

Comment Register
Proposed Phosphorus Management Tool Regulation
November 14-18, 2013

No.	Source	Date Received	Form	Date Acknowledged	Form of Acknowledgement
494	Troy Sears	11/15/13	Email Form Ltr	11/15/13	email
495	Lee Richardson	11/15/13	Email Letter	11/15/13	email
496	Thomas Austin	11/15/13	Email Form Ltr	11/15/13	email
497	Elaine Barnes	11/15/13	Email Form Ltr	11/15/13	email
498	Rantz Purcell	11/15/13	Email Letter	11/15/13	email
499	Virgil Shockley	11/15/13	Email Letter	11/15/13	email
500	Wanda Layton	11/15/13	Email Form Ltr	11/15/13	email
501	Steve Schwalb	11/15/13	Email Letter	11/15/13	email
502	Jacob's Farm, Inc - David Lin	11/15/13	Email Letter	11/15/13	email
503	JeffreyE King and Terri LL W	11/15/13	Email Letter	11/15/13	email
504	Jeff Titus	11/15/13	Email Form Ltr	11/15/13	email
505	Jennifer Debnam	11/15/13	Email Letter	11/15/13	email
506	Theresa Titus	11/15/13	Email Form Ltr	11/15/13	email
507	Breck Debnam	11/15/13	Email Letter	11/15/13	email
508	Gary Niedfeldt	11/15/13	Email Form Ltr	11/15/13	email
509	Betty Powell	11/15/13	Email Form Ltr	11/15/13	email
510	Searcy Wildes	11/15/13	Email Note	11/15/13	email
511	Vaughn Collins	11/15/13	Email Form Ltr	11/15/13	email
512	Charlene K Harcum	11/15/13	Email Form Ltr	11/15/13	email
513	Dean E Beach	11/15/13	Email Form Ltr	11/15/13	email
514	James Craft	11/15/13	Email Form Ltr	11/15/13	email
515	Jay Book	11/15/13	Email Form Ltr	11/15/13	email
516	Gail Clagett	11/15/13	Email Form Ltr	11/15/13	email
517	Jeff Smith	11/15/13	Email Form Ltr	11/15/13	email
518	Tim Timmons	11/15/13	Email Letter	11/15/13	email
519	Roger Brown	11/15/13	Email Form Ltr	11/15/13	email
520	Craig Sheeves	11/15/13	Email Form Ltr	11/15/13	email
521	Hollie Seaton, RN	11/15/13	Email Form Ltr	11/15/13	email
522	Dana Marshall	11/15/13	Email Form Ltr	11/15/13	email
523	Terry Moreno	11/15/13	Email Form Ltr	11/15/13	email
524	Lois Lake	11/15/13	Email Form Ltr	11/15/13	email
525	John Moore	11/15/13	Email Form Ltr	11/15/13	email
526	Agatha patterson	11/15/13	Email Form Ltr	11/15/13	email
527	Christy Fulton	11/15/13	Email Form Ltr	11/15/13	email
528	Lake Lowisan	11/15/13	Email Form Ltr	11/15/13	email
529	Lorie Phillips	11/15/13	Email Form Ltr	11/15/13	email
530	Stan Howeth	11/15/13	Email Form Ltr	11/15/13	email
531	Roger Welch	11/15/13	Email Form Ltr	11/15/13	email
532	Linda Knobloch	11/15/13	Email Form Ltr	11/15/13	email
533	Bill Sansom	11/15/13	Email Form Ltr	11/15/13	email
534	Pete Mohr	11/15/13	Email Form Ltr	11/15/13	email

535	John Moore	11/15/13	Email Form Ltr	11/15/13	email
536	David Patterson	11/15/13	Email Form Ltr	11/15/13	email
537	Debbie Hicks	11/15/13	Email Form Ltr	11/15/13	email
538	Brad Vanderwende	11/15/13	Email Form Ltr	11/15/13	email
539	Neil O'Leary	11/15/13	Email Form Ltr	11/15/13	email
540	Kevin J Dennis	11/15/13	Email Letter	11/15/13	email
541	Keith Dennis	11/15/13	Email Letter	11/15/13	email
542	Robert Nichols	11/15/13	Email Form Ltr	11/15/13	email
543	Betty Stepp	11/15/13	Email Form Ltr	11/15/13	email
544	Thomas Cahalane	11/15/13	Email Form Ltr	11/15/13	email
545	Charlin Casiano	11/15/13	Email Form Ltr	11/15/13	email
546	Patricia Brown	11/15/13	Email Form Ltr	11/15/13	email
547	Jacquelyn Usner	11/15/13	Email Form Ltr	11/15/13	email
548	Patty Brown	11/15/13	Email Form Ltr	11/15/13	email
549	John Jay DeBerardinis	11/15/13	Email Form Ltr	11/15/13	email
550	John E. Minton	11/15/13	Email Form Ltr	11/15/13	email
551	Keith A Hitch	11/15/13	Email Form Ltr	11/15/13	email
552	George (Bud) Malone	11/15/13	Email Letter	11/15/13	email
553	Danielle Fontanez	11/15/13	Email Form Ltr	11/15/13	email
554	Stephanie Valdivia	11/15/13	Email Form Ltr	11/15/13	email
555	Melissa Beauchamp	11/15/13	Email Form Ltr	11/15/13	email
556	Calvin Taylor	11/15/13	Email Letter	11/15/13	email
557	Victoria L Paul	11/15/13	Email Form Ltr	11/15/13	email
558	Gary Howell	11/15/13	Email Form Ltr	11/15/13	email
559	Denise Mumford	11/15/13	Email Form Ltr	11/15/13	email
560	Emily A Fleming	11/15/13	Email Form Ltr	11/15/13	email
561	Alisha King	11/15/13	Email Form Ltr	11/15/13	email
562	James L Hearne	11/15/13	Email Letter	11/15/13	email
563	Brad Harrington	11/15/13	Email Form Ltr	11/15/13	email
564	Larry McCauley	11/15/13	Email Form Ltr	11/15/13	email
565	Marcia Davis	11/15/13	Email Form Ltr	11/15/13	email
566	Larry Hill	11/15/13	Email Letter	11/15/13	email
567	Charles Wright IV	11/15/13	1 Email Letter	11/15/13	email
568	Michelle Wright	11/15/13	Same Email Ltr	11/15/13	email
569	Nancy Wright	11/15/13	Same Email Ltr	11/15/13	email
570	Charles Wright V	11/15/13	Same Email Ltr	11/15/13	email
571	Morgan Wright	11/15/13	Same Email Ltr	11/15/13	email
572	Tim Wright	11/15/13	Same Email Ltr	11/15/13	email
573	Theresa Wright	11/15/13	Same Email Ltr	11/15/13	email
574	Garrett Wright	11/15/13	Same Email Ltr	11/15/13	email
575	Aaron Hooper	11/15/13	Email Form Ltr	11/15/13	email
576	Linda Kelly	11/15/13	Email Form Ltr	11/15/13	email
577	Dale Bounds	11/15/13	Email Form Ltr	11/15/13	email
578	Richard D Joseph, Jr	11/15/13	Email Form Ltr	11/15/13	email
579	Sandy Rasel	11/15/13	Email Form Ltr	11/15/13	email
580	Shelley Smith	11/15/13	Email Form Ltr	11/15/13	email
581	Brian Lemon	11/15/13	Email Form Ltr	11/15/13	email

