

Delegate Boyce Written Testimony - HB 395.pdf

Uploaded by: Delegate Regina T. Boyce

Position: FAV

REGINA T. BOYCE
Legislative District 43A
Baltimore City

Environment and
Transportation Committee

Subcommittees

Energy

Chair, Natural Resources and
Open Space



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 6, 2026

Testimony in Support of HB 395

Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations

HB 395, Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations, repeals a requirement that a person hold a concentrated animal feeding operation (CAFO) general discharge permit issued by the Maryland Department of the Environment (MDE) before the person may begin construction on any part of a new CAFO.

The bill's purpose is to ensure continuity of business for the agriculture community, increase efficiency in renewing poultry operations, and prevent losses across the Eastern Shore from permitting delays.

On July 7th, 2025, the General Discharge Permit for Animal Feeding Operations, as issued by the Maryland Department of the Environment and the U.S. Environmental Protection Agency (EPA), expired without beginning the renewal process. Generally, permit renewal takes under a year from submittal to approval. While the renewal has been submitted, a new permit has not been issued, and may not be issued until August 2026. The gap in the expired permit caused a major pause for growers who were in the pipeline for construction on new chicken houses due to a 2019 provision in law which prohibits the construction on any part of a chicken farm prior to full coverage under a CAFO general permit.

For clarity, it is not the intention of HB 395 to take steps backwards on Maryland's environmental safeguards or goals, or to divert from current CAFO application processes. This bill will not have any effect on water or air quality. HB395 does not eliminate permitting, weaken water protections, or allow unregulated CAFOs to operate. **A CAFO cannot legally house birds or generate manure without coverage under the general CAFO permit. HB 395 does not change that.** This bill's intention is not to eliminate public notice, comment periods, or permit review. Further, any grower would still need to be fully compliant with the terms of the CAFO permit before receiving coverage under the general permit and placing birds. Compliance with the permit prohibits

“discharge of pollutants, including manure, litter, or processed wastewater to surface waters of the State from CAFO production areas.”

The poultry industry of the Eastern Shore is the cornerstone of Maryland’s agrarian economy, contributing more than \$5.4 billion per year to Maryland’s economy, which is one of the many reasons why agriculture is the number one commercial industry in Maryland.

It is my desire that HB 395 considers the agricultural community at the center of this discussion. The inability of growers to begin the building process is detrimental to Maryland’s agricultural economy and is adversely impacting local growers, forcing them into financial jeopardy. HB 395 will prevent this issue from occurring in the future, should there be another permitting gap, and will minimize the economic burden of any further delays on growers, while continuing to protect the environment.

Thank you for your consideration, and I urge a favorable report for HB 395.

Sincerely,

A handwritten signature in blue ink that reads "Regina T. Boyce". The signature is written in a cursive, flowing style.

Regina T. Boyce

HB 395 - CAFO Permit - SUPPORT.pdf

Uploaded by: Grayson Middleton

Position: FAV



Educate. Advocate. Innovate.

Date: February 11, 2026
To: Members of the House Committee on Environment and Transportation
From: Grayson Middleton, Government Affairs Manager
Re: HB 395 – CAFO Permitting Alterations – **Support**

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. HB 395 is a simple solution to a regulatory defect. It will allow for continuity of business for farmers and protect them from financial harm due to administrative oversights that are no fault of their own. As such, we strongly support HB 395 and urge a favorable committee report.

Background

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. To ensure these standards are met, [MDE reviews practically every aspect of the site plan](#) under the Notice of Intent (NOI) submission.

This single National Pollutant Discharge Elimination System (NPDES) general discharge permit is delegated to MDE by the EPA and expires every five years, whereupon a renegotiated permit is meant to take effect. In July 2025, the 2019 CAFO permit expired. Inexplicably, MDE did not submit a new permit for review until the end of August. Only then did the negotiation process begin, and MDE is still in the process of responding to public comment. Meaning, farmers across the state still don’t have a renewed CAFO permit.

Fortunately, we worked with MDE to find a mechanism for continued coverage for current permit holders under an administrative extension. However, MDE has taken the position that it lacks the authority to issue new permits under the extension. Furthermore, tucked in the [Environment Article \(§9–323\)](#) is a 2019 amendment that prohibits the construction of chicken houses before the issuance of a CAFO permit. It also prohibits MDE from permitting houses if they are built without a permit. Notably, of the 16 NPDES permits administered by MDE, this is the only such precondition.

The effect of this law and MDE’s interpretation of its permitting authority has been such that farmers (many of them new and beginning) wanting to start operations have been unable to break ground or even obtain financing for their chicken houses. Given that we haven’t had a renewed permit since July, we estimate that approximately \$35 million in construction projects have been stalled. This negative economic 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, because MDE



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has been unable to issue new permits for the last five 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 had to wait well over a year to start the process, accounting for the permitting backlog, loan process, construction, and integrator contracting. This has been, in effect, an unlegislated moratorium on new CAFO permits in Maryland.

To be clear, this backlog does not represent a proliferation of production on the Eastern Shore. Rather, it is part of the natural cycle of attrition and replacement of chicken houses. As older houses age, they eventually fall out of use. This gap is replaced with farms that have modern, more efficient, and more environmentally friendly houses. Poultry production on the Eastern Shore is limited by the processing capacity of our plants. For some time, those plants have been operating at or near capacity. The prohibitive regulatory climate makes an expansion of production capacity unforeseeable. As such, total chicken production on the Eastern Shore has been virtually static for more than a decade. In short, a widespread proliferation of chicken farming is impossible.

Legislative Intent and Effect

The intent of the legislation is to allow for CAFO construction and financing should the permit once again expire without a renewed permit in effect. This would make it so that during the interim, prospective growers can build their operation and be prepared to receive birds once they've been permitted. To be clear, these houses would not be operational until they are fully permitted by MDE. No birds would be placed in the chicken house until they receive full coverage. Therefore, this legislation would have no impact on the permitting process or water quality.

MDE has expressed frustration that the building prohibition has restricted its administrative discretion. To ensure that chicken houses are sited and built in a manner that will meet all permitting requirements, they have agreed to allow for a tentative review, using the Notice of Intent (NOI), which is required on the part of the grower early in the permitting process. In fact, we would insist upon some sort of preliminary review, as we do not want our growers to build houses that cannot be permitted and therefore won't cash flow.

Opponents have erroneously claimed that this legislation would exempt the CAFO permit from the standards applied to all other general permits. In fact, as far as we can tell, the CAFO permit is the only NPDES general discharge permit with a "no-build" provision listed explicitly in statute. It is true that the Environment article provides that a person must have a general discharge permit before they construct an operation that could cause or increase discharge into the waters of the state. However, as previously stated, the CAFO permit explicitly prohibits "discharge of pollutants, including manure, litter, or process wastewater to surface waters of the State from CAFO production." This is, presumably, why proponents saw it necessary to explicitly list *only* CAFOs in that article.

Opponents have also said that the legislation does not address the "real" issue at hand, which is administrative accountability for MDE. We agree that more accountability is needed, and would



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welcome amendments that provide for that. However, as they have repeated many times, history has shown that agencies often miss statutory deadlines and that there is little accountability when that happens. While we are confident that the current team at MDE will not allow this oversight to occur again, we also know that administrations and personnel change. We hope that this change in statute will never have a practical application, because we hope that in the future there will always be an available permit. However, in light of recent events, we must have assurance that should another administrative error occur, continuity of business for our farmers will not be affected. We cannot afford this to happen again.

HB 395 is very narrow in scope. It simply gives MDE the discretion they need to allow for continuity of business in a very specific set of circumstances. It does not impact water quality. It does not impact public input. And it does not impact the fundamental environmental protection requirements of chicken farming or MDE's oversight. It will simply allow farmers across Maryland to begin the process of starting an operation, unhindered by administrative errors. Never again should farmers suffer due to oversights that are no fault of their own. This bill will provide that critical assurance. As such, we strongly recommend a **favorable** committee report.

Should you have any additional questions, please do not hesitate to contact me at middleton@dcachicken.com or 410-490-3329.

Sincerely,

Grayson S. Middleton
Government Affairs Manager

HB 395_MDCC_Water Pollution Control-Discharge Perm

Uploaded by: Hannah Allen

Position: FAV



House Bill 395

Date: February 11, 2026

Committee: House Environment & Transportation

Position: Favorable

Founded in 1968, the Maryland Chamber of Commerce (the Chamber) is the leading voice for business in Maryland. We are a statewide coalition of more than 7,000 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic growth for Maryland businesses, employees, and families.

House Bill 395 (HB 395) would repeal 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.

The State's general CAFO permit expired in mid-2025 without a replacement permit in effect. While existing permit holders were able to maintain coverage through an administrative extension, the Maryland Department of the Environment has taken the position that it lacks authority to issue new permits during that interim period. Compounding the problem, current statute prohibits construction of CAFO facilities prior to permit issuance and prevents the Department from permitting facilities that were constructed without an active permit.

The combined effect has been a de facto moratorium on new and replacement facilities, stalling construction projects, delaying financing, and disrupting normal cycles of reinvestment in modern, more efficient agricultural infrastructure. As a result, tens of millions of dollars in private business investment that could have supported economic development, job creation, and local tax bases were left on the table. This outcome was not the result of environmental noncompliance, but of administrative timing and statutory rigidity.

HB 395 provides a commonsense solution. The bill allows construction and financing to proceed when a permit renewal is pending, while maintaining the clear and critical requirement that no operation may begin, and no animals may be placed, until full permit coverage is issued. Environmental standards, public input, and regulatory oversight remain fully intact.

Importantly, this legislation does not expand production, weaken water quality protections, or limit agency authority. It simply restores limited discretion to prevent economic harm caused by administrative delays and ensures that farmers and related businesses are not penalized for circumstances beyond their control.

For these reasons, the Chamber respectfully requests a **favorable report** on **HB 395**.

House Bill 395 - MASCD - Support .pdf

Uploaded by: Jen Nelson

Position: FAV



February 11, 2026

The Honorable Marc Korman, Chair
House Environment and Transportation Committee

Re: House Bill 395 – Water Pollution Control – Discharge Permits – Concentrated Animal Feeding Operations

Position: **Support**

Chair Korman & Committee Members:

On behalf of the Maryland Association of Soil Conservation Districts (MASCD) I am writing to express our support for **House Bill 395 – Water Pollution Control – Discharge Permits – Concentrated Animal Feeding Operations**. MASCD, incorporated in 1956, promotes practical and effective soil, water, and natural resource related programs to all Marylanders. Through individual conservation districts MASCD provides leadership, education, cooperation, and local direction, on a voluntary basis.

