



Maryland Department of Agriculture

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Agriculture | Maryland's Leading
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Maryland Department of Agriculture Legislative Comment Date: February 11th, 2026

BILL NUMBER: HB 395
BILL TITLE: Water Pollution Control - Discharge Permits - Controlled Animal Feeding Operations
MDA POSITION: SUPPORT

The Maryland Department of Agriculture (MDA) respectfully submits this letter in support of *House Bill 395 - Water Pollution Control - Discharge Permits - Controlled Animal Feeding Operations*, repealing a requirement that a person hold a concentrated animal feeding operation (CAFO) general discharge permit before the person may begin construction on any part of a new CAFO.

Concentrated Animal Feeding Operations (CAFOs) are a critical component of Maryland's agricultural industry, supporting the State's largest commercial industry and ensuring consumers have access to healthy, affordable protein. These types of structures have provided the industry a nationally proven safe, efficient, and humane method of raising livestock, and continues to be critical in the management and prevention of Highly Pathogenic Avian Influenza.

Despite their importance, current law places Maryland farmers in a regulatory "holding pattern." Under the existing framework, the ability to grow a business is dictated by the speed of administrative paperwork rather than the natural timing of the seasons or market demand. This is particularly devastating for young farmers striving to establish themselves as these individuals often carry high capital overhead and cannot afford to wait months or years for state processes to conclude before breaking ground. By delaying construction until a final CAFO permit is in hand, the current system prevents economic growth for both the individual producer and the state's broader agricultural economy.

House Bill 395 addresses these systemic delays by repealing the requirement that a farmer must hold a CAFO permit from the Maryland Department of the Environment prior to construction. This bill grants Maryland farmers the critical opportunity to begin construction on agricultural

buildings and proceed with site work while the EPA-delegated permit remains in administrative review. Crucially, the bill still ensures that all other essential permitting and stormwater management requirements are met during this phase, and the final CAFO permit must be secured before any livestock enter the facility.

For these reasons, MDA strongly supports HB 395 and respectfully requests a favorable report. MDA appreciates the consideration of the above information in the Committee's deliberations. If you have additional questions, please contact Harrison Palmer, MDA Chief of Staff at Harrisonb.palmer@maryland.gov or (410) 980-9887.