582	Redgie Rogers	11/15/13	Email Form Ltr	11/15/13	email
583	Bruce Roberts	11/15/13	Email Form Ltr	11/15/13	email
584	Nick Godano	11/15/13	Email Letter	11/15/13	email
585	Eric Rawlinson	11/15/13	Email Form Ltr	11/15/13	email
586	Tim Green	11/15/13	Email Form Ltr	11/15/13	email
587	Food & Water Watch - Scot	11/15/13	Email Letter	11/15/13	email
588	Food & Water Watch - Mich	11/15/13	Email Letter	11/15/13	email
589	George "Bud" Malone	11/15/13	Email Letter	11/15/13	email
590	Clean Chesapeake Coalition	11/15/13	Same Email Ltr	11/15/13	email
591	Clean Chesapeake Coalition	11/15/13	Same Email Ltr	11/15/13	email
592	Clean Chesapeake Coalition	11/15/13	Same Email Ltr	11/15/13	email
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594	Clean Chesapeake Coalition	11/15/13	Same Email Ltr	11/15/13	email
595	Clean Chesapeake Coalition	11/15/13	Same Email Ltr	11/15/13	email
596	Clean Chesapeake Coalition	11/15/13	Same Email Ltr	11/15/13	email
597	Clean Chesapeake Coalition	11/15/13	Same Email Ltr	11/15/13	email
598	Harvesters Land Sea Coalitic	11/15/13	Email Letter	11/15/13	email
599	Rocky Moore	11/15/13	Email Form Ltr	11/15/13	email
600	P E Bailey (?)	11/15/13	Postcard	11/15/13	mail
601	Gary Bennett	11/15/13	Postcard	11/15/13	mail
602	Wayne Lambertson	11/15/13	Postcard	11/15/13	mail
603	Michael Levensgood	11/15/13	Postcard	11/15/13	mail
604	Gary Lee Miller	11/15/13	Postcard	11/15/13	mail
605	Jane MacDonald	11/15/13	Postcard	11/15/13	mail
606	Beth MacDonald	11/15/13	Postcard	11/15/13	mail
607	Timmy MacDonald	11/15/13	Postcard	11/15/13	mail
608	William Outten, III	11/15/13	Postcard	11/15/13	mail
609	William Outten, Jr	11/15/13	Postcard	11/15/13	mail
610	Mitch Quillen	11/15/13	Postcard	11/15/13	mail
611	Brennan Starkey	11/15/13	Postcard	11/15/13	mail
612	Bill Thompson	11/15/13	Postcard	11/15/13	mail
913	Kimber Ward	11/15/13	Letter	11/15/13	mail
614	The Honorable J Haddaway	11/15/13	Letter	11/15/13	mail
615	Robert R Hogg	11/15/13	Form Letter	11/15/13	mail
616	Randall J Wheeler	11/15/13	Form Letter	11/15/13	mail
617	Ruby West	11/15/13	Form ltr w/note	11/15/13	mail
618	Phillip L Renshaw, Jr	11/15/13	Form Letter	11/15/13	mail
619	Patti Sue Renshaw	11/15/13	Form Letter	11/15/13	mail
620	David Shockley	11/15/13	Letter	11/15/13	mail
621	No Signature / No Return A	11/15/13	Letter		no address
622	No Signature / No Return A	11/15/13	Letter		no address
623	Dorchester County Council	11/15/13	Letter	11/15/13	mail
624	Joseph E Chisholm, Sr	11/15/13	Letter	11/15/13	mail
625	Tommy Smith	11/15/13	Letter	11/15/13	mail
626	Donna Smith	11/15/13	Letter	11/15/13	mail
627	John Hershberger	11/15/13	Email Form Ltr	11/16/13	email
628	Jack Hastings	11/16/13	Email Form Ltr	11/16/13	email

629	Schmidt Vineyard MgmtCor	11/16/13	TU & Comment L	11/18/13	email
630	New Design Acres, LLC - The	11/16/13	Email Letter	11/18/13	email
631	David Greene	11/16/13	Email Comment	11/18/13	email
632	Tomahawk Farms - Joe Bran	11/17/13	ail Form w/Comm	11/18/13	email
633	Charles Schaffernoth, Jr	11/17/13	Email Form Ltr	11/18/13	email
634	Timothy P Sargent	11/18/13	Email Letter	11/18/13	email
635	Wimberly Farms, Inc - H Key	11/18/13	Email Letter	11/18/13	email
636	Cadell & Associates, LLC - D	11/18/13	Email Letter	11/18/13	email
637	HOPE Impacts - Roy A Hoag	11/18/13	Email Letter	11/19/13	email
638	Jack E Holt, Jr	11/18/13	Letter	11/18/19	mail
639	Maryland Dairy Industry Ass	11/18/13	Letter	11/18/13	email
640	Robert Charles Stastny	11/18/13	Email Comment	11/18/13	email
641	Jack Windsor	11/18/13	Email Letter	11/18/13	email
642	W Lambert Cissel, Jr.	11/18/13	Email Comment	11/18/13	email
643	Gander's Lair Farm - Greg W	11/18/13	Email Letter	11/18/13	email
644	Jacob Windsor	11/18/13	Email Comment	11/18/13	email
645	Schmidt Farms, Inc - Hans S	11/18/13	Email Letter	11/18/13	email
646	David Burrier	11/18/13	Letter	11/18/19	mail
647	Mid-Shore Regional Council	11/18/13	Letter	11/18/19	mail
648	Hutchison Farm - Darlene H	11/18/13	Letter	11/18/19	mail
649	Sheppards Crossing Farm - E	11/18/13	Letter	11/19/13	mail
650	Trap Woods, Inc - Tom Cole	11/18/13	Letter	11/19/13	mail
651	The County Commissioners	11/18/13	Letter	11/19/13	mail
652	John Agner	11/18/13	Letter	11/19/13	mail
653	Sharon Pahlman	11/18/13	Letter	11/19/13	mail
654	The Honorable Lewis R. Rile	11/18/13	Letter Comment	11/19/13	mail
655	Greenbrier Farms - Daniel L	11/18/13	Letter Comment	11/19/13	mail
656	Greenbrier Farms - Tammy	11/18/13	Letter Comment	11/19/13	mail
657	Greenbrier Farms - Garrett	11/18/13	Letter Comment	11/19/13	mail
658	Greenbrier Farms - Kristina	11/18/13	Letter Comment	11/19/13	mail
659	Greenbrier Farms - Verena I	11/18/13	Letter Comment	11/19/13	mail
660	Greenbrier Farms - Alison C	11/18/13	Letter Comment	11/19/13	mail
661	Greenbrier Farms - Jeff Cher	11/18/13	Letter Comment	11/19/13	mail
662	Greenbrier Farms - Luke Che	11/18/13	Letter Comment	11/19/13	mail
663	Greenbrier Farms - Beau Ch	11/18/13	Letter Comment	11/19/13	mail
664	Bryan Smith	11/18/13	rm Ltr w/Comme	11/19/13	mail
665	L Bruce Holland	11/18/13	Postcard	11/19/13	mail
666	Beaver Run Farms - L. Quint	11/18/13	Postcard	11/19/13	mail
667	William Clark	11/18/13	Postcard	11/19/13	mail
668	William A Clark, Jr	11/18/13	Postcard	11/19/13	mail
669	Cheryl Stutsman	11/18/13	Postcard	11/19/13	mail
670	Rol-Jay Farm - Joyce W Coh	11/18/13	Postcard	11/19/13	mail
671	Clearview Farms, Inc - David	11/18/13	Postcard	11/19/13	mail
672	Willaim H Langenfelder	11/18/13	Postcard	11/19/13	mail
673	Conrad J Langenfelder	11/18/13	Postcard	11/19/13	mail
674	David T Hoang	11/18/13	Fax Form Letter	11/19/13	mail
675	Patricia Layfield	11/18/13	Form Letter	11/19/13	mail

