



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://environmentalinintegrity.org/wp-content/uploads/2020/04/EIPOultry-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://environmentalinintegrity.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 HIBBAR, 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
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