

# **SB 371 - CAFO Permit - SUPPORT.pdf**

Uploaded by: Grayson Middleton

Position: FAV



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Date: February 10, 2026  
To: Members of the Senate Committee on Education, Energy, and the Environment  
From: Grayson Middleton, Government Affairs Manager  
Re: SB 371 – CAFO Permitting Alterations – **Support**

Delmarva Chicken Association (DCA) is the trade association representing the meat-chicken growers, companies, and allied business members on the Eastern Shore of Maryland, Delaware, and the Eastern Shore of Virginia. Collectively, we contribute more than \$5.4 billion to Maryland’s economy and pay more than \$254 million in state and local taxes. SB 371 is a simple solution to a regulatory defect. It will allow for continuity of business for farmers and protect them from financial harm due to administrative oversights that are no fault of their own. As such, we strongly support SB 371 and urge a favorable committee report.

## **Background**

Almost every chicken farm in Maryland is required to obtain coverage under a Concentrated Animal Feeding Operation (CAFO) permit. We often refer to the CAFO permit as a “non-discharge discharge permit” because the law stipulates that to receive coverage, a chicken farm must be designed, constructed, operated, and maintained such that a discharge of manure, litter, or process wastewater will not occur to the surface water of the state. To ensure these standards are met, [MDE reviews practically every aspect of the site plan](#) under the Notice of Intent (NOI) submission.

This single National Pollutant Discharge Elimination System (NPDES) general discharge permit is delegated to MDE by the EPA and expires every five years, whereupon a renegotiated permit is meant to take effect. In July 2025, the 2019 CAFO permit expired. Inexplicably, MDE did not submit a new permit for review until the end of August. Only then did the negotiation process begin, and MDE is still in the process of responding to public comment. Meaning, farmers across the state still don’t have a renewed CAFO permit.

Fortunately, we worked with MDE to find a mechanism for continued coverage for current permit holders under an administrative extension. However, MDE has taken the position that it lacks the authority to issue new permits under the extension. Furthermore, tucked in the [Environment Article \(§9–323\)](#) is a 2019 amendment that prohibits the construction of any part of a farm before the issuance of a CAFO permit. This includes any stormwater management requirements or construction of chicken houses. It also prohibits MDE from permitting a farm if any construction has begun. Notably, of the 16 NPDES permits administered by MDE, this is the only such precondition.

The effect of this law and MDE’s interpretation of its permitting authority has been such that farmers (many of them new and beginning) wanting to start operations have been unable to break ground or even obtain financing for their chicken houses. Given that we haven’t had a renewed permit since July, we estimate that [approximately \\$35 million in construction projects have been stalled](#). This negative economic impact does not account for the incalculable losses of on-farm income, real estate transfers,



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banking fees, equipment and feed sales, and resulting government revenue. In addition, because MDE has been unable to issue new permits for the last five months, there will likely be a substantial backlog to address once the permit is renewed. This means that a farmer wanting to start an operation back in the summer will likely have had to wait well over a year to start the process, accounting for the permitting backlog, loan process, construction, and integrator contracting. This has been, in effect, an unlegislated moratorium on new CAFO permits in Maryland.

To be clear, this backlog does not represent a proliferation of production on the Eastern Shore. Rather, it is part of the natural cycle of attrition and replacement of chicken houses. As older houses age, they eventually fall out of use. This gap is replaced with farms that have modern, more efficient, and more environmentally friendly houses. Poultry production on the Eastern Shore is limited by the processing capacity of our plants. For some time, those plants have been operating at or near capacity. The prohibitive regulatory climate makes an expansion of production capacity unforeseeable. As such, total chicken production on the Eastern Shore has been virtually static for more than a decade. In short, a widespread proliferation of chicken farming is impossible.

### **Legislative Intent and Effect**

The intent of the legislation is to allow for CAFO construction and financing should the permit once again expire without a renewed permit in effect. This would make it so that during the interim, prospective growers can build their operation and be prepared to receive birds once they've been permitted. If this law is passed before the adoption of the permit, it would bring immediate relief to area farmers by allowing them to begin the process. To be clear, these farms would not be operational until they are fully permitted by MDE. No birds would be placed in the chicken house until they receive full coverage. Therefore, this legislation would have no impact on the permitting process or water quality.

MDE has expressed frustration that this law (§9-323) has restricted its administrative discretion. To ensure that chicken houses are sited and built in a manner that will meet all permitting requirements, they have agreed to allow for a tentative review, using the Notice of Intent (NOI), which is required on the part of the grower early in the permitting process. In fact, we would insist upon some sort of preliminary review, as we do not want our growers to build houses that cannot be permitted and therefore won't cash flow.

Opponents have erroneously claimed that this legislation would set a dangerous precedent by exempting the CAFO permit from the standards applied to all other general permits. In fact, as far as we can tell, the CAFO permit is the *only* NPDES general discharge permit with a "no-build" provision listed explicitly in statute. That law was passed in 2019; the same year the current CAFO permit was adopted. This can hardly be considered precedent. Furthermore, the long history of the CAFO permit before this law was passed does not support any of the concerns raised by these groups regarding public input, implications for other permits, or water quality. The Environment Article indeed provides that a person must have a general discharge permit before they construct an operation that could cause or increase discharge into the waters of the state. However, as previously stated, the CAFO permit explicitly



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prohibits “discharge of pollutants, including manure, litter, or process wastewater to surface waters of the State from CAFO production.” This is, presumably, why proponents saw it necessary to explicitly list *only* CAFOs in that article.

Opponents have also said that the legislation does not address the “real” issue at hand, which is administrative accountability for MDE. We agree that more accountability is needed, and would welcome amendments that provide for that. However, as they have repeated many times, history has shown that agencies often miss statutory deadlines and that there is little accountability when that happens. While we are confident that the current team at MDE will not allow this oversight to occur again, we also know that administrations and personnel change. We hope that this change in statute will never have a practical application, because we hope that in the future there will always be an available permit. However, in light of recent events, we must have assurance that should another administrative error occur, continuity of business for our farmers will not be affected. We cannot afford this to happen again.

SB 371 is very narrow in scope. It simply gives MDE the discretion they need to allow for continuity of business in a very specific set of circumstances. It does not impact water quality. It does not impact public input. And it does not impact the fundamental environmental protection requirements of chicken farming or MDE’s oversight. It will simply allow farmers across Maryland to begin the process of starting an operation, unhindered by administrative errors. Never again should farmers suffer due to oversights that are no fault of their own. This bill will provide that critical assurance. As such, we strongly recommend a **favorable** committee report.

Should you have any additional questions, please do not hesitate to contact me at [middleton@dcachicken.com](mailto:middleton@dcachicken.com) or 410-490-3329.

Sincerely,

Grayson S. Middleton  
Government Affairs Manager

# **SB 371\_MDCC\_Water Pollution Control-Discharge Perm**

Uploaded by: Hannah Allen

Position: FAV



## Senate Bill 371

Date: February 10, 2026

Committee: Senate Education, Energy, and the Environment

**Position: Favorable**

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Founded in 1968, the Maryland Chamber of Commerce (the Chamber) is the leading voice for business in Maryland. We are a statewide coalition of more than 7,000 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic growth for Maryland businesses, employees, and families.

Senate Bill 371 (SB 371) would repeal a requirement that a person hold a concentrated animal feeding operation (CAFO) general discharge permit before the person may begin construction on any part of a new CAFO.

The State's general CAFO permit expired in mid-2025 without a replacement permit in effect. While existing permit holders were able to maintain coverage through an administrative extension, the Maryland Department of the Environment has taken the position that it lacks authority to issue new permits during that interim period. Compounding the problem, current statute prohibits construction of CAFO facilities prior to permit issuance and prevents the Department from permitting facilities that were constructed without an active permit.

The combined effect has been a de facto moratorium on new and replacement facilities, stalling construction projects, delaying financing, and disrupting normal cycles of reinvestment in modern, more efficient agricultural infrastructure. As a result, tens of millions of dollars in private business investment that could have supported economic development, job creation, and local tax bases were left on the table. This outcome was not the result of environmental noncompliance, but of administrative timing and statutory rigidity.

SB 371 provides a commonsense solution. The bill allows construction and financing to proceed when a permit renewal is pending, while maintaining the clear and critical requirement that no operation may begin, and no animals may be placed, until full permit coverage is issued. Environmental standards, public input, and regulatory oversight remain fully intact.

Importantly, this legislation does not expand production, weaken water quality protections, or limit agency authority. It simply restores limited discretion to prevent economic harm caused by administrative delays and ensures that farmers and related businesses are not penalized for circumstances beyond their control.

For these reasons, the Chamber respectfully requests a **favorable report** on **SB 371**.

**SB 371 MDA LOS.pdf**

Uploaded by: Harrison Palmer

Position: FAV



# Maryland Department of Agriculture

Office of the Secretary

Wes Moore, Governor  
Aruna Miller, Lt. Governor  
Kevin Atticks, Secretary  
Steven A. Connelly, Deputy Secretary

Agriculture | Maryland's Leading  
Industry

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50 Harry S Truman Parkway  
Annapolis, Maryland 21401  
mda.maryland.gov  
410.841.5885 Baltimore/Washington  
410.841.5846 Fax

## Maryland Department of Agriculture Legislative Comment Date: February 10th, 2026

**BILL NUMBER:** SB 371  
**BILL TITLE:** Water Pollution Control - Discharge Permits - Controlled Animal Feeding Operations  
**MDA POSITION:** SUPPORT

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The Maryland Department of Agriculture (MDA) respectfully submits this letter in support of *Senate Bill 371- Water Pollution Control - Discharge Permits - Controlled Animal Feeding Operations*, repealing a requirement that a person hold a concentrated animal feeding operation (CAFO) general discharge permit before the person may begin construction on any part of a new CAFO.

Concentrated Animal Feeding Operations (CAFOs) are a critical component of Maryland's agricultural industry, supporting the State's largest commercial industry and ensuring consumers have access to healthy, affordable protein. These types of structures have provided the industry a nationally proven safe, efficient, and humane method of raising livestock, and continues to be critical in the management and prevention of Highly Pathogenic Avian Influenza.

Despite their importance, current law places Maryland farmers in a regulatory "holding pattern." Under the existing framework, the ability to grow a business is dictated by the speed of administrative paperwork rather than the natural timing of the seasons or market demand. This is particularly devastating for young farmers striving to establish themselves as these individuals often carry high capital overhead and cannot afford to wait months or years for state processes to conclude before breaking ground. By delaying construction until a final CAFO permit is in hand, the current system prevents economic growth for both the individual producer and the state's broader agricultural economy.

Senate Bill 371 addresses these systemic delays by repealing the requirement that a farmer must hold a CAFO permit from the Maryland Department of the Environment prior to construction. This bill grants Maryland farmers the critical opportunity to begin construction on agricultural

buildings and proceed with site work while the EPA-delegated permit remains in administrative review. Crucially, the bill still ensures that all other essential permitting and stormwater management requirements are met during this phase, and the final CAFO permit must be secured before any livestock enter the facility.

For these reasons, MDA strongly supports SB 371 and respectfully requests a favorable report. MDA appreciates the consideration of the above information in the Committee's deliberations. If you have additional questions, please contact Harrison Palmer, MDA Chief of Staff at [Harrisonb.palmer@maryland.gov](mailto:Harrisonb.palmer@maryland.gov) or (410) 980-9887.

