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Date: January 25, 2021
To: Members of the House Environment & Transportation Committee
From: Holly Porter, Executive Director
Re: HB 204 – Environment & Natural Resources – Complaints, Inspections, and Enforcement – Information Maintenance and Reporting – **LETTER OF INFORMATION/CONCERN**

Delmarva Chicken Association or DCA (formerly Delmarva Poultry Industry, Inc.), the 1,600-member trade association representing the meat-chicken growers, processing companies and allied business members on the Eastern Shore of Maryland, the Eastern Shore of Virginia, and Delaware and we have some concerns about HB 204 that should be considered before a vote within the committee.

HB 204 directs the Department of Environment (MDE) to keep electronic records of “suspected violations”, an updated list of legal settlements and develop and maintain a website to list the complaints and inspections, as well as a list of expired and administratively continued environmental permits and update the website on a monthly basis.

Our main concerns with this bill are:

- It should be noted that there is a significant difference between a complaint and a suspected violation. This does not seem to be adequately defined.
- There is a significant difference between if a permittee is not in compliance due to missing paperwork or updates to a plan versus out of compliance due to a true resource concern. How will this be documented?
- Our understanding is currently any person or group has the ability to gather this information in a Freedom of Information Act request (often with a fee to offset the costs incurred by the Department) and the information would be provided in aggregate, not necessarily identifying individual facilities, or in the case of Concentrated Animal Feeding Operations (CAFOs), individual farms that are often the homes of farmers. How will the website and database protect family farmers from being targeted from public perception?
- Will the list of expired and administratively continued environmental permits be specific to individual permits or for general permits as well? If so, if a farmers general permit is expired due to no fault of his/her own, this should made clear on the website.
- Does MDE have the resources available to create and maintain not only the website, but the robust database and technological upgrades to the inspection process that would be required to meet this law?

DCA applauds the efforts of the General Assembly to encourage MDE to enhance efficiencies by taking advantage of modern technology. However, our family farmers, required to get a general discharge CAFO permit (which in fact allows for no-discharge), are uniquely different operations than most businesses that apply for permits with MDE and we want to ensure that is taken into consideration.

Although DCA does not have a formal position on the bill at this time, we hope the Committee will consider our letter of information/concern during their discussions.



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Should you have any additional questions, please feel free to contact me at porter@dcachicken.com or 302-222-4069 or Nick Manis, Manis Canning & Associates, 410-263-7882.