676	Lewis Farm - Winfred Lewis	11/18/13	Form Letter	11/19/13	mail
677	Margaret Wheeler	11/18/13	Form Letter	No Return	Address
678	Robert Blevins	11/18/13	Form Letter	11/19/13	mail
679	Randall Blevins	11/18/13	Form Letter	11/19/13	mail
680	Richard E Blevins	11/18/13	Form Letter	11/19/13	mail
681	Ryan Blevins	11/18/13	Form Letter	11/19/13	mail
682	Keenan E Wright	11/18/13	Form Letter	11/19/13	mail
683	Kimberly S Jones	11/18/13	Form Letter	11/19/13	mail
684	Carol Littleton	11/18/13	Form Letter	11/19/13	mail
685	Ryan Powell	11/18/13	Form Letter	11/19/13	mail
686	Kenny Littleton, Jr	11/18/13	Form Letter	11/19/13	mail
687	Rick Fritz	11/18/13	Form Letter	11/19/13	mail
688	George M Messix	11/18/13	Form Letter	11/19/13	mail
689	William Calloway	11/18/13	Form Letter	11/19/13	mail
690	Edward C Wright	11/18/13	Form Letter	11/19/13	mail



11/14/2013 7:15 PM

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

by Sears <troys98@yahoo.com>

Thu, Nov 14, 2013 at 7:15 PM

"Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Dear Secretary Hance;

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. I, along with like voters across Maryland, firmly request that the implementation of this regulation be put on hold until;

- (1) A full economic impact study is completed, publicized, discussed and its results incorporated into the regulation;
- (2) Tested and proven plans are in place to deal with the excess organic fertilizer;
- (3) Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;
- (4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, we support the continued restoration of the Chesapeake Bay. This land and the bay are our homes. In many cases this has been through multiple generations. We recognize that this will take continued collective efforts by all of us. Importantly to consider is that agriculture has already made significant progress on the Chesapeake Bay Model and the PMT remain works in progress. Its impact on Maryland's farm families and the industries behind them has not been determined. These same voters have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!

Troy Sears

Salisbury, Maryland

495

To whom it may concern:

I am a grain and poultry farmer in Willards, MD. I have been farming with my family all my life. I started my own poultry operation after graduating from the University of Delaware in 1992 with an agriculture degree. I have seen Maryland farmers get bombarded with regulations for many years now.

The newly proposed phosphorus tool regulation will be economically devastating to my own and many other farming operations. This regulation will cause me to replace poultry manure with chemical fertilizer. I have calculated that for my grain operation it will cost a minimum of \$140 more per acre to raise corn. This was calculated using current fertilizer prices. As for my poultry operation I will be required to find a home for the manure I produce. This regulation will devalue manure which will eliminate any profitable market for me to sell it. My manure spreading equipment will also become less valuable to trade in on chemical fertilizer spreading equipment. So as one can see the economics of this regulation will be very negative for my operation.

Looking at this regulation from an environmental view may also be negative. There has been no study done as to the effect this regulation will have on nitrogen losses to the environment. Manure releases nitrogen at a slow rate which allows the crop to utilize it efficiently. Chemical fertilizer releases nitrogen much quicker which can be leached much easier into the environment if heavy rains occur. I question whether this regulation will be helping or hurting the environment.

I have serious concerns over the science that has caused this regulation. I have seen very little information on the actual research that has developed the tool. I have seen no research that shows how the state came up with the FIV number 150 as the magic cut off point for phosphorus. I have seen no research that indicates how many soil types were used in the study. In the past when the University did agricultural research they would present it to the farmers around the state. We would gather at a location and there would be a slideshow of charts and graphs. The researchers would convince us that changes were needed to protect the environment or improve our operation and sometimes both. I have not seen anything to convince me that this regulation will help the environment but I do see how this regulation will hurt my operation.

I ask that more time be given for an economic study. This would also give the researchers more time to evaluate the possible negative effects of the tool on the environment. It makes no sense to implement a regulation and then see what changes are needed. It would be like putting the cart before the horse.

Thank You for your time,

Lee Richardson

7494 Richardson Rd

Willards MD 21874

Cell 410-430-2016



Maryland Phosphorus Regulation Public Comment

austin1@intercom.net <austin1@intercom.net>

Fri, Nov 15, 2013 at 6:24 AM

To: jo.mercer@maryland.gov

Cc: earl.hance@maryland.gov

11/15/13

Jo A. Mercer, Ed.D.
 Administrator, Nutrient Management Program
 Maryland Department of Agriculture
 50 Harry S. Truman Parkway
 Annapolis, Maryland 21401

Dear Dr. Mercer:

I am a (a crop farmer, a chicken grower, business owner, concerned citizen, something else) who lives and/or works in (queenanne County) and I am extremely concerned about the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool.

My first fear is that the proposed regulation, which will have huge impacts on the state's agricultural community, is based on incomplete research. The University of Maryland researchers have stated that their work is not done, yet the state is moving forward at breakneck speed for what appears to be political reasons. Rather than being focused on how to support and improve the agricultural community, the department seems more concerned with appeasing the U.S. Environmental Protection Agency. If the farming sector in Maryland was lagging in achieving Chesapeake Bay Watershed Implementation Plan goals, then perhaps enhanced efforts would be needed, but as Secretary of Agriculture Hance has stated, we are at 130% of the goal. That's an accomplishment that seems to be lost on Governor O'Malley, the Maryland Department of Agriculture, and the EPA.

Allowing an extended and orderly phase-in of the implementation date of the Phosphorous Management Tool will cause no environmental harm. For decades, the scientific and regulatory community told farmers not to worry about applications of phosphorus to the soil because unless the soil moved, the phosphorus would not move. Recently, that thinking changed and farmers began applying manures based upon their phosphorus content. The phosphorus levels in soils and waters were achieved over decades and will not be corrected for decades, even if this new regulation changes manure application procedures in 2015. Waiting a few more years to allow for an orderly phase-in will not cause any harm to our environment. An orderly phase-in will allow the agricultural community to adjust and make required changes. Additionally, we saw firsthand how difficult and time consuming it was for Maryland CAFO farmers to obtain a Comprehensive Nutrient Management Plan and to think the conservation districts, the University of Maryland Extension, and/or private consultants can do enough side-by-side Phosphorus Site Index/Phosphorus Management Tool comparisons in 2014 to provide valid results does not seem feasible.

Here are some of my concerns about the near-immediate implementation of this regulation. First and foremost, how can the Department of Agriculture even think about proposing a regulation that could cause such financial hardships on farm families when no meaningful economic impact analysis has been done?

Chicken Farms

- Denied the ability to use manure, a locally produced organic fertilizer, on their own crops, some chicken farmers will have to buy commercial fertilizer to replace chicken manure they already own. That will have a negative economic impact on the chicken growers.
- Chicken growers who have been selling their manure to other farmers may no longer have customers, thus a loss of income.
- Chicken growers who have had their chicken houses cleaned with manure removed from the farm without charge may now have to pay somebody to clean the houses and transport the manure since the cleaning/transporting company may not be able to sell the manure to make a profit and cover the costs of cleaning/transporting.

- Even if the MDA establishes the state storage sites, it will be the chicken growers' responsibility to transport the manure to the site, possibly creating a cost for the chicken growers.
- If the value of manure is lost, then alternative use companies might start charging a fee to accept manure, much like a landfill charges for disposal. If any alternative use companies start operating, and nothing of any magnitude appears to be on the horizon, they might charge a disposal fee instead of buying manure or accepting it for free.