**SB 371\_EEE Committee\_Feb 10 2026.pdf**

Uploaded by: Jennifer Feindt

Position: FAV



February 10, 2026

**Senate Bill 371 - Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations**

Education, Energy and Environment Committee

Position: Support

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Farm Credit is a member-owned agricultural lending cooperative providing financial services to farmers, agribusinesses, and rural communities throughout Maryland. Our mission is to support agricultural production while strengthening the economic viability of rural enterprises through reliable and consistent credit.

Farm Credit strongly supports Senate Bill 371, which repeals the statutory requirement that a person must hold a Concentrated Animal Feeding Operation (CAFO) general discharge permit from the Maryland Department of the Environment (MDE) *before* beginning construction on any part of a new CAFO. Eliminating this pre-construction permitting trigger addresses significant timing and regulatory challenges that can disrupt project financing.

Maryland's CAFO permit expired in 2025 and is currently operating under an administrative extension. Under current state law, based on legislation enacted in 2019, producers must secure a CAFO permit before beginning construction on any part of a farm intending to seek coverage under the permit. This requirement is unique to Maryland law and is not included in the federal CAFO permitting framework.

This misalignment between construction timelines and permit issuance creates unnecessary regulatory uncertainty for producers seeking to build, expand, or modernize facilities. When projects are delayed and timelines become unpredictable, many producers face higher costs, from construction materials to interest rates, and often lose valuable time in beginning or expanding production. These challenges ultimately place Maryland farmers at a competitive disadvantage. This uncertainty also affects lenders like Farm Credit, who work closely with producers to finance these projects and ensure their long-term viability. As a result, many producers are left in regulatory limbo, unable to begin construction despite meeting all applicable environmental, federal, and state requirements.

For these reasons, Farm Credit respectfully requests a favorable report on Senate Bill 371.

*For more information, please contact Raechel Sattazahn, Director of Government, Industry, and Member Relations at 717.495.5075 or [rsattazahn@horizonfc.com](mailto:rsattazahn@horizonfc.com).*

# **SB 371**

Uploaded by: Jeremy Baker

Position: FAV



**The Maryland Department of the Environment  
Secretary Serena McIlwain**

***Senate Bill 371***

***Water Pollution - Discharge Permits - Concentrated Animal Feeding Operations***

**Position:** Support  
**Committee:** Education, Energy, and the Environment  
**Date:** February 10, 2026  
**From:** Jeremy D. Baker, Director of Government Relations

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The Maryland Department of the Environment (MDE) **SUPPORTS** SB 371.

**Bill Summary**

SB 371 would repeal a requirement that a person hold a concentrated animal feeding operation (CAFO) general discharge permit before the person may begin construction on any part of a new such facility.

**Position Rationale**

The proposed revisions to § 9-323 of the Environment Article under SB 371 would have a minimal impact on MDE operations because they simply remove a procedural hurdle for applicants and a specific limitation on the Department's permitting authority.

Since MDE already performs pre-construction inspections to ensure new facilities meet all standards, the Department's oversight process remains largely the same. Under the bill, and in alignment with active National Pollutant Discharge Elimination System (NPDES) general permits, the Department will still require operations to obtain a construction general permit before breaking ground. Furthermore, all notices of intent and technical plans must be posted for public review before an operation can be officially registered. Any CAFO that begins construction but fails to meet permit requirements, such as minimum setbacks, will remain subject to enforcement action. Finally, starting construction before a final permit is issued does not guarantee that the facility will ultimately be granted coverage.

Accordingly, MDE asks for a **FAVORABLE** report for SB 371.

**Contact:** Jeremy D. Baker, Director of Government Relations  
Cell: 443-931-0937, Email: [jeremy.baker@maryland.gov](mailto:jeremy.baker@maryland.gov)

**2026\_MGPA\_SB371\_CAF0.pdf**

Uploaded by: Lindsay Thompson

Position: FAV



## Maryland Grain Producers Association

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118 Dundee Ave • Chester • Maryland 21619  
443-262-8491 • [www.marylandgrain.com](http://www.marylandgrain.com)

### **Senate Bill 371 - Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations**

MGPA Position: **Support**

Committee: EEE

Date: February 10, 2026

The Maryland Grain Producers Association (MGPA) respectfully requests a favorable report on Senate Bill 371, which would repeal the requirement that a person have coverage under a concentrated animal feeding operation (CAFO) general discharge permit before beginning construction on any part of a new CAFO.

Maryland's poultry industry is a critical economic engine for both the state and the agricultural supply chain, including the grain sector. The economic vitality of grain producers is closely tied to the strength and stability of poultry production, which represents the largest markets for feed grains in the state. Feed grain demand from poultry growers provides a consistent and significant market for Maryland grains and soybeans.

When barriers to poultry farm development make it more difficult to expand or modernize production, those downstream markets, including grain producers, face reduced demand and economic uncertainty.

SB 371 would modernize Maryland's regulatory framework by removing a pre-construction permit requirement that can delay or hinder investment in new poultry farms. This bill would not allow farms to receive birds without CAFO permit coverage; just begin construction during periods in which the Maryland Department of Environment allows the permit to lapse and is operating under an administrative extension.

MGPA believes SB 371 strikes an appropriate balance between protecting water quality and encouraging agricultural economic activity that benefits the entire supply chain. By ensuring that poultry producers can build essential facilities without unnecessary procedural barriers, Maryland strengthens its position as a leader in integrated agriculture while supporting the viability of grain farms that supply feed and sustain the broader food system.

For these reasons, the Maryland Grain Producers Association urges a **favorable report** on SB 371.

For more information, please contact:

Lindsay Thompson - [Lindsay.mdag@gmail.com](mailto:Lindsay.mdag@gmail.com)

# **Eastern Shore Delegation Letter - FINAL.pdf**

Uploaded by: Mary Beth Carozza

Position: FAV

CHRISTOPHER T. ADAMS  
CHAIR  
JAY A. JACOBS  
VICE CHAIR  
KEVIN B. HORNBERGER  
TREASURER



THE MARYLAND GENERAL ASSEMBLY  
ANNAPOLIS, MARYLAND 21401  
EASTERN SHORE DELEGATION

SENATORS  
MARY BETH CAROZZA  
JASON C. GALLION  
STEPHEN S. HERSHEY, JR.  
JOHNNY MAUTZ  
DELEGATES  
STEVEN ARENTZ  
BARRY BEAUCHAMP  
JEFFERSON L. GHRIST  
MIKE GRIFFITH  
WAYNE A. HARTMAN  
THOMAS S. HUTCHINSON  
CHARLES OTTO  
TERESA REILLY  
SHEREE SAMPLE-HUGHES

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

# **SB 371 - Senator Carozza Testimony\_FINAL.pdf**

Uploaded by: Mary Beth Carozza

Position: FAV

MARY BETH CAROZZA  
Legislative District 38  
Somerset, Wicomico,  
and Worcester Counties

Education, Energy, and  
the Environment Committee

Executive Nominations Committee



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

February 10, 2025

The Senate Education, Energy, and Environment Committee  
SB 371 – Water Pollution Control – Discharge Permits – Concentrated  
Animal Feeding Operations  
Statement of Support by Bill Sponsor Senator Mary Beth Carozza

Thank you Chair Feldman, Vice Chair Kagan, and members of the distinguished Senate Education, Energy, and the Environment Committee for this opportunity to present Senate Bill 371 – an emergency bill that would allow farmers to begin construction on their chicken farming operation prior to receiving full coverage under the Concentrated Animal Feeding Operation general permit. This bill is narrow in scope and is meant to allow for continuity of business in very specific circumstances. This legislation would have **no impact on the permitting process or water quality**. To be clear, these poultry farms would **not** be operational until they are **fully** permitted by MDE.

Let me explain why this is an **urgent** matter for the chicken community on Maryland's Eastern Shore and why this is an **emergency** bill.

As way of background, this single National Pollutant Discharge Elimination System (NPDES) general discharge permit is delegated to MDE by the Environmental Protection Agency (EPA) and expires every five years, whereupon a renegotiated permit is meant to take effect. The CAFO permit is often called a “non-discharge discharge permit” because the law stipulates that to receive coverage, a chicken farm must be designed, constructed, operated, and maintained such that a discharge of manure, litter, or process wastewater will not occur to the surface water of the state.

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, MDE finally submitted its proposed new permit to the EPA for review, which is only the first step in a very long bureaucratic process.

The failure of MDE to submit a new permit in a timely manner prompted the members of the entire Maryland Eastern Shore Delegation to send a letter to MDE Secretary McIlwain on August 20, 2025 requesting immediate action. As of today, MDE is still responding to public comment, and there is still no CAFO permit available. We estimate that there is currently \$35 million in stalled construction.

This significant negative impact does **not** account for the incalculable losses of on-farm income, real estate transfers, banking fees, equipment feed sales and resulting government revenue. In addition, since MDE has been unable to issue new permits for the last seven months, there will likely be a substantial backlog to address once the permit is renewed. This means that a farmer wanting to start an operation back in the summer will likely have to wait over a year to even start the process, accounting for the permitting backlog, loan process, construction, and integrator contracting. The testimony of the Delmarva Chicken Association underscores the importance of this emergency bill to protect poultry growers from harm done due to administrative oversights that are no fault of their own.

This has been, in effect, an **unlegislated moratorium** on new CAFO permits in Maryland, and it is having devastating consequences on our chicken growers and overall poultry industry, an industry that contributes more than \$5.4 billion to Maryland's economy and pays more than \$254 million in state and local taxes.

This legislation offers a practical solution by allowing construction to begin without waiting for the issuance of the new general permit, while still **requiring** farmers to obtain a CAFO permit before any animals are housed or any operation becomes active. As the Maryland Grain Producers state in written testimony, SB 371 strikes an appropriate balance between protecting water quality and encouraging agricultural economic activity that benefits the entire supply chain.

As the Maryland Farm Bureau points out, the current delay has affected farmers in every region of the State, not just poultry growers, and without this emergency bill, more and more Maryland farmers are forced into financial hardship, missed timelines, and lost investment opportunities. This has been an extremely frustrating and stressful time for our chicken farm families and beyond going back to July 7, 2025 when the MDE CAFO discharge permit expired.

I want to recognize that the Maryland Department of the Environment and the Maryland Department Agriculture have been working with our farm community poultry growers and poultry industry through the Delmarva Chicken Association on this emergency legislation and are supporting SB 371. MDE officials have made clear that all existing protections and processes remain in place.

Last Thursday night, farm families and representatives from every sector of the agriculture community gathered together for the 56<sup>th</sup> Taste of Maryland Agriculture with the Governor, the Secretary of Agriculture and other cabinet officials, and a huge turnout of Members from the General Assembly from both sides of the aisle. We celebrated the importance of Maryland Agriculture and our support to ensure a viable agriculture industry in Maryland.

Today, you have Maryland's farm community represented by the Delmarva Chicken Association, Maryland Farm Bureau and local farm bureaus, Maryland Grain Producers, Farm Credit, and farm families from across the State of Maryland urging this Committee to support this emergency legislation and requesting a favorable and swift report of Senate Bill 371.

# **SB 372 - Professional Land Surveyor - Support.pdf**

Uploaded by: Molly O'Hara

Position: FAV

## **House Bill 395 or Senate Bill 371**

Dominic L Agresta PLS/RLS  
36555 Sheppard's Crossing Road  
Willards MD 21874

To whom it may Concern:

I appreciate the opportunity to provide my written testimony regarding the real-world impact of the CAFO permits being allowed to lapse which occurred due to the breakdown in coordination between the Federal Government and the State of Maryland.

During the period when CAFO permits were allowed to lapse, compliance became effectively impossible despite good-faith efforts to follow the law. As a result of the lapse, projects within Maryland were placed into regulatory limbo. Construction timelines halted, contracts delayed or suspended, financing arrangements were jeopardized, and professional services already performed could not advance to completion. These delays resulted in direct financial losses, including unrecoverable costs, extended overhead, and lost business opportunities.

