

Date: February 21, 2022
To: Members of the House Environment & Transportation Committee
From: Ernie Adkins, Chicken Grower
Re: HB 596 – Constitutional Amendment – Environmental Rights - **OPPOSE**

As you are aware, I received my first flock, 23 April 2019. Although that was a huge milestone in my life, I had just closed two exhaustive chapters prior to beginning the one I live today.

Let's begin by saying after I came back from Iraq in 2006, I wanted to become a farmer, a poultry farmer to be exact. At that time, 2006, the moratorium on new poultry production facilities had been lifted along with an immense number of new regulations implemented. To be honest, I didn't have a clue where to begin. I found a piece of land in Mardela Springs, approached the integrator and received their approval, then the process began to pick up speed. NRCS, MDE, MDA, Wicomico County, and an agent from US Army Corp of Engineers arrived for a meeting on site and gave a preliminary "thumbs up". Then came the official meeting and no one knew where to go from there, as I was the first application since lifting the moratorium. The government, the integrators, and myself were all perfectly clueless. It was at this meeting that NRCS required me to receive a set of plans from a certified engineer. Sounds reasonable until you filter it with, I had never built a dog house before, so where do I begin? I was overwhelmed to say the least not knowing where or what to do and no one guiding the process. Eventually I received my quotes for engineering, \$300,000.00 which ultimately halted the deal.

Fast forward to 2016 and I began the process again, this time in Parsonsburg. Many had gone after me, so now the governmental agencies had familiarity with the processes and now could better assist with pointing me in the right direction. Here is how I proceeded:

1. MDA contacted after site selection and began evaluating the following:
 - a. Initial wetlands overlay to predict potential issues with development
 - b. PDA (Tax Ditch) overlay
 - c. Floodplains
 - d. Historical sites
 - e. Waters of the State evaluation for CAFO/MAFO
 - f. Soil study
2. Place property under contract
 - a. Pay for engineering (\$30,000)
 - b. Wetlands delineation (\$20,000)
 - c. Perc testing for home site
3. Once the preliminary evaluations had been completed with positive indicators:
 - a. CAFO/MAFO application
 - i. Notice of intent - published
 - ii. Public hearings period
 - iii. Public comments period
 - b. Building permit application
 - c. NPDES permit application (Storm water management system)
 - i. Published for public comments
 - d. Wetlands permitting
 - i. Army Corp of Engineers required approval

- ii. MDE required approval
- e. Groundwater withdraw permit application
 - i. Letters sent to all adjoining property owners to notify of intent
 - ii. Public comment period

I was fortunate enough not to have received any public comments as this would have only lengthened the process. This entire process took exactly 365 days to receive my CAFO permit from the time the property was placed under contract until I executed and paid for the property. I was not willing to purchase a property I could not receive the necessary permitting for. This period of time was exhaustive with extreme oversight to ensure, prior to the commencement of building, the project would not have a negative impact on the environment. **You see, we really are not a chicken farm but rather a storm water management system that happens to grow chickens.**

Now, like previously stated, we close the permitting chapter and open the building chapter of this saga. During this time, if the paperwork shuffle and re-examination of examinations of plans was not draining enough, now the real fun begins.

It all starts with a website so you can obtain your “green card” certifying you are knowledgeable but ultimately responsible for anything that goes wrong with the construction phase of your project, and I was required to have one so I complied. Allow me to be clear, I was no more knowledgeable after passing this test than I was 45 minutes prior. However, I did check the box, as required. In all actuality, I was counting on the professionals to know what was required of them and by the State since this is what they do every day. My thought processes were along these lines; ***I know the doctor is going to remove my appendix and I can research that all I want but I probably should not attempt this at home, or anywhere else.***

After the online training comes a pre-con (pre-construction meeting) where all of the government agents, contractors, and myself have a clearing of the air of what is to take place and all fully understand how that will be achieved in a compliant manner. At every phase of construction, we would have numerous inspections conducted by MDE and MDA. Their jobs were to ensure compliance and penalize the project/me for non-compliance. There were thousands of photographs and reports generated during this time, log books kept, self-certifying inspections that had to be completed and inspected by the inspectors. In field counseling on suggested or required improvements. The oversight was so intense and innumerable I am not sure how we ever completed the project. Additionally, we received onsite training, from MDE, that dirt/sand going into the water that was leaving the job site (discharge) was considered pollution. That took some getting used to. We had to purchase filter bags for dewatering operations which would allow us to discharge off of the site. I never knew such things existed. Once towards the end of construction and about to begin the operational phase of the project, we were subjected to more inspections, more oversight, and more certifications.

To say we were micro-managed would to say we were on vacation. It was more equivalent to what I would think working on a chain-gang would have been with a guy on the horse with his shotgun. During every meeting, from the first to the last, we were ALWAYS reminded we could be fined and/or shutdown of which, neither could I afford.

To further regulate the poultry industry, in my opinion, is unimaginable. How and what would you do next? Shut it down? To me, it felt as though we were always a step away from the State taking away our dreams. It was not an enjoyable experience.

Now, I would like to say who I am. I am Ernest Adkins. I am a combat veteran of three wars and a 1st generation farmer who is in his fifties. I represent 1.3% of the population that feeds 100%. I am scared for our farming industries due to the lack of young people entering it.

Continuing to over-regulate an overly regulated industry is clear pathway to dependency as a State and potentially a Nation.

For these reasons, I oppose HB 596.