HB 395 repeals the unique pre-construction permit mandate that currently applies only to new Concentrated Animal Feeding Operations (CAFOs). The bill does not weaken environmental standards; it simply aligns CAFOs with every other agricultural, commercial, and industrial activity in Maryland by allowing construction to proceed after a complete nutrient-management plan, a certified stormwater and erosion-and-sediment-control plan, and a duly noticed application for the federal National Pollutant Discharge Eliminations System (NPDES) CAFO permit have been submitted.

Our districts administer the erosion-and-sediment-control (ESC) provisions that apply to construction of CAFOs. A CAFO footprint triggers both a grading permit and a stormwater permit; both are issued only after engineering drawings, hydrologic calculations, and site inspections are completed. Between the federal prohibition on discharge and the state ESC provisions/stormwater permits, the environmental risks are already fully addressed before livestock arrive. HB 395 continues that tradition of environmental stewardship by removing an unnecessary regulatory impediment that duplicates existing safeguards and creates impediments for future livestock investment in the State of Maryland. For these reasons we respectfully request a **favorable** committee report. Thank you for your kind consideration and attention to this legislation.

Respectfully Submitted,

Jen Nelson, Executive Director
Maryland Association of Soil Conservation Districts

HB 395_ET Committee_Feb 11 2026.pdf

Uploaded by: Jennifer Feindt

Position: FAV



February 11, 2026

House Bill 395 - Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations

Environment & Transportation Committee

Position: Support

Farm Credit is a member-owned agricultural lending cooperative providing financial services to farmers, agribusinesses, and rural communities throughout Maryland. Our mission is to support agricultural production while strengthening the economic viability of rural enterprises through reliable and consistent credit.

Farm Credit strongly supports House Bill 395, which repeals the statutory requirement that a person must hold a Concentrated Animal Feeding Operation (CAFO) general discharge permit from the Maryland Department of the Environment (MDE) *before* beginning construction on any part of a new CAFO. Eliminating this pre-construction permitting trigger addresses significant timing and regulatory challenges that can disrupt project financing.

Maryland's CAFO permit expired in 2025 and is currently operating under an administrative extension. Under current state law, based on legislation enacted in 2019, producers must secure a CAFO permit before beginning construction on any part of a farm intending to seek coverage under the permit. This requirement is unique to Maryland law and is not included in the federal CAFO permitting framework.

This misalignment between construction timelines and permit issuance creates unnecessary regulatory uncertainty for producers seeking to build, expand, or modernize facilities. When projects are delayed and timelines become unpredictable, many producers face higher costs, from construction materials to interest rates, and often lose valuable time in beginning or expanding production. These challenges ultimately place Maryland farmers at a competitive disadvantage. This uncertainty also affects lenders like Farm Credit, who work closely with producers to finance these projects and ensure their long-term viability. As a result, many producers are left in regulatory limbo, unable to begin construction despite meeting all applicable environmental, federal, and state requirements.

For these reasons, Farm Credit respectfully requests a favorable report on House Bill 395.

For more information, please contact Raechel Sattazahn, Director of Government, Industry, and Member Relations at 717.495.5075 or rsattazahn@horizonfc.com.

MDE HB 395 SUP.pdf

Uploaded by: Jeremy D Baker

Position: FAV



**The Maryland Department of the Environment
Secretary Serena McIlwain**

House Bill 395

Water Pollution - Discharge Permits - Concentrated Animal Feeding Operations

Position: Support
Committee: Environment and Transportation
Date: February 11, 2026
From: Jeremy D. Baker, Director of Government Relations

The Maryland Department of the Environment (MDE) **SUPPORTS** HB 395.

Bill Summary

HB 395 would repeal 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 such facility.

Position Rationale

The proposed revisions to § 9-323 of the Environment Article under SB 371 would have a minimal impact on MDE operations because they simply remove a procedural hurdle for applicants and a specific limitation on the Department's permitting authority.

Since MDE already performs pre-construction inspections to ensure new facilities meet all standards, the Department's oversight process remains largely the same. Under the bill, and in alignment with active National Pollutant Discharge Elimination System (NPDES) general permits, the Department will still require operations to obtain a construction general permit before breaking ground. Furthermore, all notices of intent and technical plans must be posted for public review before an operation can be officially registered. Any CAFO that begins construction but fails to meet permit requirements, such as minimum setbacks, will remain subject to enforcement action. Finally, starting construction before a final permit is issued does not guarantee that the facility will ultimately be granted coverage.

Accordingly, MDE asks for a **FAVORABLE** report for HB 395.

Contact: Jeremy D. Baker, Director of Government Relations
Cell: 443-931-0937, Email: jeremy.baker@maryland.gov

HB 395 MDA LOS.pdf

Uploaded by: Kevin Atticks

Position: FAV



Maryland Department of Agriculture

Office of the Secretary

Wes Moore, Governor
Aruna Miller, Lt. Governor
Kevin Atticks, Secretary
Steven A. Connelly, Deputy Secretary

Agriculture | Maryland's Leading
Industry

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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.

2026_MGPA_HB395_CAF0.pdf

Uploaded by: Lindsay Thompson

Position: FAV



Maryland Grain Producers Association

118 Dundee Ave • Chester • Maryland 21619
443-262-8491 • www.marylandgrain.com

House Bill 395 - Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations

MGPA Position: **Support**

Committee: E&T

Date: February 11, 2026

The Maryland Grain Producers Association (MGPA) respectfully requests a favorable report on House Bill 395, which would repeal the requirement that a person have coverage under a concentrated animal feeding operation (CAFO) general discharge permit before beginning construction on any part of a new CAFO.

Maryland's poultry industry is a critical economic engine for both the state and the agricultural supply chain, including the grain sector. The economic vitality of grain producers is closely tied to the strength and stability of poultry production, which represents the largest markets for feed grains in the state. Feed grain demand from poultry growers provides a consistent and significant market for Maryland grains and soybeans.

When barriers to poultry farm development make it more difficult to expand or modernize production, those downstream markets, including grain producers, face reduced demand and economic uncertainty.

SB 371 would modernize Maryland's regulatory framework by removing a pre-construction permit requirement that can delay or hinder investment in new poultry farms. This bill would not allow farms to receive birds without CAFO permit coverage; just begin construction during periods in which the Maryland Department of Environment allows the permit to lapse and is operating under an administrative extension.

MGPA believes HB 395 strikes an appropriate balance between protecting water quality and encouraging agricultural economic activity that benefits the entire supply chain. By ensuring that poultry producers can build essential facilities without unnecessary procedural barriers, Maryland strengthens its position as a leader in integrated agriculture while supporting the viability of grain farms that supply feed and sustain the broader food system.

For these reasons, the Maryland Grain Producers Association urges a **favorable report** on HB 395

For more information, please contact:

Lindsay Thompson - Lindsay.mdag@gmail.com

MDFB - Support - HB395 Water Pollution Control - D

Uploaded by: Ryan Snow

Position: FAV



Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035
410-922-3426 | www.mdfarmbureau.com

February 11, 2026

To: House Environment and Transportation Committee

From: Maryland Farm Bureau, Inc.

RE: **Support of HB395 Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations**

On behalf of the over 7,000 member families of the Maryland Farm Bureau, I submit written testimony in support of HB395 – Water Pollution Control – Discharge Permits – Concentrated Animal Feeding Operations. This bill removes restrictive language that currently requires a person to hold a Concentrated Animal Feeding Operation (CAFO) general discharge permit before beginning construction on any part of a new facility.

The Maryland General Discharge Permit for CAFOs expired on July 7, 2025. This five-year permit governed wastewater discharges from large poultry, dairy, and livestock farms statewide until its expiration. With the permit now expired, Maryland is in the process of finalizing a new, updated General Discharge Permit. Until that process is complete, existing CAFOs continue to operate under an administrative extension, and no new CAFO permits can be issued.

As a result, farmers who need to modernize, expand, or construct new facilities are effectively stalled, even though the state has not yet provided a permit pathway. HB395 offers a practical solution by allowing construction to begin without waiting for the issuance of the new general permit, while still requiring farmers to obtain a CAFO permit before any animals are housed or any operation becomes active. This bill does not remove or weaken the requirement that every CAFO must secure a valid permit before operation. It simply clears a bottleneck that currently prevents farmers from preparing their farms for future compliance.

It is also important to recognize that CAFOs play a vital role far beyond broiler operations on the Eastern Shore. Many dairy farms, cattle operations, and other livestock producers across Maryland are regulated as CAFOs and would benefit from this commonsense update. The current delay affects farmers in every region of the state, not just poultry growers.

Allowing construction to move forward ensures that Maryland farmers are not forced into financial hardship, missed timelines, or lost investment opportunities due to a permitting gap outside their control. HB395 supports environmental compliance, agricultural competitiveness, and regulatory fairness.

For these reasons, Maryland Farm Bureau respectfully requests a favorable report on HB395.

A handwritten signature in black ink, appearing to read 'W. Ray', with a horizontal line above it.



Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035
410-922-3426 | www.mdfarmbureau.com

Tyler Hough

Director of Government Relations

Please contact Tyler Hough, though@marylandfb.org, with any questions

ShoreRiversOpposition.HB395.pdf

Uploaded by: Annie Richards

Position: UNF



Testimony in Opposition of House Bill 395 Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations

February 9, 2026

To Chair Korman, and Members of the Committee,

Thank you for the opportunity to submit testimony in **OPPOSITION** to HB395 on behalf of ShoreRivers. ShoreRivers is a river protection organization serving Maryland's Eastern Shore with more than 2,000 members. Our mission is to protect our waterways through science-based advocacy, restoration, education, and community engagement.

HB395 would exempt Concentrated Animal Feeding Operations ("CAFOs"), including new poultry houses, from Maryland's longstanding requirement to obtain Clean Water Act discharge permit coverage before beginning construction. In effect, this bill would move Maryland toward a build-first, permit-later approach for one of the most pollution-intensive industries in the state.

This legislation is being advanced in response to a serious administrative failure: the Maryland Department of the Environment (MDE) did not renew the CAFO General Permit on time, creating delays and backlogs for permit coverage. However, HB395 does not address the root cause of the problem. Instead of strengthening accountability at MDE, the bill attempts to treat a symptom by weakening a foundational safeguard of water pollution law: permit first, build second.