In particular, the inability to secure or rely upon a valid CAFO permit prevented sales and transactions from moving forward. Properties that were otherwise ready for sale could not be transferred, and agreements contingent upon permitting were placed indefinitely on hold. In several cases, potential buyers withdrew entirely due to this uncertainty.

Additionally, the inability to complete sales eliminated anticipated state and local revenues associated with those transactions such as sales tax, recordation and transfer taxes, and other closing-related fees that were never realized. Properties that could not be sold also continued to accrue property tax obligations and holding costs, compounding the financial burden over time and further penalizing parties who were unable to proceed through no fault of their own.

What made the situation especially damaging was the absence of clear, actionable guidance. Repeated attempts to obtain direction from state and federal authorities resulted in generalized or conflicting responses that did not address whether projects could realistically proceed. This uncertainty made it impossible to plan responsibly or to provide accurate information to clients, lenders, and business partners.

I respectfully ask Maryland legislators to recognize that when permitting systems lapse without transition measures or contingency plans, the burden falls directly on Maryland residents and businesses. These impacts are not theoretical — they are immediate, personal, and damaging, so I urge the General Assembly to ensure that regulatory continuity and the necessary frameworks are in place so that Marylanders are never again placed in a position where compliance is lawfully expected but legally unattainable.

Thank you for your time and for considering the impact of this issue on those affected here in Maryland.

Respectfully,

Dominic L. Agresta PLS/RLS

Professional Land Surveyor

# **MDFB - Support - SB371 Water Pollution Control - D**

Uploaded by: Ryan Snow

Position: FAV



## Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035  
410-922-3426 | [www.mdfarmbureau.com](http://www.mdfarmbureau.com)

February 10, 2026

**To:** Senate Education, Energy and the Environment Committee

**From:** Maryland Farm Bureau, Inc.

**RE:** **Support of SB371 Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations**

On behalf of the over 7,000 member families of the Maryland Farm Bureau, I submit written testimony in support of SB371 – Water Pollution Control – Discharge Permits – Concentrated Animal Feeding Operations. This bill removes restrictive language that currently requires a person to hold a Concentrated Animal Feeding Operation (CAFO) general discharge permit before beginning construction on any part of a new facility.

The Maryland General Discharge Permit for CAFOs expired on July 7, 2025. This five-year permit governed wastewater discharges from large poultry, dairy, and livestock farms statewide until its expiration. With the permit now expired, Maryland is in the process of finalizing a new, updated General Discharge Permit. Until that process is complete, existing CAFOs continue to operate under an administrative extension, and no new CAFO permits can be issued.

As a result, farmers who need to modernize, expand, or construct new facilities are effectively stalled, even though the state has not yet provided a permit pathway. SB371 offers a practical solution by allowing construction to begin without waiting for the issuance of the new general permit, while still requiring farmers to obtain a CAFO permit before any animals are housed or any operation becomes active. This bill does not remove or weaken the requirement that every CAFO must secure a valid permit before operation. It simply clears a bottleneck that currently prevents farmers from preparing their farms for future compliance.

It is also important to recognize that CAFOs play a vital role far beyond broiler operations on the Eastern Shore. Many dairy farms, cattle operations, and other livestock producers across Maryland are regulated as CAFOs and would benefit from this commonsense update. The current delay affects farmers in every region of the state, not just poultry growers.

Allowing construction to move forward ensures that Maryland farmers are not forced into financial hardship, missed timelines, or lost investment opportunities due to a permitting gap outside their control. SB371 supports environmental compliance, agricultural competitiveness, and regulatory fairness.

For these reasons, Maryland Farm Bureau respectfully requests a favorable report on SB371.

A handwritten signature in black ink, appearing to read 'W. Ray', with a horizontal line above it.



## Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035  
410-922-3426 | [www.mdfarmbureau.com](http://www.mdfarmbureau.com)

Tyler Hough

Director of Government Relations

*Please contact Tyler Hough, [though@marylandfb.org](mailto:though@marylandfb.org), with any questions*

# **MDFB - Support - SB371 Water Pollution Control - D**

Uploaded by: Tyler Hough

Position: FAV



## Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035  
410-922-3426 | [www.mdfarmbureau.com](http://www.mdfarmbureau.com)

February 10, 2026

**To:** Senate Education, Energy and the Environment Committee

**From:** Maryland Farm Bureau, Inc.

**RE:** **Support of SB371 Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations**

On behalf of the over 7,000 member families of the Maryland Farm Bureau, I submit written testimony in support of SB371 – Water Pollution Control – Discharge Permits – Concentrated Animal Feeding Operations. This bill removes restrictive language that currently requires a person to hold a Concentrated Animal Feeding Operation (CAFO) general discharge permit before beginning construction on any part of a new facility.

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It is also important to recognize that CAFOs play a vital role far beyond broiler operations on the Eastern Shore. Many dairy farms, cattle operations, and other livestock producers across Maryland are regulated as CAFOs and would benefit from this commonsense update. The current delay affects farmers in every region of the state, not just poultry growers.

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## Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035  
410-922-3426 | [www.mdfarmbureau.com](http://www.mdfarmbureau.com)

Tyler Hough

Director of Government Relations

*Please contact Tyler Hough, [though@marylandfb.org](mailto:though@marylandfb.org), with any questions*

# **SB371- (OPPOSE) Water Pollution Control .pdf**

Uploaded by: Christa Peters-Lidard

Position: UNF

**Testimony in Support/Opposition of SB371**  
**Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations**  
**Senate Energy, Education and Environment Committee Hearing 2/10/2026 at 1:00 p.m.**  
**Submitted on 2/6/2026 by 3:00pm**

To Chair Feldman and Committee Members,

**My name is Christa Peters-Lidard, Ph.D. I live in Grasonville, on Greenwood Creek within the Prospect Bay/Eastern Bay watershed, and I urge an unfavorable report on SB371.**

This Bill will repeal a requirement that a person hold a concentrated animal feeding operation (CAFO) general discharge permit before the person may begin construction on any part of a new CAFO.

I oppose this bill because it weakens environmental oversight on the construction of animal feeding operations, and because the safety of my well water depends on avoiding contamination from animal waste. Further, I treasure my ability to fish, swim, crab, and harvest oysters in my watershed.

Thank you for your consideration, and I look to this committee to give **SB371** an **unfavorable** report.

Sincerely,  
Christa Peters-Lidard  
316 Prospect Bay Dr E  
Grasonville, MD 21638

\*\* Occasionally testimony is needed in committees other than the Energy, Education, and Environment Committee. Please always double check the Committee the hearing will be held within. Visit: <https://mgaleg.maryland.gov/mgawebiste/Committees/Charts> to note correct committee chairs and salutations.

**ArundelRiversUNFAV371.pdf**

Uploaded by: Elle Bassett

Position: UNF



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## Testimony in OPPOSITION of SB371 – Water Pollution Control – Discharge Permits – Concentrated Animal Feeding Operations

Energy, Education, and the Environment Committee  
February 10, 2026

Dear Chair Feldman and members of the Committee,

Thank you for the opportunity to submit testimony in **OPPOSITION OF SB371**, on behalf of Arundel Rivers Federation. Deeply rooted in the South, West, and Rhode Rivers, Arundel Rivers Federation heals and protects our waterways and champions clean water across Maryland. Our vision is healthy waterways for all, and we achieve our mission through restoration, education and outreach, and Riverkeeper programs.

Although there are currently no permitted Confined Animal Feeding Operation (CAFO) permits in the South, West, or Rhode River Watersheds, we have concerns regarding the precedent SB371 will set. By repealing the need for an operator to have an AFO in permit in hand and rely on stormwater construction only permits to begin initial construction, AFO operation may circumvent public comment processes and individual site review protocols. **This legislation opens the door for other industrial or commercial facilities to seek the same treatment in future sessions, weakening environmental safeguards across sectors.** The Clean Water Act and Maryland law are designed so a source of pollution cannot be built first and permitted later.

Maryland law requires a permit before construction under all general permits. Section 9-323 of the Environment Article states that a person must hold a discharge permit before building, modifying, or operating any facility that could release pollution into water. This requirement has always applied broadly to industrial and commercial facilities; CAFOs were explicitly named in 2019 to apply compliance expectations that are consistent with every other discharge permit managed by the state. Repealing the 2019 provisions does not change the intent or application of this law to AFO operations.

This bill seeks to remedy a consequence of Maryland Department of the Environment not renewing the AFO General Permit on time, which resulted in backlogs and administrative extensions. **Arundel Rivers encourages this committee to ensure that MDE has the required resources to meet their deadlines as opposed to eliminating permit requirements and pre-construction review.**

Arundel Rivers Federation believes this bill will not solve the problem it seeks to address and instead will cause further environmental consequences and permitting loopholes across sectors. For these reasons, we request an **unfavorable report** on SB371.

Sincerely,

A handwritten signature in cursive script that reads "Elle Bassett".

Elle Bassett  
South, West, and Rhode Riverkeeper  
Arundel Rivers Federation

**CCAIC\_Oppose SB 371.pdf**

Uploaded by: Gabrielle Ross

Position: UNF



**Testimony Opposing HB395/SB371**  
**House Environment and Transportation Committee**  
**February 10<sup>th</sup>, 2026**  
**Position: OPPOSE**

Dear Chair Feldman and Members of the Education, Energy, and the Environment Committee,

On behalf of **Concerned Citizens Against Industrial CAFOs (CCAIC)**, we submit this testimony in **strong opposition to SB371 / HB395**.

CCAIC is a community-based organization located on Maryland's Eastern Shore, founded in 2015 in direct response to the unchecked expansion of industrial poultry operations and the environmental injustices they impose on neighboring communities. For over a decade, we have worked to protect residents—particularly communities of color, low-income communities, and communities with language barriers—from the disproportionate harms caused by factory farming and other polluting industries.

**A History of Harm and Lack of Transparency**

In 2015, our organization formed as the poultry industry rapidly expanded the construction of **mega-sized chicken houses across the Eastern Shore**. These projects appeared with little to no notice to adjacent homeowners and communities, leaving residents blindsided by industrial-scale facilities built directly next to their homes, wells, schools, and places of worship.

Residents experienced increased air pollution, water contamination, odors, heavy truck traffic, and declining quality of life without meaningful opportunities to participate in decision-making processes that directly affected their health and property. This absence of transparency is precisely what CCAIC has spent years fighting to correct.

**SB371 / HB395 Undermines Years of Community Advocacy**

SB371 / HB395 directly contradicts everything CCAIC and our partners have fought for over the past decade, including:

- Transparency in permitting and construction processes
- Community access to information through tools like the **AFO Search Tool**
- Maryland's **Environmental Justice initiatives**
- Meaningful public participation before irreversible harm occurs

- Legislative efforts such as the **Community Healthy Air Act**, which sought to address pollution at its source

By allowing CAFO construction to proceed without required discharge permits, this bill strips communities of their ability to engage before damage is done. Once construction begins, community concerns are effectively sidelined, and regulators face pressure to approve projects regardless of documented risks.

### **Environmental Justice Cannot Be Optional**

The Eastern Shore already bears an unfair burden of pollution from industrial agriculture. The communities most impacted are overwhelmingly those with the least political power—rural communities of color, immigrant communities, and low-income residents who rely on private wells for drinking water.

Maryland has publicly acknowledged the reality of environmental injustice. SB371 / HB395 ignores that acknowledgment and instead prioritizes industry expansion over human health, clean water, and community well-being.

