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Date: March 26, 2024

House Bill 1101- Standing - Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)

Committee: Education, Energy and the Environment

MGPA Position: OPPOSE

The Maryland Grain Producers Association (MGPA) serves as the voice of grain farmers growing corn, wheat, barley and sorghum across the state. MGPA opposes House Bill 1101 which, as amended, establishes standing in Maryland individuals who would meet the requirements for standing under the Clean Water Act. The bill also defines and expands standing to violations or alleged violations as it relates to non-tidal wetlands, ephemeral and intermittent streams or "hydrologic connections" to these water bodies.

While we appreciate that the definition of Injury in Fact as “a negative impact, or the threat of a negative impact, to a person’s health or the use and enjoyment of a natural resource or environment, including a negative impact to aesthetic, recreational, conservational and economic interests that many be shared among community members.” being removed from the bill as well as organizational standing; we still have serious concerns about the intent of those supporting this legislation.

During a subcommittee meeting discussion of this bill as amended, an organizational representative called out a specific farm location that they planned to pursue legal action against if this bill were to pass. While we do not in any way support blatant or knowing pollution of waters of the state, we are concerned that the expanded definition to include things like intermittent streams and non-tidal wetlands could lead to farmers being sued for an act they were unaware is a violation.

If this bill were to pass, MGPA hopes that a significant mapping effort, not accounted for in the fiscal note, is undertaken and landowners are notified as to whether certain water features on their properties are now jurisdictional.

We urge an unfavorable report on HB1101.