HB395 is the wrong solution for several reasons:

First, if CAFOs are allowed to bypass pre-construction discharge permit coverage, it sets a dangerous precedent for other industries like factories, wastewater treatment plants, data centers, and others to seek similar exemptions. This would erode Maryland's entire discharge permitting framework.

Second, because the bill does nothing to ensure MDE will meet future permit renewal deadlines, it actually leaves farmers and landowners vulnerable to significant financial hardship. Under a build-first approach, an operator could invest hundreds of thousands of dollars in construction only to remain unable to legally operate if permit coverage is delayed again, or worse – denied. While HB395 may allow farmers to secure financing and begin construction, **it does not allow them to actually operate their facilities. A general permit is still required before animals can be placed on site.** This situation creates the potential for significant financial hardship for new farmers who are just starting out.

Third, HB395 undermines the environmental and public review process for an industry that remains central to Maryland's ongoing nutrient pollution challenges. After decades of Chesapeake Bay restoration efforts, agricultural nutrient pollution - particular, from intensive poultry production¹, continues to impair rivers, streams, and groundwater on the Eastern Shore. Permitting is not just paperwork; it is the mechanism that ensures manure management, stormwater controls, setbacks, siting decisions, and community concerns are reviewed before pollution risks are locked in.

A build-first, permit-later approach removes the ability of regulators and communities to prevent harm upfront. It also raises serious environmental justice concerns, as CAFOs are frequently located near rural, low-income communities and communities of color that already have disproportionate burdens from air and water pollution.²

¹ 2023/2024 University of Maryland Center for Environment and Science Chesapeake Bay Report Card:
<https://ecoreportcard.org/report-cards/chesapeake-bay/issues/2023/>

²Environmental Injustice and Industrial Chicken Farming in Maryland, 2021:
<https://www.mdpi.com/1660-4601/18/21/11039#:~:text=5..of%20affected%20communities%20throughout%20Maryland>

ShoreRivers

Scott Budden, Executive Director
Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper
Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

shorerivers.org | 443.385.0511 | info@shorerivers.org

Finally, ShoreRivers notes that the 2019 provision existed to clarify an existing law (9-323) stating: any industrial, commercial, or disposal facility that could cause or increase the discharge of pollutants into state waters must hold a discharge permit before construction, modification, or operation. **Repealing the 2019 clarification does not eliminate the original requirement.** Animal feeding operations are industrial facilities, and proceeding with construction before proper permitting may open farmers and MDE to legal challenges.

Rather than weakening Clean Water Act protections, the General Assembly should focus on the real issue: ensuring MDE fulfills its legal responsibilities. **ShoreRivers urges the legislature to pursue solutions that improve agency accountability, such as requiring MDE to issue timely individual permits if a General Permit is not renewed on schedule.** This approach would create incentives for on-time renewal while maintaining permit-first safeguards for all industries.

For these reasons, ShoreRivers respectfully urges the Committee to issue an **unfavorable report** on HB395 and to focus instead on addressing the cause of this problem - MDE's permitting delays, rather than adopting an approach which weakens that land's water pollution protections.

Sincerely,

Annie Richards, Chester Riverkeeper on behalf of **ShoreRivers**



PRKN Opposition to HB395.pdf

Uploaded by: Betsy Nicholas

Position: UNF

Water Pollution Control – Discharge Permits – Concentrated Animal Feeding Operations On behalf of Potomac Riverkeeper Network

Chair Korman and Members of the Committee:

Thank you for the opportunity to submit testimony in **OPPOSITION** to House Bill 395 on behalf of the Potomac Riverkeeper Network (PRKN). PRKN works to protect clean water across the Potomac and Shenandoah watersheds through science, advocacy, enforcement, and community engagement.

At the outset, we want to acknowledge that we appreciate the sponsor's engagement on this issue and the constructive conversations that have taken place. We share the sponsor's concern about the real-world impacts caused by delays in renewing the CAFO General Permit, and we are hopeful that the underlying issue of timely permit coverage can be addressed directly by the Maryland Department of the Environment (MDE) without weakening longstanding Clean Water Act safeguards.

HB 395 would allow Concentrated Animal Feeding Operations (CAFOs), including new poultry houses, to begin construction **without first obtaining Clean Water Act discharge permit coverage**, moving Maryland away from its longstanding **permit-first** framework. As stakeholders have explained, this proposal arises from an administrative delay in renewing the CAFO General Permit; however, rather than correcting that delay, the bill would alter a foundational feature of Maryland's water pollution control system.

Maryland law has for decades required facilities that may discharge pollutants to obtain a discharge permit **before construction or operation**, a requirement broadly codified in §9-323(a)(1) and applied consistently across industries.

Repealing the 2019 clarification does not remove this underlying obligation and may instead create legal ambiguity for both regulators and agricultural producers.

Importantly, a build-first approach could unintentionally expose farmers to financial uncertainty if construction proceeds but permit coverage is later delayed or denied—an outcome that would not serve producers, lenders, or communities.

PRKN is also concerned that altering the permit-first framework for one sector could have **unintended consequences beyond agriculture**.

Maryland's discharge permitting structure has long applied consistently to facilities that may release pollutants—whether agricultural, industrial, commercial, or municipal. Weakening that structure in this context could invite similar requests from other sectors seeking construction flexibility prior to permit coverage, gradually eroding the uniformity and predictability that make Maryland's Clean Water Act program effective. This broader precedent risk has been identified by other legal and river protection organizations reviewing HB 395.

Maintaining a consistent, permit-first approach ultimately protects **all regulated parties**, including farmers, by ensuring clear expectations and avoiding uneven regulatory treatment across industries.

PRKN believes strongly that Maryland can support **viable agriculture and clean water at the same time**.

Discharge permitting is not simply administrative paperwork; it is the process that ensures:

- Manure management and stormwater controls are workable and protective
- Facilities are appropriately sited
- Communities and neighboring landowners have transparency

These safeguards ultimately protect **farmers as well as waterways**, by providing regulatory certainty and reducing the risk of future disputes or enforcement actions.

We respectfully submit that the General Assembly can resolve the permitting delay **without weakening Clean Water Act protections**.

Suggested Amendment

Require that:

If a CAFO General Discharge Permit is not reissued before expiration, MDE shall provide timely coverage through an individual discharge permit with substantially similar terms until the general permit is reissued.

This approach would:

- Maintain Maryland's **permit-first framework**
- Provide **predictable timelines for farmers and lenders**
- Ensure **continuous environmental compliance**
- Rely on authority and permitting pathways already contemplated in Maryland law and used in other states.

We are hopeful that, whether through legislation or administrative action, MDE can work collaboratively with farmers, legislators, and water quality stakeholders to ensure this situation does not recur.

PRKN appreciates the sponsor's attention to the challenges facing Maryland's agricultural community and shares the goal of ensuring farmers have clarity, certainty, and fair treatment.

At the same time, HB 395 in its current form would introduce legal uncertainty, create potential precedent across industries, and weaken a longstanding safeguard that protects both water quality and agricultural producers.

For these reasons, PRKN respectfully urges the Committee to issue an **unfavorable report** on House Bill 395 while continuing to pursue a solution—administrative or legislative—that ensures **timely permit coverage without abandoning Maryland’s permit-first protections**.

Thank you for your consideration and for your commitment to both Maryland agriculture and clean water.

Sincerely,

Betsy Nicholas

President

Potomac Riverkeeper Network

ArundelRiversAFUNFAVHB395.pdf

Uploaded by: Elle Bassett

Position: UNF



Testimony in OPPOSITION of HB395 – Water Pollution Control – Discharge Permits – Concentrated Animal Feeding Operations

Environment & Transportation Committee
February 11, 2026

Dear Chair Korman and members of the Committee,

Thank you for the opportunity to submit testimony in **OPPOSITION OF HB395**, on behalf of Arundel Rivers Federation. Deeply rooted in the South, West, and Rhode Rivers, Arundel Rivers Federation heals and protects our waterways and champions clean water across Maryland. Our vision is healthy waterways for all, and we achieve our mission through restoration, education and outreach, and Riverkeeper programs.

Although there are currently no permitted Confined Animal Feeding Operation (CAFO) permits in the South, West, or Rhode River Watersheds, we have concerns regarding the precedent HB395 will set. By repealing the need for an operator to have an AFO in permit in hand and rely on stormwater construction only permits to begin initial construction, AFO operation may circumvent public comment processes and individual site review protocols. **This legislation opens the door for other industrial or commercial facilities to seek the same treatment in future sessions, weakening environmental safeguards across sectors.** The Clean Water Act and Maryland law are designed so a source of pollution cannot be built first and permitted later.

Maryland law requires a permit before construction under all general permits. Section 9-323 of the Environment Article states that a person must hold a discharge permit before building, modifying, or operating any facility that could release pollution into water. This requirement has always applied broadly to industrial and commercial facilities; CAFOs were explicitly named in 2019 to apply compliance expectations that are consistent with every other discharge permit managed by the state. Repealing the 2019 provisions does not change the intent or application of this law to AFO operations.

This bill seeks to remedy a consequence of Maryland Department of the Environment not renewing the AFO General Permit on time, which resulted in backlogs and administrative extensions. **Arundel Rivers encourages this committee to ensure that MDE has the required resources to meet their deadlines as opposed to eliminating permit requirements and pre-construction review.**

Arundel Rivers Federation believes this bill will not solve the problem it seeks to address and instead will cause further environmental consequences and permitting loopholes across sectors. For these reasons, we request an **unfavorable report** on HB395.

Sincerely,

A handwritten signature in cursive script that reads "Elle Bassett".

Elle Bassett
South, West, and Rhode Riverkeeper
Arundel Rivers Federation

CLA Unfavorable HB395.pdf

Uploaded by: Evan Isaacson

Position: UNF



Opposition to House Bill 395

Dear Chairman Korman and Members of the Committee:

The Chesapeake Legal Alliance provides the following information about House Bill 395 as the committee considers this concerning legislation.

