

The Johns Hopkins Center for a Livable Future
Bloomberg School of Public Health
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Testimony for H.B. 0395: Water Pollution Control – Discharge Permits – Concentrated Animal Feeding Operations

Bill Sponsor: Delegate Boyce

Committee: Environment and Transportation

Persons Submitting: Patti T. Anderson, Christopher D. Heaney, Nora Pisanic, Matthew A. Aubourg, Bonita D. Salmerón

Position: UNFAVORABLE

The views expressed here are our own and do not necessarily reflect the policies or positions of Johns Hopkins University/Johns Hopkins Health System.

Honorable Chair Korman, Vice Chair Guyton and members of the committee,

Thank you for the opportunity to submit this statement for the record in opposition to H.B. 0395. We are researchers at the Johns Hopkins Center for a Livable Future, an interdisciplinary academic center within the Bloomberg School of Public Health's Department of Environmental Health and Engineering. Our Center has been studying the complex relationships among agriculture, the environment, and health since our founding in 1996.

We write to oppose H.B. 0395. H.B. 0395 would remove the requirement to obtain a general discharge permit from the Maryland Department of the Environment (MDE) before beginning construction on a new concentrated animal feeding operation (CAFO). This action would allow the construction of new CAFOs before review or consideration for how the facility would meet environmental standards that safeguard public health and natural resources. MDE is charged with enforcing requirements set out in the Clean Water Act and typically issues a new general permit every five years. Passage of this emergency bill would set a damaging precedent and undermine the state's duty to protect the health of Marylanders.

We oppose this bill for three primary reasons, which are further explained below:

- 1. H.B. 0395 creates a permanent regulatory rollback and lacks any sunset provision.**
- 2. Contrary to its stated rationale, H.B. 0395 is harmful to public health.**
- 3. H.B. 0395 would strip communities of their ability to provide public input on new CAFOs.**

H.B. 0395 creates a permanent regulatory rollback and lacks any sunset provision.

This bill would repeal a critical early permitting requirement for new CAFOs, allowing construction to begin before a discharge permit is issued. The general permit oversees management of manure and wastewater from large poultry houses, dairy farms, cattle operations and other agricultural operations that confine animals. The permit is intended to prevent offsite discharges and runoff of pollutants to proximal waterways and communities. Eliminating this pre-construction safeguard would weaken oversight at an important stage when design, siting, and infrastructure decisions are being finalized.

Although this bill was proposed in response to MDE's delay in finalizing its updated general permit, H.B. 0395 is not limited to this interim period, nor is it an appropriate remedy for the delay. The updated general permit is expected to be finalized within the next several months. Despite this short-term issue, this bill would effectively create a permanent regulatory rollback, undermining the state's delegated authorities under the Clean Water Act and giving special treatment to CAFOs.

Contrary to its stated rationale, H.B. 0395 is harmful to public health.

The text of H.B. 0395 states that this bill is an emergency measure "necessary for the immediate preservation of the public health or safety." Despite this assertion, there is no justification or explanation of this statement in the bill. In fact, there is a robust and growing evidence base documenting the opposite—that industrial animal production at CAFOs is associated with a variety of environmental and public health harms. Key publications summarizing such evidence include *Industrial Farm Animal Production, the Environment, and Public Health*¹ and the *Pew Commission on Industrial Farm Animal Production*.²

To briefly describe some of the public health concerns pertaining to pollution from CAFOs:

