



FOR IMMEDIATE RELEASE

July 16, 2018

Contacts: [David Reed](#), Environmental Action Center, 202-253-5560
[Sarah Edwards](#), Environmental Action Center, 843-469-1898

Press Statement on MDE Policy Change for Poultry CAFOs

MDE responds to EAC's victory in Worcester County with programmatic change

In response to the recent Administrative Law Judge decision regarding a Worcester County CAFO, Maryland Department of the Environment is rescinding its policy: "Temporary Measures to Satisfy Manure Storage and Mortality Management Requirements for New Construction and Expanded Poultry Operations in Response to Limited Maryland Agriculture Cost Share (MACS) Funding." In doing so, MDE removed a policy that created broad exemptions and impermissibly vague flexibility in the implementation of environmentally protective measures. In the Worcester County case, MDE used the policy to authorize a minimum two-year delay, with indefinite deadlines, for building the required waste storage structure and mortality management facilities. Both required structures are necessary to prevent poultry waste from over 2 million birds per year from entering waterways. Instead, MDE authorized practices to store the build-up of manure in the poultry houses and to use a generic shed for mortality. MDE authorized the exemption of these structures because MACS funding (i.e. taxpayer dollars) was not available to the proposed facility.

EAC argued that the minimum two-year waiver of these requirements was not protective of the waterways and violated the goals and standards of Maryland's General Permit for Animal Feeding Operations and Clean Water Act. The ALJ agreed and directed MDE to revoke the final approval authorizing the operation of the poultry CAFO.

Now, MDE is applying the ALJ decision from that case to all CAFOs seeking registration under the General Permit. All new CAFOs are required to establish their permanent structures for manure storage and mortality management before the facility can receive any chickens, regardless of MACS funding availability. This ensures that the operation will be more protective of the environment from its first day of operation. MDE's announcement provides clarity and erases a dangerous loophole where operators and the community were uncertain about the requirements of the operation. This is a major step in progressing toward more environmental protection and accountability for CAFOs in Maryland.

Announcement of MDE's policy change can be found on AFO website at:
<http://mde.maryland.gov/programs/Land/RecyclingandOperationsprogram/Pages/AFOInfo.aspx>

###