Crop Farmers

- Denied the ability to use manure on their crops, crop farmers will have to buy commercial fertilizer to replace chicken manure that they have been using.
- Crop farmers who have used manure and not commercial fertilizers may have to buy or rent commercial fertilizer application equipment, thus raising their costs of doing business.
- Crop farmers wanting to hire a fertilizer applicator might find that there are not enough applicators or equipment in the short fertilizer application period to allow timely fertilizer applications. Increased demand in services will allow these applicators to raise their fees, thus higher costs for crop farmers.
- While commercial fertilizer will help a crop grow, the micronutrients and organic material in animal manure will help grow a larger crop. If yields are lessened due to the loss of organic material and micronutrients, then farmer income will diminish.
- Crop farmers and chicken farmers alike will most likely have to alter their business plans in ways that weaken their ability to withstand adverse growing conditions and/or markets – requiring new expenditures/capital purchases while at the same time artificially reducing their potential yields.
- Crop farmers could see increased effects of drought on their crops as a result of losing poultry litter's organic material that helps build up the soil's moisture retaining capabilities.

Once this regulation is in effect, as it appears it will be and contrary to the wishes of many in the agricultural community, there will be many negative effects to the farming community, individuals like me, and the entire state of Maryland without noticeable improvements in water quality.

Please, slow this down. Allow the scientific research to be completed and then allow an orderly phase-in much as the game-changing Water Quality Improvement Act of 1998 allowed a phase-in period. Without alternative uses of manure and cost effective replacements for this soon-to-be lost organic fertilizer, tremendous harm will come to the state of Maryland without improving the environment.

Respectfully yours,
Thomas Austin
centreville



Opposition to Proposed Maryland Phosphorous Management Tool Regulation

Barnes, Elaine <Elaine.Barnes@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 8:37 AM

Dear Secretary Hance;

My family and I are very dependent upon the poultry industry and agriculture in Maryland and would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

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(3) Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;

(4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, we support the continued restoration of the Chesapeake Bay. This land and the bay are our homes. In many cases this has been through multiple generations. We recognize that this will take continued collective efforts by all of us. Importantly to consider is that agriculture has already made significant progress on the Chesapeake Bay Model and the PMT remain works in progress. Its impact on Maryland's farm families and the industries behind them has not been determined.

These same voters have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!

Elaine Barnes

Princess Anne, Maryland

This communication, including attachments, may contain confidential, privileged, copyrighted or other legally protected information. If you

Secretary Buddy Hance,

I am a grain and poultry farmer in Somerset County, who currently operates under a CAFO Permit. I would like to offer my concerns about the proposed PMT as written.

1. FIV of 150 should be raised to 300

The current FIV of 150 to trigger the use of PSI or PMT is extremely low. Science has shown over the years that Phosphorous binds up in the soil. The high FIV numbers you see should tell you that the Phosphorous is staying put. It is not leaving the fields. I have used manure for 25+ years on my corn fields. I have Phosphorous levels from 90 – 600 PPM. All of the numbers over 250 PPM are from fields that were receiving manure before 1990. This was before we had nutrient management plans and back when we were disposing of manure at 8 to 10 Tons to the acre. All of my farms that I have been spreading manure on since we started managing manure and using manure analysis are under 250 PPM. I have seen soil tests on farms that have never had manure on them that are over 150 PPM. I have not put any manure on my extremely high phosphorous fields in the last 5 years and they still are not coming down. The FIV # to trigger the PSI or PMT should be at least 300. We are currently keeping our phosphorous levels in check and can't go back and change what we and our forefathers have done. We are currently putting on 70% less manure than 20 years ago and with the use of phytase in the poultry feed and litter amendments, the manure has a lot less nutrients in it.

2. Costs associated without using manure

I currently handle about 400 tons of manure a year. With the cost of equipment/fuel/labor, I can manage this manure in a timely fashion and spread it on my fields within a 15 mile radius of my farm for \$6.25

per ton or \$16.00 per Acre at the rate of 2 ½ Tons per Acre. If I can't spread this manure because my FIV numbers are around 200, I will have to replace it with commercial fertilizer at an average cost of \$600 per ton and at a rate of 250# to the Acre which will cost \$75.00 per Acre. I will still be bearing the \$6.25 per ton to remove the manure from my farm. **Remember---I am a CAFO, I can't stock pile manure outside for more than 14 days.** I do have two manure sheds but they won't hold 400 tons of manure. I am aware of your manure transportation program and the fact that you will pay up to \$24 per ton to haul my manure away. That will just barely cover the freight to move it off the shore. You won't find anybody willing to load and haul manure for less than \$3.00 per mile round trip. (200 mile round trip x \$3.00=\$600 divide that by 25 tons per load and that equals \$24 per ton.) Royden Powell has told me multiple times that I can sell my manure for enough money to replace it with commercial fertilizer. I would have to get \$60.00 per ton delivered 100 miles away from my farm to replace it with commercial fertilizer:

Example:

Commercial fertilizer \$600 per ton at 250# Acre = **\$75.00 Acre**

Manure loaded & hauled 100 miles @ \$3.00/mile=\$24.00 Ton

Sell 2 ½ Ton of manure for \$30 per Ton

To replace with commercial fertilizer= \$30.00

Remove manure from houses and stock pile on

Farm to wait for transportation= \$ 6.00 Ton

Total \$ 60.00 Ton

I don't know anybody currently willing to pay more than \$20 per ton delivered. When we flood the market with manure the price will be even lower.

3. Economic Impact study needed.

This will be extremely costly to the Ag Industry in the state of Maryland. Not just to the poultry industry but the trickle down affect will be tremendous. This will affect poultry growers, grain farmers, livestock farmers, poultry integrators, poultry equipment companies, building contractors. You haven't begun to think about how much money this will cost the #1 industry in the state and it deserves more respect than you're giving it.

Well enough time wasted, as I sit here drafting this letter at 10.00 p.m. after working outside all day. I could have written this letter last week but I was busy planting cover crops, doing my part to save the bay. It angers me that I am even having this discussion with the Dept. of Agriculture. You should be protecting and promoting the Ag. Industry, taking up for the farmer, and praising all the accomplishments we have made and all the goals we have achieved. Instead, you're throwing us under the environmental bus by proposing more regulations that will severely impact the Ag Industry and doing it all in our busiest time of the year, the middle of harvest season. You expect us to give written comments and attend public hearings. The sheer number of farmers who turned out in opposition at you 2 public meetings on the shore should have been enough to make you reconsider these regulations. I hope our comments don't fall on death ears, because our time is valuable. **Farmers can't save the Bay by ourselves and neither can the State of Maryland.**

Rantz Purcell

49a



www.maryland.gov

Comments for proposed phosphorus regulations

Virgil Shockley <virgilshockley@aol.com>
To: Earl.Hance@maryland.gov

Fri, Nov 15, 2013 at 8:57 AM

Virgil Shockley
Worcester County Commissioner
Home office: 410-632-0450

PLEASE NOTE: I do not get online often. If you need to speak with me about an urgent or time sensitive matter, please call at the home office.

 **Letter to Secretary Hance 11-13-13**
43K

**The Honorable Earl F. Hance
Secretary of Agriculture
Maryland Department of Agriculture
50 Harry Truman Parkway
Annapolis, MD 21401**

November 14, 2013

COMMENTS FOR PROPOSED PHOSPHORUS REGULATIONS

Mr. Secretary,

As a grain farmer, poultry grower and four-term County Commissioner of Worcester County, District 4, which has a capacity of about 9 million chickens, I find myself somewhat perplexed as to why the State of Maryland would want to potentially harm the major industry that is on the Eastern Shore. After two overflow hearings and your request for comments about the proposed phosphorus regulations from the farming community, along with the lack of completed and proven science as to the extent of the so-called “phosphorus problem” that exists in the soils of the State of Maryland, one has to wonder why the proposed regulations are still being considered.

