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Date: January 22, 2021
To: Members of the Senate Judicial Proceedings Committee
From: Holly Porter, Executive Director
Re: SB 334 – Water Pollution Control – Intervention in Civil Actions – Rights and Authority - **OPPOSE**

Delmarva Chicken Association (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 SB 334 and urges an unfavorable committee report.

SB 334 allows a person that meets the threshold of standing under the federal Clean Water Act to intervene in a civil action that the state brings to state court. That person would also have the same rights as interested or aggrieved parties, including the right to apply for judicial review and appeal.

The Delmarva chicken community witnessed firsthand the devastating impacts of a lawsuit on a family farmer during *Waterkeeper Alliance, Inc. vs. Alan Hudson et al.* While the lawsuit was not filed by the Department of the Environment, it was a frivolous lawsuit that almost cost the livelihood of the farmer and left years of mental stress for he and his family.

It is one thing for an aggrieved party or individual, who according to the fiscal and policy note by the Department of Legislative Services, means a “plaintiff with a specific interest or property right that has been affected by the disputed action or decision” to have the ability to bring about a suit on the state if there has been an egregious violation to the Clean Water Act. But when the law is expanded to allow for civil suits against individual family farmers from outside of the area and even state, after the state (MDE) has put forth their enforcement action and case, it invites more lawsuits by parties that likely have significant more resources than the family farmer that has already had to pay court costs.

DCA supports the Department of the Environment holding violators of the Clean Water Act accountable for their misdeeds. However, we strongly oppose groups or individuals from outside of the state of Maryland, or even the area of the violation, who have a strong appetite for litigation to intervene and potentially bankrupt family farmers.

We urge an **unfavorable** vote on SB 334.

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.