### **Accelerating Harmful Expansion and Industry Consolidation**

This legislation would pave the way for **another massive buildout of industrial factory farms**, including:

- Facilities with **eight or more poultry houses on a single lot**
- Increased volumes of manure with nowhere safe to go
- Expansion of **manure-to-energy facilities** that further entrench industrial waste systems

At the same time, small, local family farmers are pushed out—unable to compete with foreign investors and vertically integrated corporations that dominate land use, resources, and political influence on the Eastern Shore.

This bill does not protect agriculture—it **consolidates power**, fuels overproduction, and accelerates environmental degradation.

### **Conclusion**

SB371 / HB395 represents a dangerous step backward for Maryland. It erodes regulatory safeguards, silences impacted communities, and sacrifices public health and environmental protection for the benefit of one powerful industry.

CCAIC urges the General Assembly to **reject SB371 / HB395** and reaffirm Maryland's commitment to transparency, environmental justice, and the right of all communities to clean air, safe water, and meaningful participation in decisions that shape their future.

Respectfully submitted,  
Concerned Citizens Against Industrial CAFOs (CCAIC)

**JCR\_SB0371\_6Feb2026.pdf**

Uploaded by: Janet Ruhl

Position: UNF

**Testimony in Opposition of SB0371/HB0395**  
**Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations**  
**Senate Education, Energy, and the Environment Committee 10 February 2026**  
**Submitted on 6 February 2026 by 9:00 am**

To the Chair and Committee Members,

**My name is Janet Ruhl. I live in Galena, MD, on the Sassafras River,** and I urge an **unfavorable** report on SB0371/HB0395. Thank you in advance for your consideration to oppose this bill.

Maryland law requires that a person hold a concentrated animal feeding operation (CAFO) discharge permit, issued by the Department of the Environment (MDE), **before** the person may begin construction on any part of a new CAFO. Because MDE failed to reissue the Animal Feeding Operation (AFO) General Permit on time, there is a backlog of poultry growers who cannot move forward with financing or construction.

SB0371/HB0395 seeks to **repeal** the requirement that a person hold a CAFO discharge permit, issued by MDE, **before** the person may begin construction on any part of a new CAFO. While repealing the current requirement might address the poultry growers' immediate permitting and construction delays, repealing the requirement is **not** the correct response to the MDE failure to reissue the AFO General Permit. The correct response to these permitting delays is to ensure MDE meet review deadlines, or require administrative extensions, such that permits do not expire.

Indeed, this Bill:

- Could result in CAFO owners investing in new or modified facilities that will never be allowed to operate. At present, CAFO discharge permits are still required before a facility starts operations. If a new facility is never be granted a CAFO discharge permit, it will never be allowed to operate and the owner's investment is lost.

To alleviate this business hardship, the next step could be a repeal of the CAFO discharge permit requirements **prior** to facility operation.

- Will set precedent by indicating environmental safeguards can be set aside when not convenient, for example when the permitting agency is unable to meet its remit. The Clean Water Act and Maryland law are designed so a source of pollution cannot be built first and permitted later.

Because this bill stands at the top of two slippery slopes (investment prior to known permitting and weakening the environment safeguards), I **oppose** SB0371/HB0395 repealing the need for a CAFO discharge permit **prior** to construction on any part of a new CAFO. I urge the members to hold MDE accountable for issuing and renewing the AFO General Permit as the solution to the current backlog. **Do not weaken Maryland's environmental law and threaten our waters to solve an short-term problem.**

Thank you for your consideration, and I look to this committee to give SB0371/HB0395 an **unfavorable** report.

Sincerely,  
Janet C. Ruhl

# **Written Testimony on Opposition to SB371.pdf**

Uploaded by: John Thacker

Position: UNF

**Testimony in Opposition of SB371**  
**Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations**  
**Senate Energy, Education and Environment Committee February 10, 2026**  
**Submitted on 02/06/22 by 12:00 p.m.**

To Chair Feldman and Committee Members,

**My name is John Thacker. I live near Oxford MD on Island Creek in the Choptank River watershed,** and I urge an **unfavorable** report on SB371.

This Bill will:

- Eliminate the need that a prospective Concentrated Animal Feeding Operation receive a discharge permit prior to the construction of a new feeding facility

I **oppose** this bill because it puts feeding operation operators in an untenable situation and could have adverse effect on animal waste finding its way into the waters of the Choptank watershed. Numerous poultry operations are in the watershed. They are an important economic contributor and, if responsibly managed, do not need to have an adverse impact on the environment. An operator should know he has a permit from MDE before he expends funds for construction. Otherwise, he has no certainty of a return on his investment. Conversely, an animal feeding operation constructed without a permit might go into operation before MDE has acted, creating a potential risk to the waters I boat and fish in. MDE should have the resources it needs to act on these permits before construction.

Thank you for your consideration, and I look to this committee to give SB371 an **unfavorable** report.

Sincerely,  
John Thacker  
28116 Brick Row Dr  
Oxford MD 21654  
johnpthacker@gmail.com

# **SB371 Maryland LCV UNF Water Pollution Controls -**

Uploaded by: Marisa Olszewski

Position: UNF



**MARYLAND  
LEAGUE OF  
CONSERVATION  
VOTERS**

**Maryland LCV  
Board of Directors**

Patrick Miller  
*Chair*

Honorable Nancy Kopp  
*Treasurer*

Bonnie Norman  
*Secretary*

Kimberly Armstrong

Caroline Baker

Joe Gill

Lynn Heller

Honorable Steve Lafferty

Kevin Loeb

Kim Coble  
*Executive Director*

February 10, 2026

**Oppose: SB 371 Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations**

Mr. Chairman and Members of the Committee:

Maryland LCV Opposes SB 371 Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations.

Concentrated Animal Feeding Operations (CAFOs) are established under Maryland law as requiring an Animal Feeding Operation (AFO) General Discharge Permit to operate. These permits are in place to help protect water quality from nutrient discharges that harm the Chesapeake Bay, its tributaries, and public health. In 2019, the Maryland General Assembly, recognizing the importance of environmental review and opportunity for public notice and comment *before* construction begins, established in law that CAFOs must obtain this permit prior to building new or expanding existing facilities. This law has protected water quality, allowed for important community input on construction plans, and provided regulatory certainty for agricultural operators.

SB 371, as written, would remove these important safeguards, creating an awkward exemption that does not solve the root cause of the problem facing the agricultural community, and may even create additional burdens for the agricultural operators requesting relief.

Maryland LCV acknowledges the Maryland Department of the Environment's (MDE) delay in renewing the AFO General Permit has caused hardship for operators wanting to develop new facilities, however SB371 is not the right approach to address this problem. Were this legislation to move forward as is, and MDE were to allow operators to proceed with construction plans without a permit, operators would still be required to go through all the steps to obtain that permit before housing animals.

Additionally, SB 371 would apply this exemption from permitting prior to construction broadly across industrial facilities, not just to CAFO's. This would be contrary to Maryland law established for the protection of water quality and safety and would weaken important legal safeguards protecting Marylanders from pollution. Indeed, removing the established process for permit application and review would mean there would be no legal requirement in place for the issuance of public notice and comment. Especially for the many Environmental Justice communities in Maryland in which CAFOs are located, notice and public comment is greater than a bureaucratic exercise. It provides the opportunity for Maryland

30 West Street, Suite C  
Annapolis, MD 21401  
Phone: 410-280-9855

[www.mdlc.org](http://www.mdlc.org)

communities to request assurances that additional pollution burdens will be mitigated or avoided.

Even without this legislation, it is possible and within the jurisdiction of MDE to provide permits to new agricultural operators wishing to construct and operate CAFOs in Maryland through issuance of individual permits. For the duration of the time the AFO General Discharge Permit is administratively continued, we recommend the use of the individual permit process be followed to serve the intention of this legislation, rather than adopting this bill language, based on concerns noted above.

Maryland LCV respectfully urges the committee to reject SB371.

**OPPOSE SB371.pdf**

Uploaded by: Mark Meyerovich

Position: UNF

# OPPOSE SB371

SB371 would remove a requirement for new concentrated animal feeding operations (or CAFOs for short) to obtain a general discharge permit before starting construction. This permit is issued by the Maryland Department of Environment and sets limits on the amount of pollution a factory farm is allowed to discharge into state waters. If CAFOs are allowed to build before having legal protections in place to prevent pollution of our waterways, the permits become a forgone conclusion, meaning even less accountability for factory farms that violate the law. It would be like building a house without knowing whether it will be up to code, then trying to retroactively address code violations.

We know this is true because it happened with the infamous Lost Valley Ranch in eastern Oregon: they were allowed to build before getting their water discharge permit, and went on to violate that permit over 200 times (due in large part to their faulty infrastructure). It took the state hundreds of inspector and enforcer hours to shut the facility down.

Without proper safeguards, factory farm pollution threatens the water we all depend on. CAFOs generate massive amounts of waste, including manure mixed with heavy metals, pharmaceuticals, and other contaminants. Many operations store this waste in open cesspools called "lagoons" and spray it onto fields. Excess nitrogen and phosphorus from these discharges can cause algae blooms that lead to "dead zones" where oxygen levels are too low to sustain most life.

By waiting until after construction on a CAFO starts to issue a permit, a big problem is created: if the CAFO in question finishes construction, but builds faulty infrastructure, the state is less likely to make them fix it before approving a permit as opposed to requiring correct manure management infrastructure in the first place.

There's no reason to roll back this commonsense regulation that protects our waterways from pollution besides making it easier for new factory farms to open and pollute our shared environment. Please vote unfavorably.

Sincerely,  
Mark Meyerovich  
District 15

**Final ShoreRivers Testimony\_Oppose\_SB371.docx.pdf**

Uploaded by: Matt Pluta

Position: UNF



## Testimony in Opposition of Senate Bill 371 Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations

February 6, 2026

Thank you for the opportunity to submit testimony in **OPPOSITION** to SB371 on behalf of ShoreRivers. ShoreRivers is a river protection organization serving Maryland's Eastern Shore with more than 2,000 members. Our mission is to protect our waterways through science-based advocacy, restoration, education, and community engagement.

SB371 would exempt Concentrated Animal Feeding Operations ("CAFOs"), including new poultry houses, from Maryland's longstanding requirement to obtain Clean Water Act discharge permit coverage before beginning construction. In effect, this bill would move Maryland toward a **build-first, permit-later** approach for one of the most pollution-intensive industries in the state.

This legislation is being advanced in response to a serious administrative failure: the Maryland Department of the Environment (MDE) did not renew the CAFO General Permit on time, creating delays and backlogs for permit coverage. However, SB371 does not address the root cause of the problem. Instead of strengthening accountability at MDE, the bill attempts to treat a symptom by weakening a foundational safeguard of water pollution law: permit first, build second.

### **SB371 is the wrong solution for several reasons:**

First, if CAFOs are allowed to bypass pre-construction discharge permit coverage, it sets a dangerous precedent for other industries like factories, wastewater treatment plants, data centers, and others to seek similar exemptions. This would erode Maryland's entire discharge permitting framework.

Second, because the bill does nothing to ensure MDE will meet future permit renewal deadlines, it actually leaves farmers and landowners vulnerable to significant financial hardship. Under a build-first approach, an operator could invest hundreds of thousands of dollars in construction only to remain unable to legally operate if permit coverage is delayed again, or worse – denied. While SB371 may allow farmers to secure financing and begin construction, **it does not allow them to actually operate their facilities. A general permit is still required before animals can be placed on site.** This situation creates the potential for significant financial hardship for new farmers who are just starting out.

