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Date: February 21, 2022
To: Members of the House Environment & Transportation Committee
From: Holly Porter, Executive Director
Re: HB 649 –Environment – Discharge Permits – Inspections & Administrative Continuations -
OPPOSE

Delmarva Chicken Association (DCA) 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 649 as it is current written and would like to suggest clarification to possibly remove opposition.

HB 649 limits the period of time that the Maryland Department of the Environment may administratively continue water discharge permits. It also establishes inspections and penalties for permit holders that are considered in significant noncompliance with State or federal water quality standards.

To be clear, DCA agrees that MDE should limit the use of administratively continuing permits. Members of our chicken community want to have certainty of rules and regulations and want to comply with them in a timely manner.

DCA also agrees that permit holders that are egregiously violating their permits and causing major environmental impacts should have additional oversight, inspections and perhaps fees and penalties.

However, as the bill is currently written, there is no definition of “significant noncompliance.” In a report that was issued this past fall by the Environmental Integrity Project trying to claim that chicken farmers were out of compliance and causing harm to the environment, it was clearly noted that the vast majority of noncompliance was related to record-keeping, not on-the-ground water quality concerns. And it was further noted that since the CAFO permit was issued, significant violations have gone down, indicating that growers are very much following the rules.

DCA would like to see a clarification of what is considered a “significant noncompliance” and we would urge that this should not be record-keeping violations, but rather violations that have a direct water quality impact.

We would be happy to work with the sponsor on further amendments that would help with our concern and perhaps be able to remove opposition to a bill that in general has very good merits.

As written, we urge an **unfavorable** vote on HB 649.

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.