First and foremost, it is important to understand that this bill does not solve the problem that it is intended to address. As we understand it, the problem is that individuals seeking to construct a new facility associated with a new or expanded animal feeding operation (e.g., a poultry house) after July 1, 2025, were unable to receive the Clean Water Act discharge permits needed to proceed. This bill would repeal language in section 9-323(a)(2) of the Environment Article, while not repealing or in any way amending the language in 9-323(a)(1). Paragraph (a)(1) would still contain the general rule that “[a] person shall hold a discharge permit by the Department before the person may construct...” Without additional language to specifically exempt a particular class of permit – like animal feeding operations – they would still be subject to this same prohibition if the bill, as introduced, became law.

The language that this bill would repeal in (a)(2) was codified following the 2019 legislative session in order to clarify that (a)(1) applied to facilities such as animal feeding operations even if they are covered by what is known as a general permit and not issued a site-specific individual permit. Once again, this was not a new requirement, as the generally applicable requirement (a)(1) is nearly a half century old. The 2019 law merely resolved what had apparently been administrative confusion that resulted in some operations flipping the legal process on its head and proceeding to construction without coverage under the Animal Feeding Operations, while others received that permit coverage first, as the law intends, before moving to construction. All facilities should operate on the same financial and regulatory playing field, certainly within a given industry, but also across all industries.

If the bill, as introduced, were to become law it could have significant unintended consequences for Maryland’s Clean Water Act permitting regime. For decades, Maryland’s permitting system – consistent with other states (including Delaware) – has required a Clean Water Act-regulated facility to obtain a permit to discharge pollution into Maryland waters before it starts to construct that pollution source. The reasons for this policy are obvious. What regulator would want to tell a facility that has spent tens of thousands (or millions) of dollars to build a facility that they cannot use? And if the regulator did uphold the law, the facility would have wasted substantial capital on a worthless asset. Under this policy, either the public, or a private business, loses – clearly not a good way to run a regulatory system or a business. That is why the law is set up the way it is and why it needs to remain as it is.

If the bill passes in its current form, the Maryland Department of the Environment will be forced to decide whether to ignore the law (the prohibition in section 9-323(a)(1) of the Environment Article) or they will establish the precedent that any facility in any industry is entitled to this special – and unlawful – dispensation. Once again, this is not an appropriate way to operate a regulatory program.

Finally, it is worth noting that what happened in 2025 should not ever happen again, rendering this bill moot. Not only has the industry's concern been fully recognized by this committee and the Department of the Environment, with pledges to ensure the general permit is not allowed to "expire" (administratively continue in permitting terms), but importantly – there is another obvious solution already provided under current law and regulatory practice. The Department of the Environment has authority to provide alternate permit coverage after a general permit lapses via an individual discharge permit, which could include the same terms as would exist in the general permit. This would ensure that permit approvals continue as if the permit never expired. Individual permits for animal feeding operations are contemplated in Maryland's regulations and are in effect in nearly half of states.

For these and many other reasons we oppose House Bill 395, but are happy to serve as a resource in searching for an appropriate solution to the problem.

For more information, you may reach Evan Isaacson at evan@chesapeakelegal.org.

CCAIC_Oppose HB 395.pdf

Uploaded by: Gabrielle Ross

Position: UNF



Testimony Opposing HB395/SB371
House Environment and Transportation Committee
February 11th, 2026
Position: OPPOSE

Dear Chair Korman and Members of the Environment and Transportation Committee,

On behalf of **Concerned Citizens Against Industrial CAFOs (CCAIC)**, we submit this testimony in **strong opposition to SB371 / HB395**.

CCAIC is a community-based organization located on Maryland's Eastern Shore, founded in 2015 in direct response to the unchecked expansion of industrial poultry operations and the environmental injustices they impose on neighboring communities. For over a decade, we have worked to protect residents—particularly communities of color, low-income communities, and communities with language barriers—from the disproportionate harms caused by factory farming and other polluting industries.

A History of Harm and Lack of Transparency

In 2015, our organization formed as the poultry industry rapidly expanded the construction of **mega-sized chicken houses across the Eastern Shore**. These projects appeared with little to no notice to adjacent homeowners and communities, leaving residents blindsided by industrial-scale facilities built directly next to their homes, schools, and places of worship.

Residents experienced increased air pollution, odors, heavy truck traffic, and declining quality of life without meaningful opportunities to participate in decision-making processes that directly affected their health and property. This absence of transparency is precisely what CCAIC has spent years fighting to correct.

SB371 / HB395 Undermines Years of Community Advocacy

SB371 / HB395 directly contradicts everything CCAIC and our partners have fought for over the past decade, including:

- Transparency in permitting and construction processes
- Community access to information through tools like the **AFO Search Tool**
- Maryland's **Environmental Justice initiatives**
- Meaningful public participation before irreversible harm occurs
- Legislative efforts such as the **Community Healthy Air Act**, which sought to address pollution at its source

By allowing CAFO construction to proceed without required discharge permits, this bill strips communities of their ability to engage before damage is done. Once construction begins, community concerns are effectively sidelined, and regulators face pressure to approve projects regardless of documented risks. We already have issues with state agencies (MDE & MDA) not properly communicating with county municipalities about projects.

Environmental Justice Cannot Be Optional

The Eastern Shore already bears an unfair burden of pollution from industrial agriculture. The communities most impacted are overwhelmingly those with the least political power—rural communities of color, immigrant communities, and low-income residents who do not have the means to detest these massive farms from being built in their communities.

Maryland has publicly acknowledged the reality of environmental injustice. SB371 / HB395 ignores that acknowledgment and instead prioritizes industry expansion over human health, clean air, and community well-being.

Accelerating Harmful Expansion and Industry Consolidation

This legislation would pave the way for **another massive buildout of industrial factory farms**, including:

- Facilities with **eight or more poultry houses on a single lot**
- Increased volumes of manure with farms already having extreme amounts of nutrients
- Expansion of **manure-to-energy facilities** that further entrench industrial waste systems

At the same time, small, local family farmers are pushed out—unable to compete with foreign investors and vertically integrated corporations that dominate land use, resources, and political influence on the Eastern Shore.

This bill does not protect agriculture—it **consolidates power**, fuels overproduction, and accelerates environmental degradation.

Conclusion

SB371 / HB395 represents a dangerous step backward for Maryland. It erodes regulatory safeguards, silences impacted communities, and sacrifices public health and environmental protection for the benefit of one powerful industry.

CCAIC urges the General Assembly to **reject SB371 / HB395** and reaffirm Maryland's commitment to transparency, environmental justice, and the right of all communities to clean air, quality of life, and meaningful participation in decisions that shape their future.

Respectfully submitted,
Concerned Citizens Against Industrial CAFOs (CCAIC)

JCR_HB0395_9Feb2026.pdf

Uploaded by: Janet Ruhl

Position: UNF

Testimony in Opposition of HB0395/SB0371
Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations
House Environment and Transportation Committee 11 February 2026
Submitted on 9 February 2026 by 1:00 pm

To the Chair and Committee Members,

My name is Janet Ruhl. I live in Galena, MD, on the Sassafras River, and I urge an **unfavorable** report on HB0395/SB0371. Thank you in advance for your consideration to oppose this bill.

Maryland law requires that a person hold a concentrated animal feeding operation (CAFO) discharge permit, issued by the Department of the Environment (MDE), **before** the person may begin construction on any part of a new CAFO. Because MDE failed to reissue the Animal Feeding Operation (AFO) General Permit on time, there is a backlog of poultry growers who cannot move forward with financing or construction.

HB0395/SB0371 seeks to **repeal** the requirement that a person hold a CAFO discharge permit, issued by MDE, **before** the person may begin construction on any part of a new CAFO. While repealing the current requirement might address the poultry growers' immediate permitting and construction delays, repealing the requirement is **not** the correct response to the MDE failure to reissue the AFO General Permit. The correct response to these permitting delays is to ensure MDE meet review deadlines, or require administrative extensions, such that permits do not expire.

Indeed, this Bill:

- Could result in CAFO owners investing in new or modified facilities that will never be allowed to operate. At present, CAFO discharge permits are still required before a facility starts operations. If a new facility is never be granted a CAFO discharge permit, it will never be allowed to operate and the owner's investment is lost.

To alleviate this business hardship, the next step could be a repeal of the CAFO discharge permit requirements **prior** to facility operation.

- Will set precedent by indicating environmental safeguards can be set aside when not convenient, for example when the permitting agency is unable to meet its remit. The Clean Water Act and Maryland law are designed so a source of pollution cannot be built first and permitted later.

Because this bill stands at the top of two slippery slopes (investment prior to known permitting and weakening the environment safeguards), I **oppose** HB0395/SB0371 repealing the need for a CAFO discharge permit **prior** to construction on any part of a new CAFO. I urge the members to hold MDE accountable for issuing and renewing the AFO General Permit as the solution to the current backlog. **Do not weaken Maryland's environmental law and threaten our waters to solve an short-term problem.**

Thank you for your consideration, and I look to this committee to give HB0395/SB0371 an **unfavorable** report.

Sincerely,
Janet C. Ruhl

Oppose HB 395 CAFO Permitting Bill _FWW Testimony

Uploaded by: Jorge Aguilar

Position: UNF



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foodandwaterwatch.org

Oppose HB 395
Testimony In Opposition to
CAFO Water Discharge Permit Repeal

On behalf of the nonprofit Food & Water Watch and its 40,000 Maryland members, we submit this testimony in opposition of HB395. HB395 would be a major step backward for Maryland since it would repeal the current requirement that Maryland's concentrated animal feeding operations (CAFO) secure a water discharge permit before a person can begin construction on any part of a new CAFO.

We urge you to reject this bill because it would completely undermine the Maryland Department of Environment's (MDE) oversight of the factory farm industry. If CAFOs aren't required to get a water discharge permit before they begin construction, MDE would be unable to evaluate the environmental and health risks posed by a new CAFO in time to actually prevent harm. This bill, then, would essentially turn a system that is already failing to protect water quality into a true disaster. MDE would be forced into a completely reactionary position where they only take action when an environmental emergency is well underway.

Today, Maryland's poultry industry is a major source of toxic pollution. Every year MD poultry CAFOs generate around 550 million pounds of pollutant-laden chicken litter. This waste contains many pollutants, including nitrogen and phosphorus that feed algal blooms that suffocate aquatic ecosystems and can be toxic to people, pets, and wildlife. The waste also has nitrates that are linked to increased risk of cancer, birth defects, and thyroid disease. Bacteria like E. coli, salmonella, and campylobacter can also be found in this waste that often leads to closed beaches, make people sick, and contribute to the spread of antibiotic resistance. Poultry CAFOs also spew ammonia that plagues neighboring communities (many of which are EJ communities) and winds up in the Chesapeake Bay as well as other Maryland waterways.