As an elected official, I have seen where politics has often overruled common sense. So with that in mind, I am offering the following suggestions:

- 1. First and foremost, an economic study must be done to determine the effect of this proposal.**
- 2. The University of Maryland research needs to be fully completed.**
- 3. Until the study is completed and confirmed by other Bay-area states' studies, the existing Phosphorus Site Index should be used.**
- 4. Starting in 2014, Nutrient Management Plans could run the Phosphorus Site Index and the PMT concurrently for crop years 2014, 2015 and 2016.**

- 5. Entering 2017 the Bay Model can be updated and the State would have an accurate set of numbers and a better understanding of what credits EPA would grant to the agricultural community.**
- 6. Additional cost-share funding should be made available for no-land poultry farms in order to construct needed on-site manure storage.**
- 7. There must be viable alternatives for manure-use that are up and functioning by 2017.**
- 8. Organic and vegetable farmers need to have high levels of phosphorus in order to grow their crops. Any farmer must have the flexibility during a growing season to apply nutrients if the crop shows a deficiency.**
- 9. MDA should establish a voluntary program, including available funding, that follows the new PMT model for farmers who wish to participate in 2014.**

In my fifteen years as an elected official, I have never seen the agricultural community as united against or as frustrated by a proposed regulation coming from Annapolis. The credibility of Maryland Department of Agriculture and the University of Maryland is at stake should common sense not prevail.

**Virgil L. Shockley
Worcester County Commissioner, District 4
Snow Hill, Maryland**

To Secretary Hance;

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Agriculture is exceeding its Bay cleanup goals. No other sector has hit their goal while we are at 130%. We understand the development community has been granted a waiver from addressing phosphorous and must now only address nitrogen. Why is one sector being treated different than another?

The nutrient credit trading program launched by the state has been a failure. Recommendations for improvement have been rejected. We encourage the state to revisit this issue.

It is likely an unintended consequence, but this regulation will seriously impact current and future organic agriculture on the Eastern Shore of Maryland. My company is the largest producer of organic chicken in the country and seek to grow that business. This regulation will force us to effect this growth in other states.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT. It is critical that environmentally responsible and economically feasible alternatives to land application of poultry litter be implanted.

My company has been demonstrably committed to providing alternatives for any excess poultry litter. We started our Perdue AgriRecycle operation near Blades, Delaware in

2001. While it has not been a financial success by any means, we have every intention of continuing to provide poultry growers this option for some portion of the litter supply. We have removed millions of pounds of nitrogen and phosphorous from the Chesapeake Bay Watershed as a result of this operation.

Additionally, we have recently announced our plans to build and operate a compost operation at the same site which will provide another alternative for some excess litter as well as other currently land applied nutrient sources.

Finally, we have submitted a plan to the state of Maryland for a facility to convert poultry litter to energy. We did so in partnership with the only company in the US that has successfully built and operated such a facility on a large scale. The state chose not to accept our proposal and instead chose an out of state company that has never developed such a project. We understand their electricity price was low, but it is highly unlikely the project will ever move forward. We would urge the state to revisit this issue.

MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. I, along with like voters across Maryland, firmly request that the implementation of this regulation be put on hold until;

(1) A full economic impact study is completed, publicized, discussed and its results incorporated into the regulation;

(2) Tested and proven plans are in place to deal with the

excess organic fertilizer;

(3) Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;

(4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, we support the continued restoration of the Chesapeake Bay. This land and the bay are our homes. In many cases this has been through multiple generations. We recognize that this will take continued collective efforts by all of us. Importantly to consider is that agriculture has already made significant progress on the Chesapeake Bay Model and the PMT remain works in progress. Its impact on Maryland's farm families and the industries behind them has not been determined. These same voters have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!

Wanda Layton
Pittsville, Maryland



Earl Hance - MDA - Nutrient Management / PMT

Comments on Proposed Nutrient Management/PMT

Schwalb, Steve <Steve.Schwalb@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 10:16 AM

Secretary Hance:

Like so many others living on the Eastern Shore of Maryland, my family and I are dependent upon the poultry industry and agriculture. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). There is no doubt that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farm families and the many businesses supporting agriculture in Maryland is huge. There is also no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT as currently written. Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. This regulation is putting the cart before the horse.

I am requesting that the implementation of this regulation be put on hold until:

1. A full economic impact study is completed, publicized, discussed and its results incorporated into the regulation;
2. Tested and proven plans are in place to deal with the excess organic fertilizer;
3. Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;
4. Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

I have always been a proponent of the continued restoration of the Chesapeake Bay. I live here, have raised my family here, and enjoy all that the Eastern Shore and Bay have to offer. I recognize that this will take continued collective efforts by all of us. While I believe it is

not your intent, implementing the Nutrient Management/PMT regulation without taking into account the items outlined above is neither prudent nor in the best interests of all Marylanders.

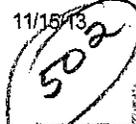
Thank you for your consideration of my request.

Steve Schwalb

Salisbury, MD

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11/15/13



MARYLAND
comment

David B. Lim <lim614@yahoo.com>
 Reply-To: "David B. Lim" <lim614@yahoo.com>
 To: "earl.hance@maryland.gov" <earl.hance@maryland.gov>

Fri, Nov 15, 2013 at 10:48 AM

Jacob's Farm David & Jane Lim

13135 Hidden Acres Ln.
 Bishopville, MD 21813
 Tel. (215) 278-3525

11/15/2013

To : Jo A. Mercer, Ed.D.
 Administrator, Nutrient Management Program
 Maryland Department of Agriculture
 50 Harry S. Truman Parkway
 Annapolis, Maryland 21401

Dear Dr. Mercer:

My name is David Lim , general manager of Jacob Farm, inc. residing at 13135 Hidden Acres Lane, Bishopville, MD 21813. I am a chicken grower for Tyson for the 7 th year since 2007. This is a layer farm, housing 55,000 hens and 5,000 roosters. I am worrying. I am getting angry. I am asking to myself, " Is this government for the citizens or for the politicians ? " " Are they helping or are they hurting ? " Please listen to the voice of the grass root people.

I am extremely concerned about the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool

I do not understand why it is so in hurry. So many scholars and research professionals are insisting that the information which government has is incomplete.

My fear is that the proposed regulation, which will have huge impacts on the state's

agricultural community, is based on incomplete research. The University of Maryland researchers have stated that their work is not done, yet the state is moving forward at breakneck speed for what appears to be political reasons. Rather than being focused on how to support and improve the agricultural community, the department seems more concerned with appeasing the U.S. Environmental Protection Agency. If the farming sector in Maryland was lagging in achieving Chesapeake Bay Watershed Implementation Plan goals, then perhaps enhanced efforts would be needed, but as Secretary of Agriculture Earl Hance has stated, we are at 130% of the goal. That's an accomplishment that seems to be lost on Governor O'Malley, the Maryland Department of Agriculture, and the EPA.

Allowing an extended and orderly phase-in of the implementation date of the Phosphorous Management Tool will cause no environmental harm. For decades, the scientific and regulatory community told farmers not to worry about applications of phosphorus to the soil because unless the soil moved, the phosphorus would not move. Recently, that thinking changed and farmers began applying manures based upon their phosphorus content. The phosphorus levels in soils and waters were achieved over decades and will not be corrected for decades, even if this new regulation changes manure application procedures in 2015. Waiting a few more years to allow for an orderly phase-in will not cause any harm to our environment. An orderly phase-in will allow the agricultural community to adjust and make required changes. Additionally, we saw firsthand how difficult and time consuming it was for Maryland CAFO farmers to obtain a Comprehensive Nutrient Management Plan and to think the conservation districts, the University of Maryland Extension, and/or private consultants can do enough side-by-side Phosphorus Site Index/Phosphorus Management Tool comparisons in 2014 to provide valid results does not seem feasible.