Third, SB371 undermines the environmental and public review process for an industry that remains central to Maryland's ongoing nutrient pollution challenges. After decades of Chesapeake Bay restoration efforts, agricultural nutrient pollution - particular, from intensive poultry production<sup>1</sup>, continues to impair rivers, streams, and groundwater on the Eastern Shore. Permitting is not just paperwork; it is the mechanism that ensures manure management, stormwater controls, setbacks, siting decisions, and community concerns are reviewed before pollution risks are locked in.

A build-first, permit-later approach removes the ability of regulators and communities to prevent harm upfront. It also raises serious environmental justice concerns, as CAFOs are frequently located near rural, low-income communities and communities of color that already have disproportionate burdens from air and water pollution.<sup>2</sup>

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<sup>1</sup> 2023/2024 University of Maryland Center for Environment and Science Chesapeake Bay Report Card:  
<https://ecoreportcard.org/report-cards/chesapeake-bay/issues/2023/>

<sup>2</sup> Environmental Injustice and Industrial Chicken Farming in Maryland, 2021:  
<https://www.mdpi.com/1660-4601/18/21/11039#:~:text=5.of%20affected%20communities%20throughout%20Maryland.>

### **ShoreRivers**

Scott Budden, Executive Director

Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper  
Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

[shorerivers.org](http://shorerivers.org) | 443.385.0511 | [info@shorerivers.org](mailto:info@shorerivers.org)

Finally, ShoreRivers notes that the 2019 provision existed to clarify an existing law (9-323) stating: any industrial, commercial, or disposal facility that could cause or increase the discharge of pollutants into state waters must hold a discharge permit before construction, modification, or operation. **Repealing the 2019 clarification does not eliminate the original requirement.** Animal feeding operations are industrial facilities, and proceeding with construction before proper permitting may open farmers and MDE to legal challenges.

Rather than weakening Clean Water Act protections, the General Assembly should focus on the real issue: ensuring MDE fulfills its legal responsibilities. **ShoreRivers urges the legislature to pursue solutions that improve agency accountability, such as requiring MDE to issue timely individual permits if a General Permit is not renewed on schedule.** This approach would create incentives for on-time renewal while maintaining permit-first safeguards for all industries.

For these reasons, ShoreRivers respectfully urges the Committee to issue an **unfavorable report** on SB371 and to focus instead on addressing the cause of this problem - MDE's permitting delays, rather than adopting an approach which weakens that land's water pollution protections.

Sincerely,



Matt Pluta, Choptank Riverkeeper on behalf of:

**SB 371 - CBF - UNF.pdf**

Uploaded by: Matt Stegman

Position: UNF



# CHESAPEAKE BAY FOUNDATION

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## Senate Bill 371

### Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations

**Date:** February 10, 2026

**To:** Education, Energy, and the Environment Committee

**Position:** UNFAVORABLE

**From:** Matt Stegman,  
MD Staff Attorney

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The Chesapeake Bay Foundation (CBF) **OPPOSES Senate Bill 371**, which repeals the requirement that an operator must obtain coverage under the Concentrated Animal Feeding Operation (CAFO) general discharge permit *before beginning construction* of any part of a new CAFO. The bill is being offered in response to the failure of the Maryland Department of the Environment (MDE) to make timely efforts to renew Maryland's CAFO General Permit, which has caused delays and a backlog of potential approvals as operators are temporarily unable to receive permit coverage. While CBF is sympathetic to operators who may be suffering financial harm despite making good faith attempts to follow State law, the solution proposed in SB 371 would erode protections for Maryland's waterways, does not strengthen accountability for MDE, and sets a potentially concerning precedent for other industries that make seek similar accommodation in the future.

**The bill does not solve the problem it seeks to address.** Section 9-323(a) in the Environment Article requires a person to hold a discharge permit "before the person may construct... ..an industrial... ..facility" such as a CAFO. The General Assembly in 2019 adopted new language in 9-323(c) - which the bill seeks to strike - to clarify the obligation already contained in 9-323(a). The bill does not change, update, or remove that fundamental obligation. Therefore, its legal effect as drafted is that a person must still hold a discharge permit before construction may begin, providing no relief to those harmed by the inability to receive coverage under an administratively continued permit.

#### **The Bill Weakens MDE's Ability to Oversee a Major Maryland Industry:**

While poultry production and its related businesses are of significant economic value, the industry also plays a critical role in helping the state meet its commitment to restore Chesapeake Bay water quality. Maryland has nearly 2,300 chicken houses, many of which are concentrated on Maryland's Eastern Shore where concerns over a nutrient "mass imbalance" have been raised.<sup>1</sup> The Chesapeake Bay Program advises that due to increasing surpluses of nutrients in places like Delmarva, "appreciable reductions in nutrient loads cannot be achieved unless regional mass imbalances are successfully addressed."<sup>2</sup> By requiring an animal feeding operation to receive coverage under the general permit prior to construction, MDE supplies essential review of planned facilities and management at a time when a project's development is most easily adjusted to minimize pollution risk. The pressure to grant coverage after a major capital investment like facility construction makes it unlikely coverage won't be granted, even if planned environmental protections are found to be inadequate.

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<sup>1</sup> [Delmarva Chicken Production Facts 1957-2024.pdf](#)

<sup>2</sup> [Microsoft Word - CESR Final Draft 5.8.23.docx](#)

**SB 371 Sets a Concerning Precedent:**

The requirement to hold a discharge permit before constructing an industrial facility is well-established in Maryland law. If CAFO operations are allowed to permanently bypass this requirement to alleviate a temporary inconvenience for the industry, this sets a dangerous precedent for future factories, wastewater treatment facilities, data centers, and other dischargers who may seek similar treatment.

CBF recognizes the efforts of MDE and the bill's proponents to try to find a narrower solution to the current problem and ensure accountability for the agency to administer their permitting programs effectively. We will continue to offer our assistance in those efforts.

**CBF urges the Committee's UNFAVORABLE report on SB 371.** For more information, please contact Matt Stegman, Maryland Staff Attorney, at [mstegman@cbf.org](mailto:mstegman@cbf.org).

# **JointTestimony\_SB371.pdf**

Uploaded by: Molly Armus

Position: UNF



February 10, 2026

Dear Chair Feldman and Members of the Education, Energy, and the Environment Committee,

On behalf of the undersigned organizations, we write to **oppose SB371**. This bill will remove the requirement to obtain a general discharge permit before beginning construction on a new concentrated animal feeding operation (CAFO).

SB371 completely undermines the purpose of the water discharge permit, which is to protect the environment, safeguard public health and preserve water quality, for the benefit of just one industry. It treats CAFOs as exceptional, exempting these operations from a requirement that applies to the construction of every other industrial and commercial system.<sup>1</sup> SB371 truly lays bare that the poultry industry in Maryland sees a permit intended to protect water quality from livestock pollution as meaningless. This proposal automatically assumes that there is no scenario in which construction may be denied due to the CAFO's impact on the environment and the operator's inability to mitigate those impacts.

Permits are an essential part of the foundation of environmental protection. With significant deregulatory actions occurring at the federal level, it's more important than ever for Maryland to stand strong in its duty to protect our environment. As such, we strongly encourage you to give an unfavorable report to SB371.

### **SB371 Undermines Regulatory Integrity**

Permits are an important way to protect the environment and most importantly, prevent harm before it occurs. Environmental destruction is often irreversible, and a permit acts as that first line of defense. Additionally, requiring a water discharge permit *before* construction of a CAFO ensures the Maryland Department of the Environment (MDE) has the time and authority to evaluate risks and compliance with the permit rules, address environmental justice concerns and impose conditions to avoid or mitigate potential harm.

Allowing a person to begin construction on a facility that will likely discharge pollution into nearby waterways without having the proper permits in place makes the environmental review process a rubber

<sup>1</sup> MD. CODE ANN. ENVIR. §9-323.

stamp rather than a meaningful safeguard. Once construction is underway and capital has been invested, MDE will face intense pressure to approve projects even when serious concerns are identified. Ultimately, if passed, this legislation will erode the integrity of Maryland's environmental review process and set a dangerous deregulatory precedent for other critical state permitting processes.

### **SB371 Puts Communities and the Environment at Risk**

The purpose of Maryland's discharge permit is to prevent pollution of waterways by establishing a specific set of conditions that a CAFO must meet in order to operate. While Maryland's permit has been wholly inadequate in protecting against significant pollution risks from these facilities,<sup>2</sup> allowing a CAFO to begin construction without this permit completely removes the mask that the state's discharge permit provides even minimal protection to nearby communities and their environment. CAFO operators will be able to begin construction without showing how or if they will ensure compliance with the permit rules, such as plans for manure and waste management, storage, as well as a legally compliant comprehensive nutrient management plan. Communities' ability to meaningfully engage in this process, before it begins, will be negated. This is especially alarming in light of the extensive evidence that CAFO pollution negatively impacts Maryland's waterways and is a major public health concern.

Along the Eastern Shore, a dense concentration of hundreds of chicken CAFOs has contributed significantly to water pollution, with little relief to those who live nearby. These operations each house hundreds of thousands of birds, generating massive volumes of manure that contaminate both air and water resources.<sup>3</sup> This waste is periodically applied to spray fields, despite containing pathogens, antibiotic-resistant bacteria, and heavy metals, and frequently in excess of crop needs.<sup>4</sup> For example, one study found that in 2019, more than half of the poultry operations in Maryland whose records were available reported to the state that they had over-applied manure to their crop fields.<sup>5</sup> Excess manure readily runs off into nearby waterways, driving nutrient pollution downstream and degrading water quality.<sup>6</sup> Water testing has consistently found unsafe nitrate levels across the region, and in Wicomico and Worcester Counties, more than one third of residents may have been exposed to water above safe standards.<sup>7</sup> Nitrates can cause a variety of serious health issues, including colorectal cancer, thyroid disease, neural tube defects, and "blue baby syndrome."<sup>8</sup> This is also a

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<sup>2</sup> U.S. ENV'T PROT. AGENCY, EVALUATION OF MARYLAND'S 2022-2023 AND 2024-2025 MILESTONES 6 (2024), [https://www.epa.gov/system/files/documents/2024-05/2024\\_maryland\\_2022\\_2023\\_2024\\_2025\\_evaluation\\_draft\\_ms2.pdf](https://www.epa.gov/system/files/documents/2024-05/2024_maryland_2022_2023_2024_2025_evaluation_draft_ms2.pdf); ENVIRONMENTAL INTEGRITY PROJECT, BLIND EYE TO BIG CHICKEN: FREQUENT VIOLATIONS, BUT FEW PENALTIES FOR MARYLAND'S CHICKEN INDUSTRY 14 (Oct. 28, 2021); ENVIRONMENTAL INTEGRITY PROJECT, POULTRY INDUSTRY POLLUTION IN THE CHESAPEAKE REGION: AMMONIA AIR EMISSIONS AND NITROGEN LOAD HIGHER THAN EPA ESTIMATES 13-15 (April 22, 2020), <https://environmentalintegrity.org/wp-content/uploads/2020/04/EIPPoultry-Report.pdf>; ENVIRONMENTAL INTEGRITY PROJECT, STAGNANT WATERS: DESPITE TWO DECADES OF BAY CLEANUP EFFORTS, NO IMPROVEMENT FOR PHOSPHORUS POLLUTION ON MD EASTERN SHORE 5 (Oct. 28, 2021), <https://environmentalintegrity.org/reports/stagnant-waters/>.

