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Date: March 6, 2023
To: Members of the House Committee on Environment and Transportation
From: Holly Porter, Executive Director
Re: HB 0840 – Climate, Labor, and Environmental Equity Act of 2023 – **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 0840 as written and urges an unfavorable committee report.

At DCA, we take our commitment to environmental justice and equity very seriously. In Maryland, over 23% of our growers are minority, compared with 4.5% of all farmers across the United States. The majority of the workforce in our processing plants are minority or of other national origin. Most of these groups live in the same area they work, and their safety and health is not only a moral priority for our organization, but also an economic benefit. However, we do not support regulations and laws which are both unnecessary and put our farmers and industry at an economic disadvantage.

This bill allows for the Department of Environment to “deny or alter a decision or amend the conditions under a permit based...” on how the approval would impact overserved and/or overburdened communities. Most concerning for our industry is the lack of clarity on how this would affect the CAFO general permit given that the current MDE Environmental Justice Screening tool does not account for some of the environmental health indicators cited in this legislation. While we realize that those parameters have already been set by previous legislation, we would like to have them included in the MDE Environmental Justice screening tool so we can assess how this would affect our industry. We do not believe it is fair to pass legislation before our farmers and companies can assess it’s implications.

Currently the MDE Environmental Justice Screening Tool only accounts for the three “underserved community” parameters, and we can easily see the areas in which a permit might be affected by this definition. However, there are 21 environmental health indicators for “overburdened community,” none of which currently appear on the EJ Screening Tool. Without their inclusion, it is not possible for us to assess how this legislation will affect different areas of our community. Furthermore, we have no clear guidance on how some of these parameters might be defined or interpreted. For example, one of the indicators under “overburdened community” is “proximity to a Concentrated Animal Feeding Operation.” Depending on how “proximity” is defined, this could have major implication for how permits are assessed in our region.

Finally, there is a considerable lack of clarity and guidance for the department under this legislation, and we are concerned how broadly this bill might be interpreted. For example, on page 5 this bill states that the environmental equity evaluation “may include” an analysis of certain items and page 6 says the department “may deny” the permit. This lack of guidance and expansive room for interpretation with such big implications should concern everyone.



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Although we support environmental justice and equity, the lack of transparency, clarity, and the inclusion of yet undefined parameters in this bill force us to oppose this legislation. We cannot support legislation which will have unforeseen effects on our industry. At the very least, we request that the passage of this legislation be delayed until all the parameters listed in this legislation are included in the Environmental Justice Screening Tool so that our farmers and companies can accurately assess how this will affect them.

We urge an **unfavorable** vote on HB 0840.

Should you have any additional questions, please feel free to contact me at porter@dcachicken.com or 302-222-4069 or Grayson Middleton at middleton@dcahicken.com or 410-490-3329.

Sincerely,

A handwritten signature in black ink, appearing to read "Holly Porter".

Holly Porter
Executive Director