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Date: January 18, 2021
To: Members of the House Environment & Transportation Committee
From: Holly Porter, Executive Director
Re: HB 249 – Agriculture – License to Produce Hemp - Limitation - **OPPOSE**

Delmarva Chicken Association or DCA (formerly Delmarva Poultry Industry, Inc.), the 1,600-member trade association representing the meat-chicken growers, processing companies and allied business members on the Eastern Shore of Maryland, the Eastern Shore of Virginia, and Delaware opposes HB 249 and urges an unfavorable committee report.

HB 249 would limit the Maryland Department of Agriculture from issuing a license for hemp production if the site was located within 25 feet of three or more residences, including the residence of the hemp operator, unless the person agrees to produce the hemp in an indoor facility and uses approved purifying apparatuses to reduce odors.

DCA has the same major concerns about the precedence of this bill as we did last year. HB 249 limits an agricultural practice and restricts how a farmer must run his/her business, even if that farmer's business is on his/her own property.

The state should not be determining where farming operations are located or the methods they must use in their practice – whether indoor or outdoor. This would be no different than the state telling a farmer they must use a specific tractor to plant corn or require an urban farm to only be able to use raised beds because neighbors may not like the look of the hoop houses. Or limit the size of a poultry house if it is located a certain distance to its neighbors.

Currently the authority for determining siting and location of farms is at the local, county level within the planning and zoning codes. The counties have the authority to determine agricultural districts and/or agricultural zoned areas, as well as any exemptions, setbacks or other requirements. As we understand it, the concern of hemp production was discussed by Baltimore County Council, with no action taken on their part.

In addition, Maryland is a Right-to-Farm state, with laws protecting farmers from nuisance lawsuits due to dust, odor, noise, slow moving equipment and more. This law requires all farms to abide by federal, state and local regulations and permitting. All counties in Maryland have adopted local right-to-farm ordinances as well. These ordinances allow for a process in which neighbors can make complaints and how those disputes can be resolved. HB 249 would create a path that others may use to avoid current laws and dispute procedures that are already established.

Counties should continue to be able to set zoning requirements and if neighbors have concerns about agricultural operations, they should share those complaints through the process that is already established with right-to-farm ordinances.



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Maryland's number one industry is agriculture. If Maryland lawmakers want to encourage that heritage and one of the states' biggest economic drivers, they should not put additional restrictions on farming, especially for a relatively new industry such as hemp. Many farmers have just gotten started in the business, and this bill could close the doors of operations before they are fully utilized.

We urge an **unfavorable** vote on HB 249.

Should you have any additional questions, please feel free to contact me at porter@dcachicken.com or 302-222-4069 or Nick Manis, Manis Canning & Associates, 410-263-7882.