<sup>3</sup> *Id.*

<sup>4</sup> See, DANIEL HELLERSTEIN ET AL., AGRICULTURAL RESOURCES AND ENVIRONMENTAL INDICATORS 75-76 (2019), <https://www.ers.usda.gov/webdocs/publications/93026/eib-208.pdf>; V. Blanes-Vidal, et al., *Residential Exposure to Outdoor Air Pollution From Livestock Operations & Perceived Annoyance Among Citizens*, 40 ENV'T INT'L 44 (2012) (exposure to animal waste odor is "a significant degradation in [rural residents'] quality of life").

<sup>5</sup> BLIND EYE TO BIG CHICKEN, *supra* note 2.

<sup>6</sup> ROLF U. HALDEN & KELLOGG J. SCHWAB, ENVIRONMENTAL IMPACT OF INDUSTRIAL FARM ANIMAL PRODUCTION (2008), <https://law.lclark.edu/live/files/6699-environmental-impact-of-industrial-farm-animal>; CARRIE HRIBAR, NAT'L ASS'N OF LOCAL BDS. OF HEALTH, UNDERSTANDING CONCENTRATED ANIMAL FEEDING OPERATIONS AND THEIR IMPACT ON COMMUNITIES 2-3 (2010), [https://www.cdc.gov/nceh/ehs/docs/understanding\\_cafos\\_nalboh.pdf](https://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf).

<sup>7</sup> Elizabeth Shwe, *Report: Eastern Shore Has Unhealthy Levels of Nitrate in Drinking Water Due to CAFOs*, MARYLAND MATTERS (Oct. 21, 2020, 12:01 AM), <https://marylandmatters.org/2020/10/21/report-eastern-shore-has-unhealthy-levels-of-nitrate-in-drinking-water-due-to-cafos/>; *Community Science Initiative Detects Nitrate in Lower Eastern Shore Residents' Private Wells*, ASSATEAGUE COASTAL TRUST (Feb 2, 2022), <https://www.actforbays.org/post/community-science-initiative-detects-nitrate-in-lower-eastern-shore-residents-private-wells>.

<sup>8</sup> Mary H. Ward et al., *Drinking Water Nitrate and Human Health: An Updated Review*, 15 INT'L J. OF ENV'T RESEARCH AND PUB. HEALTH (2018), <https://www.mdpi.com/1660-4601/15/7/1557>.

prime example of environmental injustice as rural, communities of color as well as low-income communities often live closest to CAFOs and bear the brunt of this intense pollution.<sup>9</sup> Governor Moore has formally recognized this reality through a 2025 executive order directing Maryland agencies to prioritize the protection of overburdened and historically marginalized communities in environmental decision-making.<sup>10</sup> This is fundamentally undermined by SB371.<sup>11</sup>

CAFO pollution impacts the health of the Bay too. CAFO manure “is a primary source of nitrogen and phosphorus to surface and groundwater” and around 95% of Maryland’s CAFOs are located in the Chesapeake Bay watershed.<sup>12</sup> Agricultural runoff is the largest source of pollution entering the Bay, and unsurprisingly, high levels of nitrogen and phosphorus are fueling oxygen-deprived “dead zones.”<sup>13</sup>

Ensuring that a CAFO is complying with the minimal standards of the water discharge permit before construction begins is arguably all that stands between even more severe environmental and public health harms. To undermine this process by allowing construction to move forward without any oversight from MDE or engagement with nearby communities is a grave miscarriage of justice to our environment and the health of those who reside closest to these operations.

### **Conclusion**

It is the job of the state to protect people from pollution, hold powerful industries accountable and ensure that every Marylander can drink safe water and breathe clean air. SB371 completely shirks that duty. Please give an unfavorable report to SB371.

Sincerely,

**Friends of the Earth**, Molly Armus, Animal Agriculture Policy Program Manager

**Sentinels of Eastern Shore Health**, Maria Payan, Executive Director

**Climate Communications Coalition**, Sonia Demiray, Executive Director

**Center for Engagement, Environmental Justice and Health (CEEJH Inc.)**, Krys White, Associate Executive Director

**Cedar Lane Unitarian Universalist Congregation**, Nanci Wilkinson, Environmental Justice Ministry Team

**Patuxent Riverkeeper**, Frederick Tutman, Riverkeeper

**Food & Water Watch**, Jorge Aguilar, Southern Region Director

**Concerned Citizens Against Industrial CAFOs (CCAIC)**, Gabby Ross & Jo Diggs

**One Montgomery Green**, Kathleen Michels, Advocacy Chair

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<sup>9</sup> HRIBAR, *supra* note 6; Johnathan Hall et al., *Environmental Injustice and Industrial Chicken Farming in Maryland*, 18 INT’L J. OF ENV’T RESEARCH AND PUB. HEALTH 9-10 (2021), <https://www.mdpi.com/1660-4601/18/21/11039>.

<sup>10</sup> Press Release, The Office of the Governor, Governor Moore Signs Executive Order to Advance Environmental Justice for Communities Burdened by Pollution (July 18, 2025), <https://governor.maryland.gov/news/press/pages/governor-moore-signs-ee-to-advance-environmental-justice-for-communities.aspx>.

<sup>11</sup> See also, *Animal Feeding Operations (AFOs)*, MD. DEPT. OF THE ENV’T, <https://mde.maryland.gov/programs/land/recyclingandoperationsprogram/pages/afoinfo.aspx> (last visited Jan. 26, 2026) (Maryland’s environmental justice law requires applicants for a CAFO water discharge permit to submit an environmental justice screening score. This score identifies whether a proposed facility is located in or near an overburdened community and is intended to ensure that “environmental decisions are made transparently and equitably.”).

<sup>12</sup> *Estimated Animal Agriculture Nitrogen and Phosphorus from Manure*, U.S. ENV’T PROT. AGENCY, <https://www.epa.gov/nutrientpollution/estimated-animal-agriculture-nitrogen-and-phosphorus-manure> (last updated Dec. 11, 2025); U.S. ENV’T PROT. AGENCY, MARYLAND ANIMAL AGRICULTURE PROGRAM ASSESSMENT (2015) <https://www.epa.gov/sites/production/files/2015-09/documents/marylandanimalagricultureprogramassessment.pdf>.

<sup>13</sup> *Agricultural Runoff*, CHESAPEAKE BAY PROGRAM, <https://www.chesapeakebay.net/issues/threats-to-the-bay/agricultural-runoff> (last visited Jan. 22, 2026).

**Environmental Integrity Project**, Courtney Bernhardt, Director of Research  
**Maryland Legislative Coalition**, Cecilia Plante, Co-Chair  
**Maryland Legislative Coalition – Climate Justice Wing**, Dave Arndt, Co-Chair  
**Little Hoof Farm**, Rhonda Tomko  
**Chesapeake Physicians for Social Responsibility**, Gwen L. DuBois, MD, MPH  
**Wicomico County NAACP**, Monica Brook, President  
**Envision Frederick County**, Patrice Gallagher, Board Vice chair  
**CATA – The Farmworkers Support Committee**, Leila Borrero Krouse, Immigration Specialist Organizer  
**Waterkeeper Alliance**, Jacqueline Esposito, Advocacy Director  
**Waterkeepers Chesapeake**, Robin Broder, Acting Executive Director  
**ACQ (Ask the Climate Question)**, Karen Metchis  
**Less Plastic Please**, Liz Feighner, Steering Committee  
**Maryland Latinos Unidos**, Gabriela Lemus, Executive Director  
**Center for Progressive Reform**, Bryan Dunning, Senior Policy Analyst  
**Clean Water Action**, Jennifer Kunze, Maryland Organizing Director

**CLF Testimony SB 371.pdf**

Uploaded by: Patti Anderson

Position: UNF

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February 6, 2026

The Johns Hopkins Center for a Livable Future  
Bloomberg School of Public Health  
111 Market Place, Suite 840  
Baltimore, MD 21202

**Testimony for S.B. 0371:** Water Pollution Control – Discharge Permits – Concentrated Animal Feeding Operations

**Bill Sponsor:** Senator Carozza

**Committee:** Energy, Education, and Environment Committee

**Persons Submitting:** Patti T. Anderson, Christopher D. Heaney, Nora Pisanic, Matthew A. Aubourg, Bonita D. Salmerón

**Position:** UNFAVORABLE

*The views expressed here are our own and do not necessarily reflect the policies or positions of Johns Hopkins University/Johns Hopkins Health System.*

Honorable Chair Feldman, Vice Chair Kagan and members of the committee,

Thank you for the opportunity to submit this statement for the record in opposition to S.B. 0371. We are researchers at the Johns Hopkins Center for a Livable Future, an interdisciplinary academic center within the Bloomberg School of Public Health's Department of Environmental Health and Engineering. Our Center has been studying the complex relationships among agriculture, the environment, and health since our founding in 1996.

**We write to oppose S.B. 0371.** S.B. 0371 would remove the requirement to obtain a general discharge permit from the Maryland Department of the Environment (MDE) before beginning construction on a new concentrated animal feeding operation (CAFO). This action would allow the construction of new CAFOs before review or consideration for how the facility would meet environmental standards that safeguard public health and natural resources. MDE is charged with enforcing requirements set out in the Clean Water Act and typically issues a new general permit every five years. Passage of this emergency bill would set a damaging precedent and undermine the state's duty to protect the health of Marylanders.

We oppose this bill for three primary reasons, which are further explained below:

- 1. S.B. 0371 creates a permanent regulatory rollback and lacks any sunset provision.**
- 2. Contrary to its stated rationale, S.B. 0371 does not support the public's health or safety.**
- 3. S.B. 0371 would strip communities of their ability to provide public input on new CAFOs.**

**S.B. 0371 creates a permanent regulatory rollback and lacks any sunset provision.**

This bill would repeal a critical early permitting requirement for new CAFOs, allowing construction to begin before a discharge permit is issued. The general permit oversees management of manure and wastewater from large poultry houses, dairy farms, cattle operations and other agricultural operations that confine animals. The permit is intended to prevent offsite discharges and runoff of pollutants to proximal waterways and communities. Eliminating this pre-construction safeguard would weaken oversight at an important stage when design, siting, and infrastructure decisions are being finalized.

Although this bill was proposed in response to MDE's delay in finalizing its updated general permit, S.B. 0371 is not limited to this interim period, nor is it an appropriate remedy for the delay. The updated general permit is expected to be finalized within the next several months. Despite this short-term issue, this bill would effectively create a permanent regulatory rollback, undermining the state's delegated authorities under the Clean Water Act and giving special treatment to CAFOs.