Here are some of my concerns about the near-immediate implementation of this regulation. First and foremost, how can the Department of Agriculture even think about proposing a regulation that could cause such financial hardships on farm families when no meaningful economic impact analysis has been done?

Chicken Farms

- Denied the ability to use manure, a locally produced organic fertilizer, on their own crops, some chicken farmers will have to buy commercial fertilizer to replace chicken manure they already own. That will have a negative economic impact on the chicken growers.
- Chicken growers who have been selling their manure to other farmers may no longer have customers, thus a loss of income.
- Chicken growers who have had their chicken houses cleaned with manure removed from the farm without charge may now have to pay somebody to clean the houses and transport the manure since the cleaning/transporting company may not be able to sell the manure to make a profit and cover the costs of cleaning/transporting.
- Even if the MDA establishes the state storage sites, it will be the chicken growers' responsibility to transport the manure to the site, possibly creating a cost for the chicken growers.
- If the value of manure is lost, then alternative use companies might start charging a fee to accept manure, much like a landfill charges for disposal. If any

alternative use companies start operating, and nothing of any magnitude appears to be on the horizon, they might charge a disposal fee instead of buying manure or accepting it for free.

Crop Farmers

- Denied the ability to use manure on their crops, crop farmers will have to buy commercial fertilizer to replace chicken manure that they have been using.
- Crop farmers who have used manure and not commercial fertilizers may have to buy or rent commercial fertilizer application equipment, thus raising their costs of doing business.
- Crop farmers wanting to hire a fertilizer applicator might find that there are not enough applicators or equipment in the short fertilizer application period to allow timely fertilizer applications. Increased demand in services will allow these applicators to raise their fees, thus higher costs for crop farmers.
- While commercial fertilizer will help a crop grow, the micronutrients and organic material in animal manure will help grow a larger crop. If yields are lessened due to the loss of organic material and micronutrients, then farmer income will diminish.
- Crop farmers and chicken farmers alike will most likely have to alter their business plans in ways that weaken their ability to withstand adverse growing conditions and/or markets – requiring new expenditures/capital purchases while at the same time artificially reducing their potential yields.
- Crop farmers could see increased effects of drought on their crops as a result of losing poultry litter's organic material that helps build up the soil's moisture retaining capabilities.

Once this regulation is in effect, as it appears it will be and contrary to the wishes of many in the agricultural community, there will be many negative effects to the farming community, individuals like me, and the entire state of Maryland without noticeable improvements in water quality.

Please, slow this down. Allow the scientific research to be completed and then allow an orderly phase-in much as the game-changing Water Quality Improvement Act of 1998 allowed a phase-in period. Without alternative uses of manure and cost effective replacements for this soon-to-be lost organic fertilizer, tremendous harm will come to the state of Maryland without improving the environment.

Respectfully yours

David Lim



Environment and Planning Department

PMT regulations

wolfpack1066@verizon.net <wolfpack1066@verizon.net>
To: earl.hance@maryland.gov

Fri, Nov 15, 2013 at 10:58 AM

Dear Buddy,

We are writing to oppose the adoption and implementation of the proposed Phosphorous Management Tool. We request that you withdraw the proposal altogether.

We are very disappointed that you and your administration at the MD Dept of Agriculture has not stood on behalf of farmers and the rural communities of this state, especially considering you are involved in farming yourself. We also believe that this proposed regulation has done much damage to the relationships that were beginning to develop between government agencies, so-called "environmentalists", and farmers. That damage will not easily be repaired even if you withdraw this regulation.

If implemented, this PMT regulation will have a huge negative effect on the productivity and profitability of our farming operation. Most of our fields have an FIV of 150 or more and have not changed much since we have been tilling them. This tells me that the phosphorus is not going anywhere and is probably not plant available. We apply poultry manure at a removal rate, that is 1-2 tons per acre. Taking away our ability to utilize poultry manure not only costs us more to produce the crop, but also takes away all the other benefits our land receives from the slow-release organic fertilize, such as the micronutrients and organic matter - which our sandy soils desperately need. In a cultural environment where most people understand that organic nutrient sources are preferable to synthetic or chemically produced ones, it is incomprehensible to me that your department would even consider this regulation.

We have read the comments submitted by Maryland Farm Bureau, DPI, and Maryland Grain Producers and would like to 'ditto' them.

Sincerely,
Jeffrey E. King
Terri L. Wolf-King
Cornerstone Farm
4720 Williamsburg Rd.
Hurlock, MD 21643



OPPOSITION TO PROPOSED MARYLAND PHOSPOROUS MANAGEMENT TOOL REGULATION

Titus, Jeff <Jeff.Titus@perdue.com>

Fri, Nov 15, 2013 at 11:32 AM

To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Cc: "Schwalb, Steve" <Steve.Schwalb@perdue.com>

Dear Secretary Hance;

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. I, along with like voters across Maryland, firmly request that the implementation of this regulation be put on hold until;

(1) A full economic impact study is completed, publicized, discussed

and its results incorporated into the regulation;

(2) Tested and proven plans are in place to deal with the excess organic fertilizer;

(3) Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;

(4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, we support the continued restoration of the Chesapeake Bay. This land and the bay are our homes. In many cases this has been through multiple generations. We recognize that this will take continued collective efforts by all of us. Importantly to consider is that agriculture has already made significant progress on the Chesapeake Bay Model and the PMT remain works in progress. Its impact on Maryland's farm families and the industries behind them has not been determined. These same voters have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!

Jeff & Theresa Titus

Salisbury, MD


MARYLAND

Outbound - 505 - 4000 11/15/2013 12:03 PM

PMT regulations

Jennifer Debnam <gvf@baybroadband.net>

Fri, Nov 15, 2013 at 12:03 PM

Reply-To: gvf@baybroadband.net

To: Earl.Hance@maryland.gov

Dear Secretary Hance,

As a Maryland farmer, I would like to voice my concerns about the proposed Phosphorous Management Tool(PMT)regulation. The new regulation seems to be rushed. We have not had enough time to evaluate what this regulation will mean to our farm. As harvest season is just finishing up and our nutrient management consultant is still in the process of collecting soil samples, our consultant has not yet run the new PMT for our farm. He has many clients that he needs to do this for during the next few months.

I would make sense to me to phase in this regulation over many years to allow time to understand how the new tool works in respect to the P Site Index. This would also allow time to develop the infrastructure necessary to move the huge quantities of poultry litter off the Lower Shore.

Why is the Department of Agriculture in such a rush to make dramatic changes to the Nutrient Management regulations again? Maryland farmers have made tremendous progress on nutrient reductions. We have complied with the current law and have shown that we are committed to continue the improvement. Please think about the future of agriculture in Maryland. We need a viable, profitable businesses to pass on to the next generation.

Jennifer Debnam
12371 Augustine Herman Hwy
Kennedyville, MD 21645
410-708-4923
email: gvf@baybroadband.net



OPPOSITION TO PROPOSED MARYLAND PHOSPOROUS MANAGEMENT TOOL REGULATION

Theresa Titus <jtzsatitus@yahoo.com>
Reply-To: Theresa Titus <jtzsatitus@yahoo.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 12:06 PM

Dear Secretary Hance;

My family and I are **dependent upon the poultry industry** and agriculture in Maryland. I would like to go on record in **opposition to the Nutrient Management / Phosphorous Management Tool (PMT)** regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. I, along with like voters across Maryland, **firmly request** that the implementation of this regulation be put on hold until;

- (1)** A full economic impact study is completed, publicized, discussed and its results incorporated into the regulation;
- (2)** Tested and proven plans are in place to deal with the excess organic fertilizer;
- (3)** Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;
- (4)** Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, we support the continued restoration of the Chesapeake Bay. This land and the bay are our homes. In many cases this has been through multiple generations. We recognize that this will take continued collective efforts by all of us. Importantly to consider is that agriculture has already made significant progress on the Chesapeake Bay Model and the PMT remain works in progress. Its impact on Maryland's farm families and the industries behind them has not been determined. These same voters have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!

