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Date: March 13, 2026
To: Members of the House Committee on Environment and Transportation
From: Grayson Middleton, Government Affairs Manager
Re: HB 1268 – CHERISH Our Communities Act – **Oppose**

Delmarva Chicken Association (DCA) is the trade association representing the meat-chicken growers, companies, and allied business members on the Eastern Shore of Maryland, Delaware, and the Eastern Shore of Virginia. Collectively, we contribute more than \$5.4 billion to Maryland's economy and pay more than \$254 million in state and local taxes. Due to specific concerns about how certain provisions would affect future permitting, we are compelled to oppose HB 1268 as written. However, we have started a dialogue with sponsors, and we are eager to find a solution that would work for all stakeholders.

The principles of environmental justice are supported by DCA and our 2026 legislative policy book. However, given the current circumstances, our association and the wider agricultural community have serious concerns about the fairness and the unintended consequences of including CAFO general permits in this legislation. We are also concerned about how their inclusion could affect other types of projects across the Eastern Shore.

As this committee is aware, almost every chicken farm in Maryland is required to obtain coverage under a Concentrated Animal Feeding Operation (CAFO) permit. We often refer to the CAFO permit as 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.

The CAFO permitting process has, over the years, become notoriously burdensome and arduous. In the briefest terms possible, this includes an extensive application process, a thorough review of site plans, a Comprehensive Nutrient Management Plan, and a Soil Conservation and Water Quality Plan. These plans are then made available to the public, where comments about the plans can be submitted, and a public hearing for the facility can be requested. The public can also request an administrative hearing on the plans. Furthermore, during the renewal of the general permit, there are several public meetings, a public comment period, and an opportunity for judicial review. Once the farmer finally receives coverage, they are subject to strict ongoing compliance, monitoring, and reporting.

MDE administers over a dozen different general permits. Under the definition of "Covered General Permit" in HB 1268, only three are included: air emissions from concrete batch plants, mining operations, industrial stormwater, and animal feeding operations. Conspicuously *not* included in this definition are general permits for oil-contaminated groundwater, discharges from surface coal mines, discharges from asphalt plants, and discharges from seafood processing, among others. We do not think it is reasonable or fair to subject family-owned, zero-discharge farms to carte blanche permit conditions and further public input requirements, particularly when so many other types of facilities are not. Doing so will further complicate an already dizzying permitting process and create further delays for applicants that are already subject to several different public input opportunities.



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We also have serious concerns about the standards and definition for “At-Risk Census Tract.” In addition to the other requirements, this legislation would automatically consider any census tract to be “at risk” if the proximity to a Concentrated Animal Feeding Operation (chicken houses) is at or above the 99th percentile in the state. This seems like a high standard. However, due to the absence of poultry farming in the rest of Maryland and the low population density of the Eastern Shore, this definition alone places a substantial portion of the Eastern Shore (see attachment) in the “at-risk” category. This would subject every individual permit in this area to the requirements outlined in the bill, and would subject every chicken farm to carte blanche “conditions to protect public health and reduce environmental harm.” This is exceedingly broad. Advocates have claimed that the conditions for covered general permits in this legislation would be minimal. We hope this is true, but it has not been clarified in the legislation.

In the definition of “At-Risk Census Tract,” we again see the inexplicable inclusion of chicken farms (CAFO’s) and the conspicuous absence of many other types of facilities. In fact, there are only three other types of facilities whose proximity to a census tract would trigger this definition: mining operations, emitting power plants, and hazardous waste landfills. Again, we do not think it is appropriate or fair to put family-owned, zero-discharge farms in the same category as these types of polluting facilities, especially when so many others are absent from the definition. Furthermore, we believe the inclusion of CAFOs triggers a definition that does not reflect the reality of many of these communities, and does not consider the important distinctions between rural and urban economies. It is worth noting that proximity to CAFOs is already one of the 21 “environmental health indicators” considered when determining whether a census tract is an “overburdened community.”

We look forward to continuing our conversation with the sponsors and advocates. We do not believe the current definitions or requirements, as written, are appropriate or fair for family farmers already subject to an intensely burdensome permitting process. For these reasons, we respectfully oppose HB 1268 as written.

Should you have any additional questions, please feel free to contact me at middleton@dcachicken.com or 410-490-3329.

Sincerely,

Grayson Middleton

Government Affairs Manager



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