**Contrary to its stated rationale, S.B. 0371 does not support the public's health or safety.**

The text of S.B. 0371 states that this bill is an emergency measure "necessary for the immediate preservation of the public health or safety." Despite this assertion, there is no justification or explanation of this statement in the bill. In fact, there is a robust and growing evidence base documenting the opposite—that industrial animal production at CAFOs is associated with a variety of environmental and public health harms. Key publications summarizing such evidence include *Industrial Farm Animal Production, the Environment, and Public Health*<sup>1</sup> and the *Pew Commission on Industrial Farm Animal Production*.<sup>2</sup>

To briefly describe some of the public health concerns pertaining to pollution from CAFOs:

- **Manure from CAFOs contains an array of biological and chemical hazards that can pose health concerns**, including bacteria, nitrogen, and phosphorus.<sup>3</sup> Poultry litter/waste is typically applied dry to nearby lands as a fertilizer. Over time, the land-applied poultry waste leaches into the groundwater, and during precipitation events run off into local waterways. People can be exposed to waterborne contaminants from poultry operations through the recreational use of contaminated surface water and the ingestion of contaminated drinking water.<sup>4,5</sup> This is of particular concern for Marylanders who rely on private wells for drinking water and household use, as private wells are not monitored by government agencies to ensure safe levels of contaminants. Statewide, an estimated 13% of Marylanders rely on private wells<sup>6</sup>, but that number is likely higher on the Eastern Shore, where the majority of Maryland's poultry CAFOs are located. A study conducted in the Chesapeake Bay watershed found higher levels of nitrates and antibiotic-resistant pathogenic *E. coli* in waterways closer to poultry farms with more animals.<sup>7</sup>
- **Nitrate pollution from agriculture is already too high, often exceeding federal drinking water standards in Maryland.** A 2021 MDE report to the Maryland General Assembly noted that "due to agricultural land use practices, nitrate concentrations in shallow waters of unconfined Coastal Plain aquifers on Maryland's Eastern Shore commonly exceed the federal Drinking Water Standard of 10 mg/L. Concentrations greater than 10 mg/L can cause methemoglobinemia, a dangerous blood disorder, in infants. While nitrate can be removed through treatment processes, this can add to the cost of water treatment. Shallow groundwater is generally used for irrigation and other non-potable uses, and in some cases for potable use by private well owners...Private residential wells are not monitored regularly, and many homeowners are not aware of potential contamination."<sup>8</sup> Elevated levels of nitrate in drinking water are also associated with adverse health effects such as cancer, birth defects and other reproductive problems and thyroid problems.<sup>9</sup>
- **Proximity to CAFOs is associated with a number of health risks**, including exposure to antibiotic-resistant bacteria, higher rates of infectious diseases, and chronic health concerns. A study of CAFOs on the Eastern Shore and in Virginia found that low birthweight was associated with closer residential proximity to poultry operations.<sup>10</sup> Another study found that residential proximity to more poultry farms was associated with some lower measures of lung function.<sup>11</sup> A study in Maryland found higher incidence of campylobacteriosis in zip codes with broiler operations<sup>12</sup>, and a separate study found that residential proximity to poultry operations was associated with campylobacteriosis and infectious diarrhea.<sup>13</sup>

- **CAFOs can perpetuate environmental injustices.** The distribution of the poultry industry across Maryland disproportionately impacts low-income communities and communities of color, as CAFOs are located in counties with some of the lowest wealth in the state. Increases in median household income are associated with a reduction in the number of CAFOs nearby.<sup>14</sup> The negative health and environmental impacts associated with CAFOs can become concentrated in these communities due to their limited economic and political resources to address problems.

**S.B. 0371 would strip communities of their ability to provide public input on new CAFOs.**

This bill lacks any reference to public notice or community input, appearing to circumvent and negate the public participation requirements currently in place and outlined in MDE’s draft general permit. S.B. 0371 stands to eliminate the opportunity for public notice and comment prior to construction of a new CAFO that is currently triggered by the submission of a Notice of Intent (NOI)—deferring the public participation process until the CAFO is already constructed. Page 14 of MDE’s draft permit states: *“Prior to Department approval of the Required Plan(s), each NOI and Required Plan submitted to the Department will be available for public comment consistent with applicable public participation requirements in COMAR 26.08.04.09N(3), including public access to all submitted Plans and opportunity to comment on all Plans and NOIs. For CAFOs, the public may request a public hearing. CAFOs will not be issued discharge permit coverage prior to completion of the public participation process up to and including the final administrative decision.”*<sup>15</sup>

S.B. 0371 also undermines MDE’s recent process of gathering public input to inform its draft general permit. This public comment process created an opportunity for residents, agricultural producers, and other stakeholders to provide information to MDE as it works to update the general permit. Anyone who works at or resides near a CAFO should have the opportunity to engage in the permitting process. If all new CAFO projects are given blanket approval to begin construction without a general permit as this bill seeks to do, the public will be denied of their ability to provide timely input to MDE. S.B. 0371 would also contradict Governor Moore’s 2025 executive order “Valuing Opportunity, Inclusion, and Community Equity (VOICE)” which calls on state agencies to “prioritize opportunities for meaningful engagement with impacted communities on policies and priorities related to Environmental Justice and that enable these communities to meaningfully inform State Agency decision-making.”<sup>16</sup>

Rather than protecting public health, S.B. 0371 would accelerate the development of industrial livestock operations without adequate review, accountability, or community safeguards. We would be happy to provide the committee with additional information supporting the points in this letter, as requested.

**In summary, S.B. 0371 eliminates a critical oversight tool, undermines community engagement, and is not justified for any public health or safety purpose. We strongly urge the committee to reject this bill. Thank you for your time and consideration.**

Sincerely,

Patti Truant Anderson, PhD, MPH  
Policy Director, Johns Hopkins Center for a Livable Future  
Assistant Practice Professor, Environmental Health and Engineering  
Johns Hopkins Bloomberg School of Public Health

Christopher D. Heaney, PhD, MS  
Associate Professor, Environmental Health and Engineering, Epidemiology, International Health  
Director, Community Science and Innovation for Environmental Justice Initiative

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Center for a Livable Future  
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Bonita D. Salmerón, MPH  
Research Associate, Environmental Health and Engineering  
Community Science and Innovation for Environmental Justice Initiative  
Johns Hopkins Bloomberg School of Public Health

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<sup>1</sup> Merchant, J., Martin, R. (Eds.). *Industrial Farm Animal Production, the Environment, and Public Health*. Johns Hopkins Press; 2024. <https://doi.org/10.56021/9781421450407>

<sup>2</sup> The Pew Commission on Industrial Farm Animal Production. *Putting Meat on the Table: Industrial Farm Animal Production in America*. 2008. <https://clf.jhsph.edu/sites/default/files/2019-05/putting-the-meat-on-the-table.pdf>

<sup>3</sup> *Literature Review of Contaminants in Livestock and Poultry Manure and Implications for Water Quality*. U.S. Environmental Protection Agency; 2013.

<sup>4</sup> *Relation between nitrates in water wells and potential sources in the Lower Yakima Valley, Washington State*. U.S. Environmental Protection Agency; 2013. <https://www.epa.gov/sites/default/files/2017-12/documents/lower-yakima-valley-groundwater-report-2013.pdf>.

<sup>5</sup> Burkholder J, et al., *Impacts of waste from concentrated animal feeding operations on water quality*. Environ Health Perspect. 2007;115:308–312.

<sup>6</sup> *Residential Wells*. Maryland Department of the Environment. [https://mde.maryland.gov/programs/water/water\\_supply/pages/residential\\_wells.aspx](https://mde.maryland.gov/programs/water/water_supply/pages/residential_wells.aspx)

<sup>7</sup> Amato, H.K., et al., *Effects of concentrated poultry operations and cropland manure application on antibiotic resistant Escherichia coli and nutrient pollution in Chesapeake Bay watersheds*. Sci Total Environ, 2020. 735: p. 139401.

<sup>8</sup> *Groundwater Protection Program: Report to the Maryland General Assembly*. Maryland Department of the Environment; 2021. [https://mde.maryland.gov/programs/water/water\\_supply/Documents/GroundwaterProtectionReport-2021-Dec.pdf](https://mde.maryland.gov/programs/water/water_supply/Documents/GroundwaterProtectionReport-2021-Dec.pdf)

<sup>9</sup> Ward MH. *Too much of a good thing? Nitrate from nitrogen fertilizers and cancer*. Rev Environ Health. 2009;24:357–363.

<sup>10</sup> Mendrinós, A., et al., *Poultry Concentrated Animal-Feeding Operations on the Eastern Shore, Virginia, and Geospatial Associations with Adverse Birth Outcomes*. Healthcare (Basel), 2022. 10(10): p. 2016.

<sup>11</sup> Borlee, F., et al., *Air Pollution from Livestock Farms Is Associated with Airway Obstruction in Neighboring Residents*. Am J Respir Crit Care Med, 2017. 196(9): p. 1152–1161.

<sup>12</sup> Murray, R.T., et al., *Association between private drinking water wells and the incidence of Campylobacteriosis in Maryland: An ecological analysis using Foodborne Diseases Active Surveillance Network (FoodNet) data (2007–2016)*. Environmental Research, 2020. 188: p. 109773.

<sup>13</sup> Poulsen, M.N., et al., *Residential proximity to high-density poultry operations associated with campylobacteriosis and infectious diarrhea*. Int J Hyg Environ Health, 2018. 221(2): p. 323–333.

<sup>14</sup> Hall J., et al., *Environmental Injustice and Industrial Chicken Farming in Maryland*. Int J Environ Res Public Health 2021;18(21).

<sup>15</sup> Maryland Department of the Environment; 2025. *General discharge permit (discharge permit) for animal feeding operations (draft)*.

[https://mde.maryland.gov/programs/land/RecyclingandOperationsprogram/Documents/01\\_Draft%2025AF%20GD%20Permit.pdf](https://mde.maryland.gov/programs/land/RecyclingandOperationsprogram/Documents/01_Draft%2025AF%20GD%20Permit.pdf)

<sup>16</sup> Maryland Governor Wes Moore; 2025. *Executive Order 01.01.2025.17 Valuing Opportunity, Inclusion, and Community Equity (VOICE)*.

[https://governor.maryland.gov/Lists/ExecutiveOrders/Attachments/89/EO%2001.01.2025.17%20Valuing%20Opportunity,%20Inclusion,%20and%20Community%20Equity%20\(VOICE\)\\_Accessible.pdf](https://governor.maryland.gov/Lists/ExecutiveOrders/Attachments/89/EO%2001.01.2025.17%20Valuing%20Opportunity,%20Inclusion,%20and%20Community%20Equity%20(VOICE)_Accessible.pdf)

# **Testimony in Opposition of SB371\_Final.pdf**

Uploaded by: Rachel Casteel

Position: UNF



**Testimony in Opposition of SB371: Water Pollution Control -  
Discharge Permits - Concentrated Animal Feeding Operations**

Education, Energy, and the  
Environment Committee

**Position: Oppose**

Dear Chair Feldman and Members of the Education, Energy, and the Environment Committee,

On behalf of Sentinels of Eastern Shore Health (SESH), we submit this testimony in **strong opposition to SB371**.

SESH is a collective voice for positive solutions and inclusiveness in representation in environmental and public health issues. For decades, SESH has worked alongside residents to protect local communities from industrial contamination, equitably participate in public processes, and shine a light on the unjust and disproportionate harm concentrated animal feeding operations (CAFOs) inflict on our neighbors.

This emergency bill proposes to repeal the requirement that a person hold a CAFO discharge permit issued by the Maryland Department of the Environment (MDE) **before** beginning construction on any part of a new CAFO. The most recent CAFO general permit expired on July 7, 2025, and MDE will **soon be issuing the new general permit**. This effort reflects a permanent change to a temporary problem – causing far more harm than benefit.