It is because of these serious health and environmental issues that Maryland should be requiring more oversight of CAFO pollution, not less. MDE knows that nutrients, sediments, and bacteria—all pollutants that come from CAFOs—are the leading causes of impairments in Maryland's waters.

This bill would also be bad for independent CAFO operators and the farmworkers they employ. Many independent operators are already put in terrible positions by corporate integrators that supply them with subpar birds, force them to take on hundreds of thousands of dollars in debt to stay in business, and then threaten to leave them high and dry if they speak out against the companies that are using and abusing them. By not requiring CAFO operators

to go through the MDE water discharge review process *before* building a new facility, these CAFO operators risk facing fines for breaking environmental rules they did not know about or even being denied the right to operate *after* they've spent their own money building the operation. This would then be just another tool to force operators to take on all the risk, while the corporations that control most of the process take on little risk with all the rewards.

This bill is especially bad for farmworkers. In addition to elevated risk of sudden job loss if environmental enforcement or community opposition shuts down their employer, farmworkers and their families will bear the brunt of environmental hardship caused by reduced MDE oversight because they are the ones who live closest to the CAFOs they work for. House bill 395 is just another vehicle to perpetrate environmental injustice against these farmworkers and their families.

Finally, it's worth mentioning that the main driver of this bad legislation seems to be the state's delay in updating the CAFO discharge permit, which must be revised every five years. Although this permit expired last year, MDE delayed issuing a new one, burdening existing CAFOs with uncertainty about their legal status. But this issue has already been solved. MDE is currently assessing public comments on the new permit and has indicated they will finalize the new permit by this summer. The draft version of that permit makes clear that CAFOs retain permit coverage if MDE fails to issue a new permit before the expiration of the existing permit. And besides, the legislature already ordered MDE to clear its permit backlog by the end of this year. So this really should not be an issue going forward, at least if MDE complies with the law. This legislation would needlessly undermine the entire regulatory system for CAFOs— it's a major overreaction to a problem that has already been solved.

We urge you to oppose HB 395 and its not-so-subtle attempt to take advantage of an administrative delay to completely subvert the system that is supposed to protect our health and our environment from the water discharge pollutants that come from Maryland's poultry CAFOs.

HB 395 OPPOSE.pdf

Uploaded by: Karen Holcomb

Position: UNF

Testimony OPPOSING HB395/SB371
Water Pollution Control-Discharge Permits-Concentrated Animal Feeding Operations
House Environment and Transportation Committee
Submitted Monday February 9, 2026

To Chair Korman and Committee Members,

My name is Karen Holcomb. My husband and I have a parcel waterfront on Fairlee Creek, Chestertown Maryland. I urge an opposing report on HB395/SB371

- **HB395/SB371 is an attempt to solve a problem caused when Maryland's Department of Environment failed to reissue the CAFO General Permit on time.** The delay created a backlog of seven (7) poultry growers who cannot move forward with financing or construction. **A general permit is still required before animals can be placed on site.** As a result, farmers could complete construction and, if MDE fails again to renew the general permit, the farmers remain unable to generate income- placing small business owners in an extremely vulnerable position.
- **Rather than addressing this administrative failure directly, MDE has endorsed the repeal language passed in a 2019 law that clarifies animal feeding operations must have a permit in hand before construction begins.** Essentially HB395/SB371 rolls back a legal requirement and deregulates the CAFO industry allowing a facility to be built without going through the Clean Water Act Discharge Permit process with requirements in place that are intended to reduce the negative impact of potential construction practices on the environment in causing pollution or other harm to our waterways.
- On the Eastern Shore the poultry business is influential on our water quality. It is well known that the poultry business is dominate in both the growing of poultry and that the majority of the grain is grown for the feeding of poultry. Our waterways suffering from agriculture, we can say, is directly tied to the poultry business. Attached is a map of Delmarva which shows the locations of the poultry farms.
- **HB395/SB371 IS NOT THE SOLUTION: Maryland law** states that a person must hold a discharge permit before building modifying or operating any facility that could release pollution into water. This requirement has always applied broadly to industrial and commercial facilities. While, at the end of the day, both the poultry business and the environmental advocates want to be able to trust in the compliance accountability of the MDE in general, and specifically, MDE compliance that allows for a strong action general CAFO permit, HB395/SB371 as proposed in not achieving this objective.

I

Thank you for your consideration, and I look to this committee **to OPPOSE HB385/SB371 for the above reasons.**

Sincerely,
Karen Holcomb
9822 Fairlee Cove Drive
Chestertown, Maryland 21620

HB395.pdf

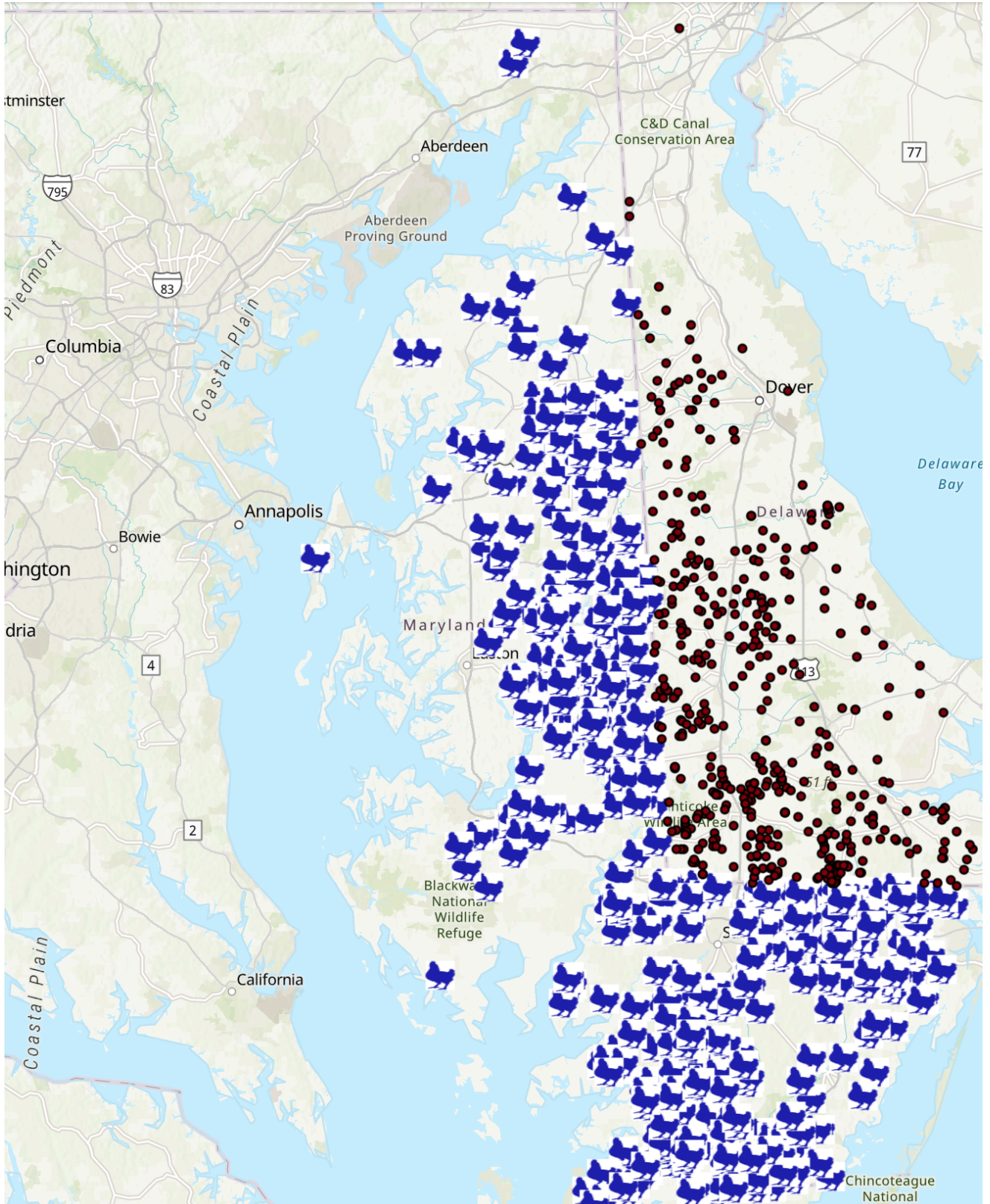
Uploaded by: Karen Holcomb

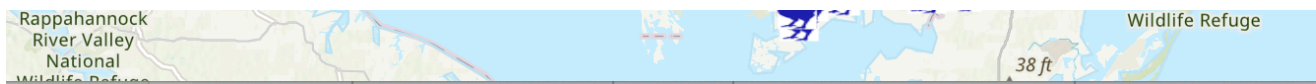
Position: UNF

From: Matt Pluta mpluta@shorerivers.org
Subject: Re: HB395
Date: February 9, 2026 at 8:00 AM
To: Karen Holcomb karenholcomb.m@gmail.com
Cc: Annie Richards arichards@shorerivers.org, Maegan White mwhite@shorerivers.org



Here you go, Karen. Thanks.





Matt Pluta
Director of Riverkeeper Programs
Choptank Riverkeeper, [ShoreRivers](#)
Office: 443-385-0511 x 203
[Office Addresses](#)

On Sun, Feb 8, 2026 at 9:33 PM Karen Holcomb <karenholcomb.m@gmail.com> wrote:

Attached is my testimony on HB395. Having the video to review was very helpful. Let me know if I have my fact correct in my testimony.

Can you send me a Delmarva Poultry Farm locations? I would like to include with the testimony.

Thank you and enjoy your day!

Karen

HB 395 Maryland LCV UNF Water Pollution Controls -

Uploaded by: Marisa Olszewski

Position: UNF



**MARYLAND
LEAGUE OF
CONSERVATION
VOTERS**

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Kim Coble
Executive Director

February 11, 2026

Oppose: HB 395 Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations

Mr. Chairman and Members of the Committee:

Maryland LCV Opposes HB 395 Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations.

