

# TRUE CHESAPEAKE OYSTER CO

Written Testimony from True Chesapeake Oyster Co

HB 799

Position: SUPPORT

Date: February 17th, 2020

Since 2011 True Chesapeake Oyster Co has operated an oyster aquaculture business with water column leases in St. Jerome Creek, St. Mary's County. In 2012 we invested in a piece of equipment referred to as a "tumbler" or "grader" in order to increase our output, improve the quality of our product to meet the demands of the market, and protect our oysters against threats like the cliona boring sponge.

Thanks to 2019 legislation passed by this body (HB28/SB939) this equipment is allowed for sorting small oysters as part of a nursery operation, but it's not clear if it can be used with larger oysters. Our employees rely on this piece of equipment to safely and efficiently do their job, and our entire company relies on this piece of equipment to operate every day.

Both DNR and MDE have been fully aware that we use a tumbler/grader since 2012, as evidenced by countless site visits by MDE and DNR personnel (including MDE's bi-weekly site visits to our lease for water quality testing). It wasn't until recently - in December 2019 - more than eight years after MDE became aware of our tumbler/grader that MDE cited us for noncompliance.

Over the last two years, DNR and MDE officials have communicated about the use of the equipment. MDE has continued to disrupt our business while DNR has maintained the use of the equipment is permitted.

Now, therefore, we are asking for a simple legislative fix: allow the experts at DNR - together with the well established Aquaculture Coordinating Council (that includes MDE) - to manage the use of oyster aquaculture equipment.

Supporting this legislation would provide clarity and consistency to the industry - an industry that will continue to evolve. Equipment will evolve. Operations will evolve. And the industry - as taxpayers, as employers, and as uniquely exemplary stewards of our environment - deserve clarity and consistency from our government.

Additional notes:

- Many other oyster aquaculture operations use tumblers/ graders on boats or shore without dispute.
- Only water column leases use tumbler/grader equipment, a small portion of the overall aquaculture industry
- If we were forced to move the equipment our labor costs would increase exponentially, and so would the likelihood of workplace injury.

For these reasons True Chesapeake Oyster Co respectfully recommends a favorable report on House Bill 799 from the Environment & Transportation Committee. Please contact Patrick Hudson (410.615.0885) [patrick@truechesapeake.com](mailto:patrick@truechesapeake.com) with any questions.