MDE notes that “a discharge permit for construction may be needed, and that the addition of animals would likely need to wait until the CAFO GD Permit is finalized.” **This provision seeks to solely repeal only the parts of the process which specifically and exclusively include public participation and community notification** – this discharge permit is the **only** opportunity where a community or resident can request a hearing or voice their concerns, and the **only** instance in which environmental justice is considered, through the applicant’s determination of an EJ score for the census tract where they are seeking a permit. What is the purpose of an after-the-fact EJ score, if the bulldozer has already shown up, capital is already invested, and the opportunity for public input occurs **after construction has already begun? We know very well the likelihood (rather, the lack thereof) that a facility is stopped post-ground breaking.**

This emergency bill effectively achieves nothing in regard to getting new CAFOs operational sooner than the upcoming release of the general permit, as a permit would likely be necessary for the addition of animals. It simply disallows community members the right and

opportunity to participate in the public process, to even be notified of a CAFO's intent to move in next door, and deems the hard work of Governor Moore's Executive Order on environmental justice, Valuing Opportunity, Inclusion, and Community Equity (VOICE), meaningless. *Maryland has demonstrated a fundamental commitment to prosperity and opportunity for all, including by advancing laws, regulations, policies and priority actions that advance Environmental Justice and equal protections of all Marylanders<sup>1</sup> - not just industries.* Further, state agencies “*can and should take additional actions to embed explicit analysis of equity considerations in policies and practices... and reviewing community engagement strategies with a focus on Marylanders who reside in communities that have historically been overburdened and marginalized including coastal, rural, tribal and urban populations.* Our great state of Maryland affirms here principle seven of the 17 Principles of Environmental Justice: **Environmental justice demands the right to participate as equal partners at every level of decision-making including needs assessment, planning, implementation, enforcement and evaluation.** State agencies “shall prioritize opportunities for meaningful engagement with impacted communities on policies and priorities related to Environmental Justice and that enable these communities to meaningfully inform State Agency decision-making” – we, as communities and the constituents of which you represent, are informing you that this attempt at stifling community participation is **an egregious step backwards, undermines the very outcome it seeks to achieve, and catastrophically endangers our public health, safety, and welfare.**

MDE's own agency asserts that this discharge permit prevents pollution of waterways by requiring specific operating conditions, and conserves resources and reduces paperwork. Eastern shore communities already lack transparency and access to the information they have a right to – this bill further enmeshes that bad practice into the status quo, devastating public participation rights of those who are truly impacted. Regardless of purported efficiency, CAFOs pose a threat to public health AND safety to communities statewide – especially those in environmental justice communities, rural communities, and the Eastern shore. Environmental impacts, community representation, and justice are egregiously overlooked in this proposed bill.

On behalf of eastern shore communities, we urge you to oppose and reject SB371 – do not remove our *only* opportunity to protect our public health, safety, environment, and wellness. Included with our testimony is comment from our local community.

*Respectfully submitted,*  
*Maria Payan and Rachel Casteel*  
*Sentinels of Eastern Shore Health (SESH)*

<sup>1</sup> EO 01.01.2025.17 Valuing Opportunity, Inclusion, and Community Equity (VOICE)\_Accessible.pdf

I, Tyler Tallent, on behalf of the Tallent family of Julia, Greg, and Aaron Tallent, submit this comment in strong opposition to SB371. We are against lifting important regulations of CAFO permits due to proven dangers displayed by these practices that would be encouraged.

I have fought for the last year and a half against the attempt to turn a poultry operation into a bio-refinery less than 200ft from my front door. My home has been in my family's name for close to 50 years, and today we can barely go outside due to the smell or the flies that are filled with blood that cover our windows on warm days above 20F. We learned about it from another neighbour telling us, from sitting in a hearing, we have had to learn just how corrupt, dangerous, and harmful these “projects” can be. Examples include how state agencies handled a few local projects such as the DAF tanks and the biorefinery – essentially allowing them to pop up next to peoples’ homes, endanger their health and silence local departments, citizens, planning and zoning, and other authorities that would stop this with viable due cause. I ask: is an economy where peoples’ lives are in danger worth it? Is “progress” in agriculture taking a step to ignore the public and our communities, and past mistakes made by industry?

Just like any other business the permit system and regulations are in place for a reason: to keep the citizens safe. Permits that need to be renewed both notify departments of their activity, demonstrate they are following regulations and laws, and to notify the people in these areas of what is going on. CAFOs are a delicate system that need regulations to ensure safety – it's why you spend the money and the time to fill out paperwork to acknowledge you know what you're doing and your intent.

If it was not for permits and regulations we would have had a massive CAFO operation on top of the main water source of my area in Maryland, the Paleo Water Channel. But our neighborhood had the opportunity to participate in the process and oppose it, protecting our community. We should not lower quality insurance for a minor convenience as it is the CAFO's responsibility to meet our state standards. Just like any other business or industry, there is accountability and responsibility.

Why do we need to ignore the problems CAFOs cause by simply ignoring them rather than fixing them? We could be patching these problems, establishing regulations to not take this massive step backwards – as if instead of addressing known dangers of CAFOs, the floodgates should be opened outright to allow construction before a permit is even applied for. Where are the checks and balances and oversight? Who would benefit the most from taking the power and autonomy away from citizens to ensure the safety and health of ourselves and our environment?

Would you want this treatment with food at restaurants? Where they just lift certain requirements and what you get on the table is what you eat, you cannot voice your opinion but feel free to leave the table. Hands can be dirty touching your food, expiration dates on ingredients mean nothing, and they can tell you whatever to your face – but there are no opportunities to speak on it, so dig in. This is opening a figurative Pandora's box to harming people and the environment around us. Our farming community finds this proposal dangerous and wrong. In closing, I, Tyler Tallent, on behalf of my family strongly urge your opposition to SB371. Thank you.

# **Oppose SB371 - AFO Permit-2.pdf**

Uploaded by: Robin Broder

Position: UNF



February 6, 2026

## **SB371 - Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations**

Hearing Date: February 10, 2026

### **Position: OPPOSE**

Dear Chair Feldman and members of the Education, Energy & the Environment Committee:

Waterkeepers Chesapeake respectfully submits this testimony in opposition to SB371 - Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations and requests an UNFAVORABLE report from the committee. This legislation represents a significant step backward for environmental protection in Maryland and undermines safeguards designed to protect our waterways and communities.

SB371 is an attempt to solve a widely recognized problem caused by Maryland's Department of the Environment (MDE) failure to reissue the AFO General Permit on time. The administratively extended permit created a backlog of poultry growers who cannot move forward with financing or construction of new or expanded facilities. It is understandable why this delay has inspired action from the poultry industry, but SB371 is not the correct solution. This bill will sacrifice environmental oversight and the public's ability to be informed of new or expanding poultry facilities by repealing language passed in a 2019 law. That law clarified that animal feeding operations, like all other general permit holders, must have a permit in hand before construction begins. Maryland should not trade the 2019 law for short-term political expediency.

This bill, as written, will not solve the problem it claims to address. To start, the bill does not repeal the generally applicable prohibition on construction without a Clean Water Act permit in EN 9-323(a). Even if MDE chose to allow farmers to begin construction without a permit in order to secure financing and begin construction, it does not allow them to operate their facilities. A general permit is still required before animals can be placed on site. As a result, farmers could complete construction only to find themselves financially trapped – unable to generate income

while waiting for the permit to be issued, placing small business owners in an extremely vulnerable position.

The bill is not confined only to animal feeding operations and their general permit. As such, this legislation would open the door for other industrial or commercial facilities to seek the same treatment and weaken environmental safeguards across any and all sectors. Maryland law prohibits a source of pollution from being built first and permitted later. We cannot allow such an important foundational element of the state's water pollution control law that has been in place for decades to be eliminated to solve a very short-term and discrete issue caused by an entirely different problem.

The real problem is MDE's administrative delay, not the 2019 law. The core issue is that MDE did not renew the AFO General Permit on time, resulting in backlogs and administrative extensions. The appropriate solutions are to ensure that MDE has sufficient staffing and resources to renew permits on time, and require MDE to meet stricter timelines for renewing general permits. The solution is not to eliminate pre-construction reviews and public notices. MDE can opt to issue individual permits as well.

There is extensive evidence that Concentrated Animal Feeding Operations (CAFO) pollution negatively impacts Maryland's waterways and air and is a major public health concern. Rural communities of color as well as low-income communities often live closest to CAFOs and bear the brunt of this intense pollution. This bill would remove public notice to these communities that highly polluting poultry facilities are being built next door.

Waterkeepers Chesapeake and the below signed organizations strongly oppose SB371 and request an UNFAVORABLE report on SB371.

Sincerely,  
Robin Broder  
Acting Executive Director  
Waterkeepers Chesapeake  
[robin@waterkeeperschesapeake.org](mailto:robin@waterkeeperschesapeake.org)

Brent Walls, Upper Potomac Riverkeeper and Program Director  
Potomac Riverkeeper Network

Taylor Swanson, Executive Director & Assateague Coastkeeper  
Assateague Coastal Trust

Elle Bassett, South West Rhode Riverkeeper  
Arundel Rivers Federation

Theaux LeGardeur, Executive Director & Riverkeeper  
Gunpowder Riverkeeper

Evan Isaacson, Senior Attorney, Director of Research  
Chesapeake. Legal Alliance

Randy Lyon, Vice Chair & Legislative Chair  
Sierra Club Maryland Chapter

Sara Caldes, Severn Riverkeeper  
Chesapeake Rivers Association, Inc.

# **Oppose SB371 - AFO Permit.pdf**

Uploaded by: Robin Broder

Position: UNF



February 6, 2026

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Hearing Date: February 10, 2026

### **Position: OPPOSE**

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Gunpowder Riverkeeper

Evan Isaacson, Senior Attorney, Director of Research  
Chesapeake. Legal Alliance

Randy Lyon, Vice Chair & Legislative Chair  
Sierra Club Maryland Chapter

# **ACT Testimony - SB0371.pdf**

Uploaded by: Taylor Swanson

Position: UNF



**Testimony in OPPOSITION of SB371 – Water Pollution Control - Discharge Permits -  
Concentrated Animal Feeding Operations**

Energy, Education, and the Environment Committee  
February 6, 2026

Dear Chair Feldman and Members of the Committee,

Thank you for the opportunity to submit testimony in **OPPOSITION OF SB371** on behalf of Assateague Coastal Trust.

**Assateague Coastal Trust is dedicated to its mission of conservation, preservation, and protection of the waterways of Worcester County and Maryland’s Lower Eastern Shore.** Our work helps ensure that residents and visitors to Maryland’s coast forever enjoy the resources provided by our coastal waters.

This bill would eliminate the requirement that a concentrated animal feeding operation (CAFO) obtain a water discharge permit before beginning construction, weakening one of the safeguards protecting Chesapeake and Coastal Bays waterways.

**Discharge permits exist to prevent pollution before it occurs.** Allowing CAFO construction to begin without a permit undermines environmental review, limits meaningful public engagement, and pressures regulators to approve projects after significant investment has already been made. This bill creates a special exemption for one industry and erodes the integrity of Maryland’s environmental protections at a time when strong state oversight is more important than ever.

Assateague Coastal Trust recognizes the importance of the Chicken industry as a major economic driver across the Lower Eastern Shore. However, it is of great importance that consideration be given to the effects removal of this permit could have on tourism and seafood harvest industries; both of which on the Eastern Shore are intimately tied to water quality and health.

Worcester County is already heavily burdened by poultry CAFOs that generate enormous volumes of manure. Excess nutrients from these operations routinely contaminate groundwater and runoff into nearby waterways, including the Maryland Coastal Bays. Water testing in the region has found unsafe nitrate levels, exposing residents to serious health risks such as cancer, thyroid disease, and “blue baby syndrome.” These impacts disproportionately affect rural, low-income communities.

The Coastal Bays are especially vulnerable to nutrient pollution, which fuels algae blooms, degrades water quality, and harms fisheries, tourism, and the local economy. Allowing CAFOs to move forward without demonstrating compliance with even minimal permit standards puts these fragile ecosystems and nearby communities at even greater risk.

For these reasons we urge this committee to uphold the sound reasoning for the permitting process and its necessity for protecting Maryland's waterways. Maryland has a duty to protect clean water, public health, and overburdened communities.

Assateague Coastal Trust urges an **UNFAVORABLE REPORT** on **SB371**.

Sincerely,

A handwritten signature in black ink, appearing to read "Taylor Swanson", with a horizontal line extending to the right.

**Taylor Swanson,**  
Executive Director and Assateague COASTKEEPER  
Assateague Coastal Trust