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EASTERN SHORE DELEGATION

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August 20, 2025

Secretary Serena McIlwain
Maryland Department of the Environment (MDE)
1800 Washington Boulevard
Baltimore, Maryland 21230

RE: Request for Immediate Action on the Concentrated Animal Feeding Operation Permit

Dear Secretary McIlwain,

The chicken community on Maryland's Eastern Shore is the cornerstone of our agrarian economy. In 2024, the industry generated \$5.46 billion in total economic activity and created or supported as many as 17,832 jobs. Furthermore, nearly all the grain grown on Eastern Shore farms is sold at premium rates to our chicken companies for feed, meaning that practically all our farmers, whether or not they raise chickens, rely on a robust chicken industry to support their livelihoods.

Family-owned chicken farms are the heartbeat of this carefully balanced economy. They labor almost constantly to ensure healthy flocks are raised in an environmentally friendly, sustainable, and humane manner. They are also one of the most tightly regulated industries in Maryland. As you are aware, most chicken farms in this state are required to obtain a Concentrated Animal Feeding Operation (CAFO) Permit, which is a general discharge permit negotiated between the U.S. Environmental Protection Agency (EPA) and the Maryland Department of the Environment (MDE) every five years. The last five-year permit took effect July 8, 2020.

On July 7, 2025, the Maryland Department of the Environment's General Discharge Permit for Animal Feeding Operations (No. 19AF) expired without a new permit being approved. Over a month later, we are told that MDE has still not submitted its proposed new permit to the EPA for review, which is only the first step in a bureaucratic process that can take, at a minimum, 9 to 12 months. While we are glad the current permit has been extended for existing permit holders, those seeking a permit cannot receive one under the current regulations. Additionally, Maryland law prevents farmers from even starting construction on new chicken houses until a permit is issued. Therefore, farmers wanting to begin operations may have to wait until 2027 or later before they can start feeding Maryland's families.

Industry officials have informed us that, as of July 5, there were approximately fifty new chicken houses planned for construction, which are now stalled indefinitely. These fifty new chicken houses equate to more than \$30 million in stalled business for builders, realtors, lenders, equipment manufacturers, and farmers. To be clear, these houses do not reflect a proliferation of chicken farming on the Eastern Shore. Rather, these chicken houses are replacing older ones to maintain production levels. These upgraded houses with modern designs and equipment will be safer, more efficient, and more environmentally friendly when (if ever) they are built. This updated construction is a significant long-term investment, with very thin margins for farmers in market conditions that do not always provide the opportunity to invest in improvements. By the time the department has a renewed permit in effect, the available funding will likely have been invested elsewhere, with the environmental and economic benefits of the planned updates going to Delaware, the Eastern Shore of Virginia, and the Carolinas. This is unacceptable.

It is incomprehensible how MDE so blatantly failed in its duty toward our constituent farmers – the regulated community - from whom they invariably demand such exacting regulatory adherence and timeliness. The timeline for the renewal of the CAFO permit was well known, and we have been told that the industry has repeatedly asked for information on its status for more than a year. We cannot understand how the entire chicken community's upgrade plans have ground to a halt statewide because of a failure to timely update this 35-page permit, a substantial portion of which is boilerplate language. Many of the farmers now in financial jeopardy are in some of the poorest and most disadvantaged parts of our state. We think it is regrettable that they, unlike MDE, have no recourse to hold the agency accountable for its dereliction of basic duties. Instead, as their elected members of the General Assembly, we will assume that responsibility.

We believe that the impending financial harm that will occur if MDE cannot approve new CAFO construction until 2026 or later satisfies the standard for emergency regulations. We ask that MDE use its emergency regulation authority to ensure that permits are issued to farmers until the renegotiated 19AF is adopted.

In the meantime, the situation in which our constituents now find themselves presents many important questions about departmental efficiency, leadership, and priorities. We hope to have a timely and specific response to the following inquiries:

- Given the well-known five-year timeline of the permit, why has MDE failed to submit a proposed permit to the EPA more than 40 days after the expiration of 19AF?
- What parties within the department are/were responsible for the development/drafting of the permit language? Given their failure to submit a permit and the impending financial harm to our constituents, is their performance and/or tenure being reevaluated?
- Does the agency have the competency and resources it needs to regulate the farming community, or should other arrangements be investigated?
- What reassurances can the agency give farmers who, without further action, will suffer immense financial harm due to its inaction? Does the agency have a plan to engage with these stakeholders and hear their concerns?
- What immediate actions are being taken to correct this failure on the part of the department, and what is being done to ensure that such a preventable crisis does not arise again?

We look forward to your prompt response and appreciate your consideration. As part of the Moore-Miller administration, you will understand our frustration that many of our farmers have, indeed, been left behind.

Sincerely,



Christopher T. Adams

Chair

Eastern Shore Delegation

cc: Wes Moore, Governor

Suzanne Dorsey, Deputy Secretary, Maryland Department of the Environment

Kevin Atticks, Secretary, Maryland Department of Agriculture

Delegate Marc Korman, Chair, House Committee on Environment and Transportation

Senator Brian Feldman, Chair, Senate Committee on Education, Energy, and the Environment