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Executive Nominations Committee

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

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The Senate Education, Energy, and Environment Committee  
SB 371 – Water Pollution Control – Discharge Permits – Concentrated  
Animal Feeding Operations  
Statement of Support by Bill Sponsor Senator Mary Beth Carozza

Thank you Chair Feldman, Vice Chair Kagan, and members of the distinguished Senate Education, Energy, and the Environment Committee for this opportunity to present Senate Bill 371 – an emergency bill that would allow farmers to begin construction on their chicken farming operation prior to receiving full coverage under the Concentrated Animal Feeding Operation general permit. This bill is narrow in scope and is meant to allow for continuity of business in very specific circumstances. This legislation would have **no impact on the permitting process or water quality**. To be clear, these poultry farms would **not** be operational until they are **fully** permitted by MDE.

Let me explain why this is an **urgent** matter for the chicken community on Maryland’s Eastern Shore and why this is an **emergency** bill.

As way of background, this single National Pollutant Discharge Elimination System (NPDES) general discharge permit is delegated to MDE by the Environmental Protection Agency (EPA) and expires every five years, whereupon a renegotiated permit is meant to take effect. The CAFO permit is often called a “non-discharge discharge permit” because the law stipulates that to receive coverage, a chicken farm must be designed, constructed, operated, and maintained such that a discharge of manure, litter, or process wastewater will not occur to the surface water of the state.

On July 7, 2025, the Maryland Department of the Environment’s General Discharge Permit for Animal Feeding Operations (No. 19AF) **expired** without a new permit being approved. Over a month later, MDE finally submitted its proposed new permit to the EPA for review, which is only the first step in a very long bureaucratic process.

The failure of MDE to submit a new permit in a timely manner prompted the members of the entire Maryland Eastern Shore Delegation to send a letter to MDE Secretary McIlwain on August 20, 2025 requesting immediate action. As of today, MDE is still responding to public comment, and there is still no CAFO permit available. We estimate that there is currently \$35 million in stalled construction.

This significant negative impact does **not** account for the incalculable losses of on-farm income, real estate transfers, banking fees, equipment feed sales and resulting government revenue. In addition, since MDE has been unable to issue new permits for the last seven months, there will likely be a substantial backlog to address once the permit is renewed. This means that a farmer wanting to start an operation back in the summer will likely have to wait over a year to even start the process, accounting for the permitting backlog, loan process, construction, and integrator contracting. The testimony of the Delmarva Chicken Association underscores the importance of this emergency bill to protect poultry growers from harm done due to administrative oversights that are no fault of their own.

This has been, in effect, an **unlegislated moratorium** on new CAFO permits in Maryland, and it is having devastating consequences on our chicken growers and overall poultry industry, an industry that contributes more than \$5.4 billion to Maryland's economy and pays more than \$254 million in state and local taxes.

This legislation offers a practical solution by allowing construction to begin without waiting for the issuance of the new general permit, while still **requiring** farmers to obtain a CAFO permit before any animals are housed or any operation becomes active. As the Maryland Grain Producers state in written testimony, SB 371 strikes an appropriate balance between protecting water quality and encouraging agricultural economic activity that benefits the entire supply chain.

As the Maryland Farm Bureau points out, the current delay has affected farmers in every region of the State, not just poultry growers, and without this emergency bill, more and more Maryland farmers are forced into financial hardship, missed timelines, and lost investment opportunities. This has been an extremely frustrating and stressful time for our chicken farm families and beyond going back to July 7, 2025 when the MDE CAFO discharge permit expired.

I want to recognize that the Maryland Department of the Environment and the Maryland Department Agriculture have been working with our farm community poultry growers and poultry industry through the Delmarva Chicken Association on this emergency legislation and are supporting SB 371. MDE officials have made clear that all existing protections and processes remain in place.

Last Thursday night, farm families and representatives from every sector of the agriculture community gathered together for the 56<sup>th</sup> Taste of Maryland Agriculture with the Governor, the Secretary of Agriculture and other cabinet officials, and a huge turnout of Members from the General Assembly from both sides of the aisle. We celebrated the importance of Maryland Agriculture and our support to ensure a viable agriculture industry in Maryland.

Today, you have Maryland's farm community represented by the Delmarva Chicken Association, Maryland Farm Bureau and local farm bureaus, Maryland Grain Producers, Farm Credit, and farm families from across the State of Maryland urging this Committee to support this emergency legislation and requesting a favorable and swift report of Senate Bill 371.