- **Manure from CAFOs contains an array of biological and chemical hazards that can pose health risks,** including bacteria, nitrogen, and phosphorus.³ Poultry litter/waste is typically applied dry to nearby lands as a fertilizer. Over time, the land-applied poultry waste leaches into the groundwater, and during precipitation events runs off into local waterways. People can be exposed to waterborne contaminants from poultry operations through the recreational use of contaminated surface water and the ingestion of contaminated drinking water.^{4,5} This is of particular concern for Marylanders who rely on private wells for drinking water and household use, as private wells are not monitored by government agencies to ensure safe levels of contaminants. Statewide, an estimated 13% of Marylanders rely on private wells⁶, but that number is likely higher on the Eastern Shore, where the majority of Maryland's poultry CAFOs are located. A study conducted in the Chesapeake Bay watershed found higher levels of nitrates and antibiotic-resistant pathogenic *E. coli* in waterways closer to poultry farms with more animals.⁷
- **Nitrate pollution from agriculture is already too high, often exceeding federal drinking water standards in Maryland.** A 2021 MDE report to the Maryland General Assembly noted that "due to agricultural land use practices, nitrate concentrations in shallow waters of unconfined Coastal Plain aquifers on Maryland's Eastern Shore commonly exceed the federal Drinking Water Standard of 10 mg/L. Concentrations greater than 10 mg/L can cause methemoglobinemia, a dangerous blood disorder, in infants. While nitrate can be removed through treatment processes, this can add to the cost of water treatment. Shallow groundwater is generally used for irrigation and other non-potable uses, and in some cases for potable use by private well owners...Private residential wells are not monitored regularly, and many homeowners are not aware of potential contamination."⁸ Elevated levels of nitrate in drinking water are also associated with adverse health effects such as cancer, birth defects and other reproductive problems, and thyroid problems.⁹
- **Proximity to CAFOs is associated with a number of health risks,** including exposure to antibiotic-resistant bacteria, higher rates of infectious diseases, and chronic health concerns. A study of CAFOs on the Eastern Shore and in Virginia found that low birthweight was associated with closer residential proximity to poultry operations.¹⁰ Another study found that residential proximity to more poultry farms was associated with lower measures of lung function.¹¹ A study in Maryland found higher incidence of campylobacteriosis in zip codes with broiler operations¹², and a separate study found that residential proximity to poultry operations was associated with campylobacteriosis and infectious diarrhea.¹³

- **CAFOs can perpetuate environmental injustices.** The distribution of the poultry industry across Maryland disproportionately impacts low-income communities and communities of color, as CAFOs are mostly located in counties with some of the lowest wealth in the state. Increases in median household income are associated with a reduction in the number of CAFOs nearby.¹⁴ The negative health and environmental impacts associated with CAFOs can become concentrated in these communities due to their limited economic and political resources to address problems.

H.B. 0395 would strip communities of their ability to provide public input on new CAFOs.

This bill lacks any reference to public notice or community input, appearing to circumvent and negate the public participation requirements currently in place and outlined in MDE’s draft general permit. H.B. 0395 stands to eliminate the opportunity for public notice and comment prior to construction of a new CAFO that is currently triggered by the submission of a Notice of Intent (NOI)—deferring the public participation process until the CAFO is already constructed. Page 14 of MDE’s draft permit states: *“Prior to Department approval of the Required Plan(s), each NOI and Required Plan submitted to the Department will be available for public comment consistent with applicable public participation requirements in COMAR 26.08.04.09N(3), including public access to all submitted Plans and opportunity to comment on all Plans and NOIs. For CAFOs, the public may request a public hearing. CAFOs will not be issued discharge permit coverage prior to completion of the public participation process up to and including the final administrative decision.”*¹⁵

H.B. 0395 also undermines MDE’s recent process of gathering public input to inform its draft general permit. This public comment process created an opportunity for residents, agricultural producers, and other stakeholders to provide information to MDE as it works to update the general permit. Anyone who works at or resides near a CAFO should have the opportunity to engage in the permitting process. If all new CAFO projects are given blanket approval to begin construction without a general permit as this bill seeks to do, the public will be denied of their right to provide timely input to MDE. H.B. 0395 would also contradict Governor Moore’s 2025 executive order “Valuing Opportunity, Inclusion, and Community Equity (VOICE)” which calls on state agencies to “prioritize opportunities for meaningful engagement with impacted communities on policies and priorities related to Environmental Justice and that enable these communities to meaningfully inform State Agency decision-making.”¹⁶

Rather than protecting public health, H.B. 0395 would accelerate the development of industrial livestock operations without adequate review, accountability, or community safeguards. We would be happy to provide the committee with additional information supporting the points in this letter, as requested.