Jeff and Theresa Titus
Salisbury, MD



Proposed Regulation to adopt the phosphorus Management Tool

Breck Debnam <debnam@baybroadband.net>
To: Earl.Hance@maryland.gov

Fri, Nov 15, 2013 at 12:09 PM

The Honorable Earl F. Hance
Secretary of Agriculture
Maryland Department of Agriculture
50 Harry Truman Parkway
Annapolis, MD 21401

I support and endorse the Maryland Grain Producers Board and Maryland Farm Bureau comments and concerns. There is no reason to repeat their position. I hope that you and MDA can make adjustments. As Secretary of Agriculture I hope you will be responsive to the Agriculture community in our state of Maryland. The PMT regulation reminds me of the Obama Care roll out. Let's get together. Respectfully your - Breck

C. Breck Debnam
Pond View Farms
22589 Great Oak Landing Rd
Chestertown, Maryland 21620



Maryland Department of Agriculture (MDA)'s proposed Nutrient Management-Phosphorous Management Tool (PMT) regulation

Gary Niedfeldt <gniedfeldt@gmail.com>
To: Earl.Hance@maryland.gov

Fri, Nov 15, 2013 at 12:13 PM

Dear Secretary Hance;

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. I, along with like voters across Maryland, firmly request that the implementation of this regulation be put on hold until;

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These same voters have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!

Gary Niedfeldt
Berlin, MD 21811



Proposed MDA regulations

Powell, Betty <Betty.Powell@perdue.com>

Fri, Nov 15, 2013 at 12:15 PM

To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Cc: "Schwalb, Steve" <Steve.Schwalb@perdue.com>

Dear Secretary Hance;

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. I, along with like voters across Maryland, firmly request that the implementation of this regulation be put on hold until;

(1) A full economic impact study is completed, publicized, discussed and its results incorporated into the regulation;

(2) Tested and proven plans are in place to deal with the excess organic fertilizer;

(3) Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;

(4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, we support the continued restoration of the Chesapeake Bay. This land and the bay are our homes. In many cases this has been through multiple generations. We recognize that this will take continued collective efforts by all of us. Importantly to consider is that agriculture has already made significant progress on the Chesapeake Bay Model and the PMT remain works in progress. Its impact on Maryland's farm families and the industries behind them has not been determined. These same voters have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!

Betty Powell

Newark, Maryland



OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION.

Wildes, Searcy <Searcy.Wildes@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>
Cc: "Schwalb, Steve" <Steve.Schwalb@perdue.com>

Fri, Nov 15, 2013 at 12:19 PM

At Perdue, we believe that there is no practical, realistic, sufficient and timely plan proposed by this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT. Nor do we believe that MDA is providing those who will be impacted by the regulation sufficient time to evaluate its effect on their businesses and develop workable alternatives.

Searcy Wildes

Director

National Accounts

Perdue Foods LLC

office 615-832-6844

cell 615-351-5491

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Thank you for your consideration!

Vaughn Collins

Salisbury, MD 21804



OPPOSITION TO PROPOSED MARYLAND PHOSPOROUS MANAGEMENT TOOL REGULATION

Harcum, Charlene <Charlene.Harcum@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 12:23 PM

Dear Secretary Hance;

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

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Thank you for your consideration!

Charlene K. Harcum

Salisbury, Maryland



Nutrient management/PMT Regulation

Beach, Dean <Dean.Beach@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 12:24 PM

Dear Secretary Hance;

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

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Thank you for your consideration!

Dean E. Beach

Hebron, Md.



OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Change

Craft, Jimmy <Jimmy.Craft@perdue.com>
 To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 12:26 PM

Secretary Hance,

I am employed by the poultry industry, who lives and/or works in Wicomico County, and I am extremely concerned about the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool.

My first fear is that the proposed regulation, which will have huge impacts on the state's agricultural community, is based on incomplete research. The University of Maryland researchers have stated that their work is not done, yet the state is moving forward at breakneck speed for what appears to be political reasons. Rather than being focused on how to support and improve the agricultural community, the department seems more concerned with appeasing the U.S. Environmental Protection Agency. If the farming sector in Maryland was lagging in achieving Chesapeake Bay Watershed Implementation Plan goals, then perhaps enhanced efforts would be needed, but as you have stated, we are at 130% of the goal. That's an accomplishment that seems to be lost on Governor O'Malley, the Maryland Department of Agriculture, and the EPA.

Allowing an extended and orderly phase-in of the implementation date of the Phosphorous Management Tool will cause no environmental harm. For decades, the scientific and regulatory community told farmers not to worry about applications of phosphorus to the soil because unless the soil moved, the phosphorus would not move. Recently, that thinking changed and farmers began applying manures based upon their phosphorus content. The phosphorus levels in soils and waters were achieved over decades and will not be corrected for decades, even if this new regulation changes manure application procedures in 2015. Waiting a few more years to allow for an orderly phase-in will not cause any harm to our environment. An orderly phase-in will allow the agricultural community to adjust and make required changes. Additionally, we saw firsthand how difficult and time consuming it was for Maryland CAFO farmers to obtain a Comprehensive Nutrient Management Plan and to think the conservation districts, the University of Maryland Extension, and/or private consultants can do enough side-by-side Phosphorus Site Index/Phosphorus Management Tool comparisons in 2014 to provide valid results does not seem feasible.

Here are some of my concerns about the near-immediate implementation of this regulation. First and foremost, how can the Department of Agriculture even think about proposing a regulation that could cause such financial hardships on farm families when no meaningful economic impact analysis has been done?

Chicken Farms

- Denied the ability to use manure, a locally produced organic fertilizer, on their own crops, some chicken farmers will have to buy commercial fertilizer to replace chicken manure they already own. That will have a negative economic impact on the chicken growers.
- Chicken growers who have been selling their manure to other farmers may no longer have customers, thus a loss of income.

- Chicken growers who have had their chicken houses cleaned with manure removed from the farm without charge may now have to pay somebody to clean the houses and transport the manure since the cleaning/transporting company may not be able to sell the manure to make a profit and cover the costs of cleaning/transporting.
- Even if the MDA establishes the state storage sites, it will be the chicken growers' responsibility to transport the manure to the site, possibly creating a cost for the chicken growers.
- If the value of manure is lost, then alternative use companies might start charging a fee to accept manure, much like a landfill charges for disposal. If any alternative use companies start operating, and nothing of any magnitude appears to be on the horizon, they might charge a disposal fee instead of buying manure or accepting it for free.

Crop Farmers

- Denied the ability to use manure on their crops, crop farmers will have to buy commercial fertilizer to replace chicken manure that they have been using.
- Crop farmers who have used manure and not commercial fertilizers may have to buy or rent commercial fertilizer application equipment, thus raising their costs of doing business.
- Crop farmers wanting to hire a fertilizer applicator might find that there are not enough applicators or equipment in the short fertilizer application period to allow timely fertilizer applications. Increased demand in services will allow these applicators to raise their fees, thus higher costs for crop farmers.
- While commercial fertilizer will help a crop grow, the micronutrients and organic material in animal manure will help grow a larger crop. If yields are lessened due to the loss of organic material and micronutrients, then farmer income will diminish.
- Crop farmers and chicken farmers alike will most likely have to alter their business plans in ways that weaken their ability to withstand adverse growing conditions and/or markets – requiring new expenditures/capital purchases while at the same time artificially reducing their potential yields.
- Crop farmers could see increased effects of drought on their crops as a result of losing poultry litter's organic material that helps build up the soil's moisture retaining capabilities.