Concentrated Animal Feeding Operations (CAFOs) are established under Maryland law as requiring an Animal Feeding Operation (AFO) General Discharge Permit to operate. These permits are in place to help protect water quality from nutrient discharges that harm the Chesapeake Bay, its tributaries, and public health. In 2019, the Maryland General Assembly, recognizing the importance of environmental review and opportunity for public notice and comment *before* construction begins, established in law that CAFOs must obtain this permit prior to building new or expanding existing facilities. This law has protected water quality, allowed for important community input on construction plans, and provided regulatory certainty for agricultural operators.

HB 395, as written, would remove these important safeguards, creating an awkward exemption that does not solve the root cause of the problem facing the agricultural community, and may even create additional burdens for the agricultural operators requesting relief.

Maryland LCV acknowledges the Maryland Department of the Environment's (MDE) delay in renewing the AFO General Permit has caused hardship for operators wanting to develop new facilities, however HB 395 is not the right approach to address this problem. Were this legislation to move forward as is, and MDE were to allow operators to proceed with construction plans without a permit, operators would still be required to go through all the steps to obtain that permit before housing animals.

Additionally, HB 395 would apply this exemption from permitting prior to construction broadly across industrial facilities, not just to CAFO's. This would be contrary to Maryland law established for the protection of water quality and safety and would weaken important legal safeguards protecting Marylanders from pollution. Indeed, removing the established process for permit application and review would mean there would be no legal requirement in place for the issuance of public notice and comment. Especially for the many Environmental Justice communities in Maryland in

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www.mdlcvo.org

which CAFOs are located, notice and public comment is greater than a bureaucratic exercise. It provides the opportunity for Maryland communities to request assurances that additional pollution burdens will be mitigated or avoided.

Even without this legislation, it is possible and within the jurisdiction of MDE to provide permits to new agricultural operators wishing to construct and operate CAFOs in Maryland through issuance of individual permits. For the duration of the time the AFO General Discharge Permit is administratively continued, we recommend the use of the individual permit process be followed to serve the intention of this legislation, rather than adopting this bill language, based on concerns noted above.

Maryland LCV respectfully urges the committee to reject HB 395.

OPPOSE HB395.pdf

Uploaded by: Mark Meyerovich

Position: UNF

OPPOSE SB371

SB371 would remove a requirement for new concentrated animal feeding operations (or CAFOs for short) to obtain a general discharge permit before starting construction. This permit is issued by the Maryland Department of Environment and sets limits on the amount of pollution a factory farm is allowed to discharge into state waters. If CAFOs are allowed to build before having legal protections in place to prevent pollution of our waterways, the permits become a forgone conclusion, meaning even less accountability for factory farms that violate the law. It would be like building a house without knowing whether it will be up to code, then trying to retroactively address code violations.

We know this is true because it happened with the infamous Lost Valley Ranch in eastern Oregon: they were allowed to build before getting their water discharge permit, and went on to violate that permit over 200 times (due in large part to their faulty infrastructure). It took the state hundreds of inspector and enforcer hours to shut the facility down.

Without proper safeguards, factory farm pollution threatens the water we all depend on. CAFOs generate massive amounts of waste, including manure mixed with heavy metals, pharmaceuticals, and other contaminants. Many operations store this waste in open cesspools called "lagoons" and spray it onto fields. Excess nitrogen and phosphorus from these discharges can cause algae blooms that lead to "dead zones" where oxygen levels are too low to sustain most life.

By waiting until after construction on a CAFO starts to issue a permit, a big problem is created: if the CAFO in question finishes construction, but builds faulty infrastructure, the state is less likely to make them fix it before approving a permit as opposed to requiring correct manure management infrastructure in the first place.

There's no reason to roll back this commonsense regulation that protects our waterways from pollution besides making it easier for new factory farms to open and pollute our shared environment. Please vote unfavorably.

Sincerely,
Mark Meyerovich
District 15

HB 395 - CBF - UNF.pdf

Uploaded by: Matt Stegman

Position: UNF



CHESAPEAKE BAY FOUNDATION

House Bill 395

Water Pollution Control - Discharge Permits - Concentrated Animal Feeding Operations

Date: February 11, 2026
To: Environment & Transportation Committee

Position: UNFAVORABLE
From: Matt Stegman,
MD Staff Attorney

The Chesapeake Bay Foundation (CBF) **OPPOSES House Bill 395**, which repeals the requirement that an operator must obtain coverage under the Concentrated Animal Feeding Operation (CAFO) general discharge permit *before beginning construction* of any part of a new CAFO. The bill is being offered in response to the failure of the Maryland Department of the Environment (MDE) to make timely efforts to renew Maryland's CAFO General Permit, which has caused delays and a backlog of potential approvals as operators are temporarily unable to receive permit coverage under a general permit. While CBF is sympathetic to operators who may be suffering financial harm despite making good faith attempts to follow State law, the solution proposed in HB 395 would erode protections for Maryland's waterways, does not strengthen accountability for MDE, and sets a potentially concerning precedent for other industries that make seek similar accommodation in the future.

The bill does not solve the problem it seeks to address. Section 9-323(a) in the Environment Article requires a person to hold a discharge permit "before the person may construct... ..an industrial... ..facility" such as a CAFO. The General Assembly in 2019 adopted new language in 9-323(c) - which the bill seeks to strike - to clarify the obligation already contained in 9-323(a). The bill does not change, update, or remove that fundamental obligation. Therefore, its legal effect as drafted is that a person must still hold a discharge permit before construction may begin, providing no relief to those harmed by the inability to receive coverage under an administratively continued permit.

The will weakens MDE's ability to provide oversight to a major Maryland industry:

While poultry production and its related businesses are of significant economic value, the industry also plays a critical role in helping the state meet its commitment to restore Chesapeake Bay water quality. Maryland has nearly 2,300 chicken houses, many of which are concentrated on Maryland's Eastern Shore where concerns over a nutrient "mass imbalance" have been raised.¹ The Chesapeake Bay Program advises that due to increasing surpluses of nutrients in places like Delmarva, "appreciable reductions in nutrient loads cannot be achieved unless regional mass imbalances are successfully addressed."² By requiring an animal feeding operation to receive coverage under the general permit prior to construction, MDE supplies essential review of planned facilities and management at a time when a project's development is most easily

¹[Delmarva Chicken Production Facts 1957-2024.pdf](#)

² [Achieving Water Quality Goals in the Chesapeake Bay: A Comprehensive Evaluation of System Response](#), Scientific and Technical Advisory Committee (STAC), Chesapeake Bay Program (May 2023).

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adjusted to minimize pollution risk. The pressure to grant coverage after a major capital investment like facility construction makes it unlikely coverage won't be granted, even if planned environmental protections are found to be inadequate.

HB 395 sets a concerning precedent:

The requirement to hold a discharge permit before constructing an industrial facility is well-established in Maryland law. If CAFO operations are allowed to permanently bypass this requirement to alleviate a temporary inconvenience for the industry, this sets a dangerous precedent for future factories, wastewater treatment facilities, data centers, and other dischargers who may seek similar treatment.

CBF Is committed to help find a more appropriate solution to this issue:

CBF recognizes the efforts and willingness of MDE and the bill's proponents to try to find a narrower solution to the current problem and ensure accountability for the agency to administer their permitting programs effectively. The temporary lapse in permitting authority by MDE has created, through no fault of those engaged in the poultry industry, a thorny and potentially expensive problem. CBF remains willing to work cooperatively with the department and industry to find a solution that ensures operators working in good faith can proceed to obtain the various approvals and financing necessary for their projects until MDEs ability to extend general permit coverage is restored while not permanently weakening clean water protections.

CBF requests the Committee's UNFAVORABLE report on HB 395 as introduced. For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

JointTestimony_HB395.pdf

Uploaded by: Molly Armus

Position: UNF



February 11, 2026

Dear Chair Korman and Members of the Environment and Transportation Committee,

On behalf of the undersigned organizations, we write to **oppose HB395**. This bill will remove the requirement to obtain a general discharge permit before beginning construction on a new concentrated animal feeding operation (CAFO).

HB395 completely undermines the purpose of the water discharge permit, which is to protect the environment, safeguard public health and preserve water quality, for the benefit of just one industry. It treats CAFOs as exceptional, exempting these operations from a requirement that applies to the construction of every other industrial and commercial system.¹ HB395 truly lays bare that the poultry industry in Maryland sees a permit intended to protect water quality from livestock pollution as meaningless. This proposal automatically assumes that there is no scenario in which construction may be denied due to the CAFO's impact on the environment and the operator's inability to mitigate those impacts.

Permits are an essential part of the foundation of environmental protection. With significant deregulatory actions occurring at the federal level, it's more important than ever for Maryland to stand strong in its duty to protect our environment. As such, we strongly encourage you to give an unfavorable report to HB395.

HB395 Undermines Regulatory Integrity

Permits are an important way to protect the environment and most importantly, prevent harm before it occurs. Environmental destruction is often irreversible, and a permit acts as that first line of defense. Additionally, requiring a water discharge permit *before* construction of a CAFO ensures the Maryland Department of the Environment (MDE) has the time and authority to evaluate risks and compliance with the permit rules, address environmental justice concerns and impose conditions to avoid or mitigate potential harm.

¹ MD. CODE ANN. ENVIR. §9-323.

Allowing a person to begin construction on a facility that will likely discharge pollution into nearby waterways without having the proper permits in place makes the environmental review process a rubber stamp rather than a meaningful safeguard. Once construction is underway and capital has been invested, MDE will face intense pressure to approve projects even when serious concerns are identified. Ultimately, if passed, this legislation will erode the integrity of Maryland's environmental review process and set a dangerous deregulatory precedent for other critical state permitting processes.

HB395 Puts Communities and the Environment at Risk

The purpose of Maryland's discharge permit is to prevent pollution of waterways by establishing a specific set of conditions that a CAFO must meet in order to operate. While Maryland's permit has been wholly inadequate in protecting against significant pollution risks from these facilities,² allowing a CAFO to begin construction without this permit completely removes the mask that the state's discharge permit provides even minimal protection to nearby communities and their environment. CAFO operators will be able to begin construction without showing how or if they will ensure compliance with the permit rules, such as plans for manure and waste management, storage, as well as a legally compliant comprehensive nutrient management plan. Communities' ability to meaningfully engage in this process, before it begins, will be negated. This is especially alarming in light of the extensive evidence that CAFO pollution negatively impacts Maryland's waterways and is a major public health concern.

