at the same time, we leaned in and listened and provided thoughtful assistance and encouraged others to step up,” Ortiz said.

That included Pennsylvania’s own Hershey Company, which pledged \$1 million, alongside an equal contribution from the EPA, to conservation measures on Land O’Lakes dairy farms in the state.

The actions have helped to bring the large number Pennsylvania’s small farms into the fold, which fall outside the regulatory purview of the EPA, Ortiz said.