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Education, Energy, and  
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Executive Nominations Committee



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

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The House Environment and Transportation Committee  
SB 371 – Water Pollution Control – Discharge Permits – Animal Feeding  
Operations

Statement of Support by Bill Sponsor Senator Mary Beth Carozza

Thank you Chair Korman, Vice Chair Guyton, and members of the distinguished House Environment and Transportation Committee for this opportunity to present Senate Bill 371 and ask for a favorable report. I want to thank Delegate Boyce for sponsoring the House crossfile, House Bill 395, and this Committee which unanimously passed HB 395, which also was unanimously passed by the House on March 4.

I appreciate your understanding the urgent situation facing our poultry growers and overall industry, and your prompt action in moving HB 395. I respectfully ask for the same consideration to approve and move Senate Bill 371 in a timely fashion.

This emergency legislation would allow farmers to begin construction on their chicken farming operation prior to receiving full coverage under the Concentrated Animal Feeding Operation (CAFO) general permit. This bill is narrow in scope and is meant to allow for continuity of business in very specific circumstances and 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.

As way of background, almost every chicken farm in the state must receive full coverage under the CAFO general permit before they can begin operations. 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. Further, a 2019 amendment prohibits the construction of **any part** of a CAFO before full coverage is issued. 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.

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 effect of this has been such that a Maryland grower wanting to start a chicken farm has had no path forward since July 2025. Furthermore, those that have purchased land on which to build a chicken farm cannot even begin site work or stormwater management construction due to the 2019 amendment.

For these farmers, the inability to cash-flow on their investments has led to a dire financial situation. The ongoing lack of an active CAFO permit has also caused significant economic damage on the Eastern Shore. 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 and feed sales and resulting government revenue.

In addition, since MDE has been unable to issue new permits for the nine 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 written 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, under MDE's discretion and guidance, without waiting for the issuance of the new general permit. Again, farmers are still **required** 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. The Maryland Farm Bureau testimony also highlights how the current delay has affected farmers in every region of the State.

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

Both SB 371 and HB 395 were amended to address the two main concerns presented by the environmental community during the hearings and subsequent discussions. The amendments, which we consider technical clarifications, would ensure that this exception would only apply in the event of a lapsed/extended permit. The amendments also clarify that all applicable laws and regulations for construction and coverage would still apply under a process established by MDE, including site plan review and public notices and input.

This truly is an emergency situation for our farm community, and passage of this legislation would provide immediate relief. I urge a favorable and swift report of Senate Bill 371.