Along the Eastern Shore, a dense concentration of hundreds of chicken CAFOs has contributed significantly to water pollution, with little relief to those who live nearby. These operations each house hundreds of thousands of birds, generating massive volumes of manure that contaminate both air and water resources.³ This waste is periodically applied to spray fields, despite containing pathogens, antibiotic-resistant bacteria, and heavy metals, and frequently in excess of crop needs.⁴ For example, one study found that in 2019, more than half of the poultry operations in Maryland whose records were available reported to the state that they had over-applied manure to their crop fields.⁵ Excess manure readily runs off into nearby waterways, driving nutrient pollution downstream and degrading water quality.⁶ Water testing has consistently found unsafe nitrate levels across the region, and in Wicomico and Worcester Counties, more than one third of residents may have been exposed to water above safe standards.⁷ Nitrates can cause a variety of serious health issues,

² U.S. ENV'T PROT. AGENCY, EVALUATION OF MARYLAND'S 2022-2023 AND 2024-2025 MILESTONES 6 (2024), https://www.epa.gov/system/files/documents/2024-05/2024_maryland_2022_2023_2024_2025_evaluation_draft_ms2.pdf; ENVIRONMENTAL INTEGRITY PROJECT, BLIND EYE TO BIG CHICKEN: FREQUENT VIOLATIONS, BUT FEW PENALTIES FOR MARYLAND'S CHICKEN INDUSTRY 14 (Oct. 28, 2021); ENVIRONMENTAL INTEGRITY PROJECT, POULTRY INDUSTRY POLLUTION IN THE CHESAPEAKE REGION: AMMONIA AIR EMISSIONS AND NITROGEN LOAD HIGHER THAN EPA ESTIMATES 13-15 (April 22, 2020), <https://environmentalintegrity.org/wp-content/uploads/2020/04/EIPPoultry-Report.pdf>; ENVIRONMENTAL INTEGRITY PROJECT, STAGNANT WATERS: DESPITE TWO DECADES OF BAY CLEANUP EFFORTS, NO IMPROVEMENT FOR PHOSPHORUS POLLUTION ON MD EASTERN SHORE 5 (Oct. 28, 2021), <https://environmentalintegrity.org/reports/stagnant-waters/>.

³ *Id.*

⁴ See, DANIEL HELLERSTEIN ET AL., AGRICULTURAL RESOURCES AND ENVIRONMENTAL INDICATORS 75-76 (2019), <https://www.ers.usda.gov/webdocs/publications/93026/eib-208.pdf>; V. Blanes-Vidal, et al., *Residential Exposure to Outdoor Air Pollution From Livestock Operations & Perceived Annoyance Among Citizens*, 40 ENV'T INT'L 44 (2012) (exposure to animal waste odor is "a significant degradation in [rural residents'] quality of life").

⁵ BLIND EYE TO BIG CHICKEN, *supra* note 2.

⁶ ROLF U. HALDEN & KELLOGG J. SCHWAB, ENVIRONMENTAL IMPACT OF INDUSTRIAL FARM ANIMAL PRODUCTION (2008), <https://law.lclark.edu/live/files/6699-environmental-impact-of-industrial-farm-animal>; CARRIE HRIBAR, NAT'L ASS'N OF LOCAL BDS. OF HEALTH, UNDERSTANDING CONCENTRATED ANIMAL FEEDING OPERATIONS AND THEIR IMPACT ON COMMUNITIES 2-3 (2010), https://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf.

⁷ Elizabeth Shwe, *Report: Eastern Shore Has Unhealthy Levels of Nitrate in Drinking Water Due to CAFOs*, MARYLAND MATTERS (Oct. 21, 2020, 12:01 AM), <https://marylandmatters.org/2020/10/21/report-eastern-shore-has-unhealthy-levels-of-nitrate-in-drinking-water-due-to-cafos/>; *Community Science Initiative Detects Nitrate in Lower Eastern Shore Residents' Private Wells*, ASSATEAGUE COASTAL TRUST (Feb 2, 2022), <https://www.actforbays.org/post/community-science-initiative-detects-nitrate-in-lower-eastern-shore-residents-private-wells>.

including colorectal cancer, thyroid disease, neural tube defects, and “blue baby syndrome.”⁸ This is also a prime example of environmental injustice as rural, communities of color as well as low-income communities often live closest to CAFOs and bear the brunt of this intense pollution.⁹ Governor Moore has formally recognized this reality through a 2025 executive order directing Maryland agencies to prioritize the protection of overburdened and historically marginalized communities in environmental decision-making.¹⁰ This is fundamentally undermined by HB395.¹¹

CAFO pollution impacts the health of the Bay too. CAFO manure “is a primary source of nitrogen and phosphorus to surface and groundwater” and around 95% of Maryland’s CAFOs are located in the Chesapeake Bay watershed.¹² Agricultural runoff is the largest source of pollution entering the Bay, and unsurprisingly, high levels of nitrogen and phosphorus are fueling oxygen-deprived “dead zones.”¹³

Ensuring that a CAFO is complying with the minimal standards of the water discharge permit before construction begins is arguably all that stands between even more severe environmental and public health harms. To undermine this process by allowing construction to move forward without any oversight from MDE or engagement with nearby communities is a grave miscarriage of justice to our environment and the health of those who reside closest to these operations.

Conclusion

It is the job of the state to protect people from pollution, hold powerful industries accountable and ensure that every Marylander can drink safe water and breathe clean air. HB395 completely shirks that duty. Please give an unfavorable report to HB395.

Sincerely,

Friends of the Earth, Molly Armus, Animal Agriculture Policy Program Manager

Sentinels of Eastern Shore Health, Maria Payan, Executive Director

Climate Communications Coalition, Sonia Demiray, Executive Director

Center for Engagement, Environmental Justice and Health (CEEJH Inc.), Krys White, Associate Executive Director

Cedar Lane Unitarian Universalist Congregation, Nanci Wilkinson, Environmental Justice Ministry Team

Patuxent Riverkeeper, Frederick Tutman, Riverkeeper

⁸ Mary H. Ward et al., *Drinking Water Nitrate and Human Health: An Updated Review*, 15 INT’L J. OF ENV’T RESEARCH AND PUB. HEALTH (2018), <https://www.mdpi.com/1660-4601/15/7/1557>.

⁹ HRIBAR, *supra* note 6; Johnathan Hall et al., *Environmental Injustice and Industrial Chicken Farming in Maryland*, 18 INT’L J. OF ENV’T RESEARCH AND PUB. HEALTH 9-10 (2021), <https://www.mdpi.com/1660-4601/18/21/11039>.

¹⁰ Press Release, The Office of the Governor, Governor Moore Signs Executive Order to Advance Environmental Justice for Communities Burdened by Pollution (July 18, 2025), <https://governor.maryland.gov/news/press/pages/governor-moore-signs-eo-to-advance-environmental-justice-for-communities.aspx>.

¹¹ See also, *Animal Feeding Operations (AFOs)*, MD. DEPT. OF THE ENV’T, <https://mde.maryland.gov/programs/land/recyclingandoperationsprogram/pages/afoinfo.aspx> (last visited Jan. 26, 2026) (Maryland’s environmental justice law requires applicants for a CAFO water discharge permit to submit an environmental justice screening score. This score identifies whether a proposed facility is located in or near an overburdened community and is intended to ensure that “environmental decisions are made transparently and equitably.”).

¹² *Estimated Animal Agriculture Nitrogen and Phosphorus from Manure*, U.S. ENV’T PROT. AGENCY, <https://www.epa.gov/nutrientpollution/estimated-animal-agriculture-nitrogen-and-phosphorus-manure> (last updated Dec. 11, 2025); U.S. ENV’T PROT. AGENCY, MARYLAND ANIMAL AGRICULTURE PROGRAM ASSESSMENT (2015) <https://www.epa.gov/sites/production/files/2015-09/documents/marylandanimalagricultureprogramassessment.pdf>.

¹³ *Agricultural Runoff*, CHESAPEAKE BAY PROGRAM, <https://www.chesapeakebay.net/issues/threats-to-the-bay/agricultural-runoff> (last visited Jan. 22, 2026).

Food & Water Watch, Jorge Aguilar, Southern Region Director
Concerned Citizens Against Industrial CAFOs (CCAIC), Gabby Ross & Jo Diggs
One Montgomery Green, Kathleen Michels, Advocacy Chair
Environmental Integrity Project, Courtney Bernhardt, Director of Research
Maryland Legislative Coalition, Cecilia Plante, Co-Chair
Maryland Legislative Coalition – Climate Justice Wing, Dave Arndt, Co-Chair
Little Hoof Farm, Rhonda Tomko
Chesapeake Physicians for Social Responsibility, Gwen L. DuBois, MD, MPH
Wicomico County NAACP, Monica Brook, President
Envision Frederick County, Patrice Gallagher, Board Vice chair
CATA – The Farmworkers Support Committee, Leila Borrero Krouse, Immigration Specialist Organizer
Waterkeeper Alliance, Jacqueline Esposito, Advocacy Director
Waterkeepers Chesapeake, Robin Broder, Acting Executive Director
ACQ (Ask the Climate Question), Karen Metchis
Less Plastic Please, Liz Feighner, Steering Committee
Maryland Latinos Unidos, Gabriela Lemus, Executive Director
Center for Progressive Reform, Bryan Dunning, Senior Policy Analyst
Clean Water Action, Jennifer Kunze, Maryland Organizing Director

CLF Testimony HB 0395.pdf

Uploaded by: Patti Anderson

Position: UNF

February 9, 2026

The Johns Hopkins Center for a Livable Future
Bloomberg School of Public Health
111 Market Place, Suite 840
Baltimore, MD 21202

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,

Patti Truant Anderson, PhD, MPH
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Assistant Practice Professor, Environmental Health and Engineering
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Community Science and Innovation for Environmental Justice Initiative
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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)

Testimony in Opposition of SB371_Final.pdf

Uploaded by: Rachel Casteel

Position: UNF



**Testimony in Opposition of SB371: Water Pollution Control -
Discharge Permits - Concentrated Animal Feeding Operations**

Education, Energy, and the
Environment Committee

Position: Oppose

Dear Chair Feldman and Members of the Education, Energy, and the Environment Committee,

On behalf of Sentinels of Eastern Shore Health (SESH), we submit this testimony in **strong opposition to SB371**.

SESH is a collective voice for positive solutions and inclusiveness in representation in environmental and public health issues. For decades, SESH has worked alongside residents to protect local communities from industrial contamination, equitably participate in public processes, and shine a light on the unjust and disproportionate harm concentrated animal feeding operations (CAFOs) inflict on our neighbors.