In summary, H.B. 0395 eliminates a critical oversight tool, undermines community engagement, and is not justified for any public health or safety purpose. We strongly urge the committee to reject this bill. Thank you for your time and consideration.

Sincerely,

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¹ Merchant, J., Martin, R. (Eds.). *Industrial Farm Animal Production, the Environment, and Public Health*. Johns Hopkins Press; 2024. <https://doi.org/10.56021/9781421450407>

² The Pew Commission on Industrial Farm Animal Production. *Putting Meat on the Table: Industrial Farm Animal Production in America*. 2008. <https://clf.jhsph.edu/sites/default/files/2019-05/putting-the-meat-on-the-table.pdf>

³ *Literature Review of Contaminants in Livestock and Poultry Manure and Implications for Water Quality*. U.S. Environmental Protection Agency; 2013.

⁴ *Relation between nitrates in water wells and potential sources in the Lower Yakima Valley, Washington State*. U.S. Environmental Protection Agency; 2013. <https://www.epa.gov/sites/default/files/2017-12/documents/lower-yakima-valley-groundwater-report-2013.pdf>.

⁵ Burkholder J, et al., *Impacts of waste from concentrated animal feeding operations on water quality*. Environ Health Perspect. 2007;115:308–312.

⁶ *Residential Wells*. Maryland Department of the Environment. https://mde.maryland.gov/programs/water/water_supply/pages/residential_wells.aspx

⁷ Amato, H.K., et al., *Effects of concentrated poultry operations and cropland manure application on antibiotic resistant Escherichia coli and nutrient pollution in Chesapeake Bay watersheds*. Sci Total Environ, 2020. 735: p. 139401.

⁸ *Groundwater Protection Program: Report to the Maryland General Assembly*. Maryland Department of the Environment; 2021. https://mde.maryland.gov/programs/water/water_supply/Documents/GroundwaterProtectionReport-2021-Dec.pdf

⁹ Ward MH. *Too much of a good thing? Nitrate from nitrogen fertilizers and cancer*. Rev Environ Health. 2009;24:357–363.

¹⁰ Mendrinós, A., et al., *Poultry Concentrated Animal-Feeding Operations on the Eastern Shore, Virginia, and Geospatial Associations with Adverse Birth Outcomes*. Healthcare (Basel), 2022. 10(10): p. 2016.

¹¹ Borlee, F., et al., *Air Pollution from Livestock Farms Is Associated with Airway Obstruction in Neighboring Residents*. Am J Respir Crit Care Med, 2017. 196(9): p. 1152–1161.

¹² Murray, R.T., et al., *Association between private drinking water wells and the incidence of Campylobacteriosis in Maryland: An ecological analysis using Foodborne Diseases Active Surveillance Network (FoodNet) data (2007–2016)*. Environmental Research, 2020. 188: p. 109773.

¹³ Poulsen, M.N., et al., *Residential proximity to high-density poultry operations associated with campylobacteriosis and infectious diarrhea*. Int J Hyg Environ Health, 2018. 221(2): p. 323–333.

¹⁴ Hall J., et al., *Environmental Injustice and Industrial Chicken Farming in Maryland*. Int J Environ Res Public Health 2021;18(21).

¹⁵ Maryland Department of the Environment; 2025. *General discharge permit (discharge permit) for animal feeding operations (draft)*.

https://mde.maryland.gov/programs/land/RecyclingandOperationsprogram/Documents/01_Draft%2025AF%20GD%20Permit.pdf

¹⁶ Maryland Governor Wes Moore; 2025. *Executive Order 01.01.2025.17 Valuing Opportunity, Inclusion, and Community Equity (VOICE)*.

[https://governor.maryland.gov/Lists/ExecutiveOrders/Attachments/89/EO%2001.01.2025.17%20Valuing%20Opportunity,%20Inclusion,%20and%20Community%20Equity%20\(VOICE\)_Accessible.pdf](https://governor.maryland.gov/Lists/ExecutiveOrders/Attachments/89/EO%2001.01.2025.17%20Valuing%20Opportunity,%20Inclusion,%20and%20Community%20Equity%20(VOICE)_Accessible.pdf)