



# AgBrief

## Phosphorous Management Tool

An Overview of the Proposed Regulations

September 2013

The Phosphorus Management Tool (PMT) will replace the Phosphorus Site Index. It only applies on farms where soil phosphorus has a Fertility Index Value (FIV) of 150 or more. The tool reflects more than 10 years of research by University of Maryland scientists in collaboration with regional and national experts. The PMT analyzes areas where excess phosphorus is present in the soil and identifies where a high potential for phosphorus loss exists. The PMT also allows farmers to evaluate management options they can use to reduce the risk of phosphorus losses from agricultural fields to nearby waterways. Revising and updating the tool is an element of Maryland's Watershed Implementation Plan (WIP), the federally mandated document that outlines specific steps the state will take to protect and restore the Chesapeake Bay. The PMT will be included in the Maryland Nutrient Management Manual (incorporated by reference into COMAR 15.20.07 and 15.20.08).

### Background

The Maryland Department of Agriculture (MDA) originally submitted proposed PMT regulations to the Joint Committee on Administration, Executive and Legislative Review (AELR) of the General Assembly in December 2012. Those regulations were published in the *Maryland Register* on January 25, 2013. During the public comment period, which ended February 25, 2013, MDA received seven comments.

MDA received the final University of Maryland *Extension Technical Bulletin* on June 28, 2013, which included an edit to the PMT that did not significantly affect the risk score but was legally considered "substantive." As a result, MDA re-submitted the proposed regulations to AELR. However, because the proposal was already published and public comments



Photo by Edwin Rensberg

were already taken, MDA proposed the package on July 11 as "Emergency Regulations" so the PMT could be included in nutrient management plans developed for 2013 fall planting.

AELR scheduled a public hearing for August 28, 2013 in response to farmers who raised concerns about unknown impacts and environmental groups that raised questions about implementation. As a result, MDA withdrew the proposal from AELR on August 26, and the hearing was cancelled. MDA then met with key agricultural and environmental stakeholders to clarify and fine tune how the PMT regulations would work.

### Revised Proposal

The revised proposal, agreed upon by stakeholders, includes a phased-in approach that will give everyone more time to understand how the tool will work and what it means to a specific agricultural operation.

During the phase in, farmers' nutrient management plans will be developed using the existing Phosphorus Site Index as well as the new PMT. By running the new tool now, farmers will better understand the management changes they will be required to make when the new tool is implemented.

All nutrient management plans developed after October 1, 2014 will be required to use the new PMT. After January 1, 2015,

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nutrient plan implementation will follow the PMT, regardless of when the plan was written.

During the phase in period and beyond, nutrient management consultants will report key information to MDA about the use of the tool as well as excess litter and phosphorus levels. In accordance with the nutrient management law, this information will be confidential as it relates to specific farming operations but aggregated and made public annually. This information will help farmers plan for future implementation while helping MDA enhance programs and other resources to help farmers address changes, especially as they relate to handling excess litter and livestock manure. Information will also help university researchers evaluate the new PMT.

## Next Steps

**The revised proposal is scheduled to be published in the Maryland Register on October 18, 2013, followed by a 30-day public comment period, which will end November 18, 2013.**

MDA will initiate a strategic outreach campaign in Fiscal Year 2014 targeted to the agricultural community (e.g., grain and poultry farmers, manure brokers) and the general public. The goals of the campaign will be to:

- Educate grain farmers about the benefits of poultry litter and livestock manure.
- Reduce stigmas associated with the use of manure as an organic fertilizer.
- Educate the general public that there are technical and legal requirements for use and stockpiling of manure.

MDA will regularly meet with key stakeholders to identify and address issues arising from the implementation of the regulations.

## Resources

The following resources are now available to farmers to help manage the impact of the PMT regulations.

**The Manure Transport Program** helps poultry, dairy, beef and other animal producers cover the costs of transporting excess manure off their farms. Animal producers with high soil phosphorus levels and inadequate land to spread their manure can receive cost-share assistance of up to \$20 per ton to transport excess manure to other farms or alternative use facilities that can use the product safely.

To support Maryland's goal of transporting 20 percent of the poultry litter produced on the Lower Eastern Shore to other regions, cost-share rates are 20 percent higher for farms in Dorchester, Somerset, Wicomico or Worcester counties.

Receiving or sending farms are eligible. Funds provided are not calculated against the per farm funding limit for MACS assistance.

The cost-share funding caps were raised in September 2013 for dairy, beef and other non-poultry producers up to \$15,000 per season or \$30,000 per year in cost-share assistance to transport manure. The previous limit for individual farms was \$7,500 per year. The new funding thresholds are made possible in part by a \$500,000 grant secured earlier this summer from the Chesapeake Bay 2010 Trust Fund. **To enroll in this program, contact the local soil conservation district or call the MDA's toll free hotline at 1-855- 6MANURE (626873).** An approved agreement must be signed before the manure is transported.

**Maryland's Manure Matching Service** connects farmers who have excess animal manure with farmers or alternative use projects that can use the manure as a valuable resource. Authorized by the Water Quality Improvement Act of 1998, the service helps farmers manage manure resources, comply with nutrient management regulations, and protect water quality in streams, rivers and the Chesapeake Bay.

The service is available to all types of animal producers with excess manure, including poultry, dairy, beef, hog and horse operations. Producers register with the service by providing information about the type of manure available, nutrient value, condition and price. Forms are available online: [http://mda.maryland.gov/resource\\_conservation/Pages/manure\\_management.aspx](http://mda.maryland.gov/resource_conservation/Pages/manure_management.aspx)

MDA provides this information to potential recipients based on location, nutrient and timing needs. This helps ensure a match that meets the needs of both sending and receiving farms.

**The service is voluntary, free and available to both sending and receiving operations. For more information, call toll free 1-855-6MANURE (626873).**



### Maryland Department of Agriculture

50 Harry S. Truman Parkway  
Annapolis, Maryland 21401  
[www.mda.maryland.gov](http://www.mda.maryland.gov)  
[mda.news@maryland.gov](mailto:mda.news@maryland.gov)