This emergency bill proposes to repeal the requirement that a person hold a CAFO discharge permit issued by the Maryland Department of the Environment (MDE) **before** beginning construction on any part of a new CAFO. The most recent CAFO general permit expired on July 7, 2025, and MDE will **soon be issuing the new general permit**. This effort reflects a permanent change to a temporary problem – causing far more harm than benefit.

MDE notes that “a discharge permit for construction may be needed, and that the addition of animals would likely need to wait until the CAFO GD Permit is finalized.” **This provision seeks to solely repeal only the parts of the process which specifically and exclusively include public participation and community notification** – this discharge permit is the **only** opportunity where a community or resident can request a hearing or voice their concerns, and the **only** instance in which environmental justice is considered, through the applicant’s determination of an EJ score for the census tract where they are seeking a permit. What is the purpose of an after-the-fact EJ score, if the bulldozer has already shown up, capital is already invested, and the opportunity for public input occurs **after construction has already begun? We know very well the likelihood (rather, the lack thereof) that a facility is stopped post-ground breaking.**

This emergency bill effectively achieves nothing in regard to getting new CAFOs operational sooner than the upcoming release of the general permit, as a permit would likely be necessary for the addition of animals. It simply disallows community members the right and

opportunity to participate in the public process, to even be notified of a CAFO's intent to move in next door, and deems the hard work of Governor Moore's Executive Order on environmental justice, Valuing Opportunity, Inclusion, and Community Equity (VOICE), meaningless. *Maryland has demonstrated a fundamental commitment to prosperity and opportunity for all, including by advancing laws, regulations, policies and priority actions that advance Environmental Justice and equal protections of all Marylanders¹ - not just industries.* Further, state agencies "can and should take additional actions to embed explicit analysis of equity considerations in policies and practices... and reviewing community engagement strategies with a focus on Marylanders who reside in communities that have historically been overburdened and marginalized including coastal, rural, tribal and urban populations. Our great state of Maryland affirms here principle seven of the 17 Principles of Environmental Justice: **Environmental justice demands the right to participate as equal partners at every level of decision-making including needs assessment, planning, implementation, enforcement and evaluation.** State agencies "shall 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" – we, as communities and the constituents of which you represent, are informing you that this attempt at stifling community participation is **an egregious step backwards, undermines the very outcome it seeks to achieve, and catastrophically endangers our public health, safety, and welfare.**

MDE's own agency asserts that this discharge permit prevents pollution of waterways by requiring specific operating conditions, and conserves resources and reduces paperwork. Eastern shore communities already lack transparency and access to the information they have a right to – this bill further enmeshes that bad practice into the status quo, devastating public participation rights of those who are truly impacted. Regardless of purported efficiency, CAFOs pose a threat to public health AND safety to communities statewide – especially those in environmental justice communities, rural communities, and the Eastern shore. Environmental impacts, community representation, and justice are egregiously overlooked in this proposed bill.

On behalf of eastern shore communities, we urge you to oppose and reject SB371 – do not remove our *only* opportunity to protect our public health, safety, environment, and wellness. Included with our testimony is comment from our local community.

Respectfully submitted,
Maria Payan and Rachel Casteel
Sentinels of Eastern Shore Health (SESH)

¹ EO 01.01.2025.17 Valuing Opportunity, Inclusion, and Community Equity (VOICE)_Accessible.pdf

I, Tyler Tallent, on behalf of the Tallent family of Julia, Greg, and Aaron Tallent, submit this comment in strong opposition to SB371. We are against lifting important regulations of CAFO permits due to proven dangers displayed by these practices that would be encouraged.

I have fought for the last year and a half against the attempt to turn a poultry operation into a bio-refinery less than 200ft from my front door. My home has been in my family's name for close to 50 years, and today we can barely go outside due to the smell or the flies that are filled with blood that cover our windows on warm days above 20F. We learned about it from another neighbour telling us, from sitting in a hearing, we have had to learn just how corrupt, dangerous, and harmful these “projects” can be. Examples include how state agencies handled a few local projects such as the DAF tanks and the biorefinery – essentially allowing them to pop up next to peoples’ homes, endanger their health and silence local departments, citizens, planning and zoning, and other authorities that would stop this with viable due cause. I ask: is an economy where peoples’ lives are in danger worth it? Is “progress” in agriculture taking a step to ignore the public and our communities, and past mistakes made by industry?

Just like any other business the permit system and regulations are in place for a reason: to keep the citizens safe. Permits that need to be renewed both notify departments of their activity, demonstrate they are following regulations and laws, and to notify the people in these areas of what is going on. CAFOs are a delicate system that need regulations to ensure safety – it's why you spend the money and the time to fill out paperwork to acknowledge you know what you're doing and your intent.

If it was not for permits and regulations we would have had a massive CAFO operation on top of the main water source of my area in Maryland, the Paleo Water Channel. But our neighborhood had the opportunity to participate in the process and oppose it, protecting our community. We should not lower quality insurance for a minor convenience as it is the CAFO's responsibility to meet our state standards. Just like any other business or industry, there is accountability and responsibility.

Why do we need to ignore the problems CAFOs cause by simply ignoring them rather than fixing them? We could be patching these problems, establishing regulations to not take this massive step backwards – as if instead of addressing known dangers of CAFOs, the floodgates should be opened outright to allow construction before a permit is even applied for. Where are the checks and balances and oversight? Who would benefit the most from taking the power and autonomy away from citizens to ensure the safety and health of ourselves and our environment?

Would you want this treatment with food at restaurants? Where they just lift certain requirements and what you get on the table is what you eat, you cannot voice your opinion but feel free to leave the table. Hands can be dirty touching your food, expiration dates on ingredients mean nothing, and they can tell you whatever to your face – but there are no opportunities to speak on it, so dig in. This is opening a figurative Pandora's box to harming people and the environment around us. Our farming community finds this proposal dangerous and wrong. In closing, I, Tyler Tallent, on behalf of my family strongly urge your opposition to SB371. Thank you.

Oppose HB395 - AFO Permit.pdf

Uploaded by: Robin Broder

Position: UNF



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.

HB0395_PollutionDischargeCAFOs_OPPOSE_ClimateCC.pd

Uploaded by: Sonia Demiray

Position: UNF



HB 0395 - OPPOSE

Sonia Demiray
Climate Communications Coalition
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HB 0395

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

Environment and Transportation

February 11, 2026

Dear Chair Korman, Vice Chair Guyton, and members of the Environment and Transportation Committee:

The Climate Communications Coalition is a Maryland-based grassroots climate and environmental justice non-profit, a member of the Mid-Atlantic Justice Coalition, and of the Maryland Climate Justice Wing, among others. The Climate Communications Coalition strongly opposes HB 0395.

Maryland's environment and communities are currently insufficiently protected against Centralized Animal Feeding Operations' (CAFOs) poor nutrient, manure, and waste management and storage. This poor management includes the consistent over-application of manure containing pathogens, antibiotic-resistant bacteria, and heavy metals to crop fields from where these leak into our waterways, groundwater, and the Bay. Poor storage of often toxic digestate also provokes leakage into water.

The National Pollutant Discharge Elimination System (NPDES) requires a permit for any pollutants discharged directly or indirectly.

HB 0395 would exacerbate the negative impacts from livestock pollution on waterways, groundwater, and the Bay, by removing the requirement to obtain a general discharge permit before beginning construction. Exempting polluters such as CAFOs from common sense permitting removes this safeguard against irreversible environmental destruction and potentially lethal impacts on human health. CAFOs need more regulation, not less.

The Climate Communications Coalition respectfully requests an unfavorable report on HB 0395.

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ACT Testimony - HB0395.pdf

Uploaded by: Taylor Swanson

Position: UNF



**Testimony in OPPOSITION of HB395 – Water Pollution Control - Discharge Permits -
Concentrated Animal Feeding Operations**

Environment and Transportation Committee
February 9, 2026

Dear Chair Korman and Members of the Committee,

Thank you for the opportunity to submit testimony in **OPPOSITION OF HB395** on behalf of Assateague Coastal Trust.

Assateague Coastal Trust is dedicated to its mission of conservation, preservation, and protection of the waterways of Worcester County and Maryland’s Lower Eastern Shore. Our work helps ensure that residents and visitors to Maryland’s coast forever enjoy the resources provided by our coastal waters.

This bill would eliminate the requirement that a concentrated animal feeding operation (CAFO) obtain a water discharge permit before beginning construction, weakening one of the safeguards protecting Chesapeake and Coastal Bays waterways.

Discharge permits exist to prevent pollution before it occurs. Allowing CAFO construction to begin without a permit undermines environmental review, limits meaningful public engagement, and pressures regulators to approve projects after significant investment has already been made. This bill creates a special exemption for one industry and erodes the integrity of Maryland’s environmental protections at a time when strong state oversight is more important than ever.

Assateague Coastal Trust recognizes the importance of the poultry industry as a major economic driver across the Lower Eastern Shore. However, it is of great importance that consideration be given to the effects removal of this permit could have on tourism and seafood harvest industries; both of which on the Eastern Shore are intimately tied to water quality and health.

Worcester County is already heavily burdened by poultry CAFOs that generate enormous volumes of manure. Excess nutrients from these operations routinely contaminate groundwater and runoff into nearby waterways, including the Maryland Coastal Bays. Water testing in the region has found unsafe nitrate levels, exposing residents to serious health risks such as cancer, thyroid disease, and “blue baby syndrome.” These impacts disproportionately affect rural, low-income communities.

The Coastal Bays are especially vulnerable to nutrient pollution, which fuels algae blooms, degrades water quality, and harms fisheries, tourism, and the local economy. Allowing CAFOs to move forward without demonstrating compliance with even minimal permit standards puts these fragile ecosystems and nearby communities at even greater risk.

For these reasons we urge this committee to uphold the sound reasoning for the permitting process and its necessity for protecting Maryland's waterways. Maryland has a duty to protect clean water, public health, and overburdened communities.

Assateague Coastal Trust urges an **UNFAVORABLE REPORT** on **HB395**.

Sincerely,

A handwritten signature in black ink, appearing to read "Taylor Swanson", with a horizontal line extending to the right.

Taylor Swanson,
Executive Director and Assateague Coastkeeper
Assateague Coastal Trust