



February 9, 2026

HB395 - Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations

Hearing Date: February 11, 2026

Position: OPPOSE

Dear Chair Korman and members of the Environment & Transportation Committee:

Waterkeepers Chesapeake respectfully submits this testimony in opposition to HB3925 - Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations and requests an UNFAVORABLE report from the committee. This legislation represents a significant step backward for environmental protection in Maryland and undermines safeguards designed to protect our waterways and communities.

HB395 is an attempt to solve a widely recognized problem caused by Maryland's Department of the Environment (MDE) failure to reissue the AFO General Permit on time. The administratively extended permit created a backlog of poultry growers who cannot move forward with financing or construction of new or expanded facilities. It is understandable why this delay has inspired action from the poultry industry, but HB395 is not the correct solution. This bill will sacrifice environmental oversight and the public's ability to be informed of new or expanding poultry facilities by repealing language passed in a 2019 law. That law clarified that animal feeding operations, like all other general permit holders, must have a permit in hand before construction begins. Maryland should not trade the 2019 law for short-term political expediency.

This bill, as written, will not solve the problem it claims to address. To start, the bill does not repeal the generally applicable prohibition on construction without a Clean Water Act permit in EN 9-323(a). Even if MDE chose to allow farmers to begin construction without a permit in order to secure financing and begin construction, it does not allow them to operate their facilities. A general permit is still required before animals can be placed on site. As a result, farmers could complete construction only to find themselves financially trapped – unable to generate income

while waiting for the permit to be issued, placing small business owners in an extremely vulnerable position.

The bill is not confined only to animal feeding operations and their general permit. As such, this legislation would open the door for other industrial or commercial facilities to seek the same treatment and weaken environmental safeguards across any and all sectors. Maryland law prohibits a source of pollution from being built first and permitted later. We cannot allow such an important foundational element of the state's water pollution control law that has been in place for decades to be eliminated to solve a very short-term and discrete issue caused by an entirely different problem.

The real problem is MDE's administrative delay, not the 2019 law. The core issue is that MDE did not renew the AFO General Permit on time, resulting in backlogs and administrative extensions. The appropriate solutions are to ensure that MDE has sufficient staffing and resources to renew permits on time, and require MDE to meet stricter timelines for renewing general permits. The solution is not to eliminate pre-construction reviews and public notices. MDE can opt to issue individual permits as well.

There is extensive evidence that Concentrated Animal Feeding Operations (CAFO) pollution negatively impacts Maryland's waterways and air and is a major public health concern. Rural communities of color as well as low-income communities often live closest to CAFOs and bear the brunt of this intense pollution. This bill would remove public notice to these communities that highly polluting poultry facilities are being built next door.

Waterkeepers Chesapeake and the below signed organizations strongly oppose HB395 and request an UNFAVORABLE report on HB395.

Sincerely,
Robin Broder
Acting Executive Director
Waterkeepers Chesapeake
robin@waterkeeperschesapeake.org

Brent Walls, Upper Potomac Riverkeeper and Program Director
Potomac Riverkeeper Network

Taylor Swanson, Executive Director & Assateague Coastkeeper
Assateague Coastal Trust

Elle Bassett, South West Rhode Riverkeeper
Arundel Rivers Federation

Theaux LeGardeur, Executive Director & Riverkeeper
Gunpowder Riverkeeper

Evan Isaacson, Senior Attorney, Director of Research
Chesapeake. Legal Alliance

Randy Lyon, Vice Chair & Legislative Chair
Sierra Club Maryland Chapter

Sara Caldes, Severn Riverkeeper
Chesapeake Rivers Association, Inc.