Once this regulation is in effect, as it appears it will be and contrary to the wishes of many in the agricultural community, there will be many negative effects to the farming community, individuals like me, and the entire state of Maryland without noticeable improvements in water quality.

Please, slow this down. Allow the scientific research to be completed and then allow an orderly phase-in much as the game-changing Water Quality Improvement Act of 1998 allowed a phase-in period. Without alternative uses of manure and cost effective replacements for this soon-to-be lost organic fertilizer, tremendous harm will come to the state of Maryland without improving the environment.

Respectfully yours,

James Craft

Salisbury, MD

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MDA's Proposed Nutrient Management - Phosphorous Management

Book, Jay <Jay.Book@perdue.com>

Fri, Nov 15, 2013 at 12:29 PM

To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Dear Secretary Hance;

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

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Thank you for your consideration!

Jay R Book

Cambridge, Maryland 21613

11/15/13

516



11/15/2013 12:29 PM

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Clagett, Gail <Gail.Clagett@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 12:29 PM

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Thank you for your consideration!

Gail Clagett

Berlin, MD



Earl.Hance@MDA <Earl.Hance@maryland.gov>

OPPOSITION TO PROPOSED MARYLAND PHOSPOROUS MANAGEMENT TOOL REGULATION

Smith, Jeff G <Jeff.Smith2@perdue.com>
 To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 12:31 PM

Dear Secretary Hance-

I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

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- (2) Tested and proven plans are in place to deal with the excess organic fertilizer;
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- (4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, I support the continued restoration of the Chesapeake Bay and recognize that this will take continued collective efforts by all of us. Important to consider is that agriculture has already made significant progress on the Chesapeake Bay restoration goals and the PMT remains a work in progress. Its impact on

Maryland's farm families and the industries behind them has not been determined so I would urge you to put a hold on this regulation until the above-mentioned issues are adequately addressed.

Thank you for your consideration!

Jeff Smith

Ocean City MD

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578

Tim Timmons
38288 Robin Hood Rd
Delmar, DE 19940

Maryland Department of Agriculture
50 Harry S Truman Parkway
Annapolis, MD 21401

11/5/2013

Secretary Hance,

I work for an integrator located in Maryland and my wife and I own a poultry farm located just over the line in Delaware. Currently our manure is received by a Maryland farmer. I'm writing due to concern with the proposed Phosphorus Management Tool (PMT) regulations. I attended the meetings you hosted in Salisbury and Easton and found them very informative. In short, I believe full implementation, at this time, of the PMT as proposed would be reckless and irresponsible on the part of MDA and the administration. In my opinion it is obvious there are too many unknowns, among too many parties, to proceed with the regulation as proposed. At a minimum I would ask you to consider running the PMT on a voluntary basis until 2017, providing cost share incentives to Maryland farmers that choose to participate, while an economic impact study is performed and the actual impacts of the efforts to date to clean up the bay can be seen in the updated Chesapeake Bay Model. The potential risk to Maryland's agriculture economy is just too great for the undefined rewards of phosphorous reductions in the PMT regulation. When pressed, the University researchers couldn't provide an estimate of the actual phosphorus reduction to the bay that would be attributed to this regulation. Maryland agriculture must remain competitive in order to thrive. Additional burdens through regulation threaten our ability to be competitive. I agree that the Chesapeake Bay is a valuable resource for the region and needs to be restored and some amount of regulation is needed to accomplish the task, however, any regulation imposed needs to have a well defined value and a thoroughly understood cost and I don't feel the value or cost of the PMT has been defined well enough to date to warrant the potential risk to Maryland agriculture. Maryland farmers are committed to "help" cleanup the bay as evidenced by being at 130% of the current targets however the bay will not get cleaned up solely on the backs of Maryland farmers and if we're not very careful Maryland could end up with a weaker agriculture economy and a dirty bay.

Thank you for your consideration.

Respectfully,

Tim Timmons



Opposition to Proposed Maryland Phosphorous Management Tool Regulation

Brown, Roger <Roger.Brown@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 12:35 PM

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Thank you for your consideration!

Roger Brown

Salisbury, Maryland



OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Shreeves, Craig <Craig.Shreeves@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 12:35 PM

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Thank you for your consideration!

Craig Shreeves

Salisbury, MD



Opposition to proposed MD Phosphorous Mgmt Tool Regulation

Hollie S. <holliesea713@yahoo.com>
Reply-To: "Hollie S." <holliesea713@yahoo.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>
Cc: "steve.schwalb@perdue.com" <steve.schwalb@perdue.com>

Fri, Nov 15, 2013 at 12:38 PM

Dear Secretary Hance;

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

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Thank you for your consideration!

Hollie Seaton, RN
8663 Memory Gardens Lane
Hebron, MD 21830



Dear Secretary Hance: ...

Opposition to Proposed Maryland Phosphorous Management Tool Regulation

Marshall, Dana <Dana.Marshall@perdue.com>
To: "Earl.hance@maryland.gov" <Earl.hance@maryland.gov>

Fri, Nov 15, 2013 at 12:40 PM

Dear Secretary Hance;

I am a new resident of the state of Maryland. Originally from Smithfield, VA but have spent the last decade in Iowa. My family as well as many of friends and family are all involved in either production agriculture or agricultural business. In today's challenging economic times agriculture has had an opportunity to thrive and progress, but the fate of the industry that I fully believe is the backbone of America could very well be challenged by the proposed Nutrient Management/Phosphorous Management Tool (PMT) recently proposed by the Maryland Department of Agriculture. I would like to formally go on record in opposition to the proposed (PMT) program. The POTENTIAL economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses that are dependent upon agricultural in Maryland is tremendous.

Since moving to the Delmarva Peninsula, I can't begin to tell you how impressed I am with the agricultural industry in the state of Maryland. The industry is tremendous and most definitely directly supports the livelihood of thousands of families across Maryland. I fully believe that there is no practical or realistic plan for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for

the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. I, along with like voters across Maryland, firmly request that the implementation of this regulation be put on hold until;

(1) A full economic impact study is completed, publicized, discussed and its results incorporated into the regulation;

(2) Tested and proven plans are in place to deal with the excess organic fertilizer;

(3) Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;

(4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, we support the continued restoration of the Chesapeake Bay. This land and the bay are our homes. In many cases this has been through multiple generations. We recognize that this will take continued collective efforts by all of us. Importantly to consider is that agriculture has already made significant progress on the Chesapeake Bay Model and the PMT remain works in progress. Its impact on Maryland's farm families and the industries behind them has not been determined.

These same voters have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!

Dana Marshall

8724 Becker Lane # 202

Delmar, MD 21875

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OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION.

1 message

Terry Moreno <tpmoreno@hotmail.com>
To: "Earl.Hance@maryland.gov" <earl.hance@maryland.gov>

Fri, Nov 15, 2013 at 12:45 PM

Dear Secretary Hance;

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. I, along with like voters across Maryland, firmly request that the implementation of this regulation be put on hold until;

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Thank you for your consideration!

Terry & Kim Moreno
Hebron, Maryland



Earl Hance <Earl.Hance@maryland.gov>

(no subject)

Lake, Lois <Lois.Lake@perdue.com>

Fri, Nov 15, 2013 at 12:43 PM

To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

To Secretary Hance:

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Thank you for your consideration!

Lois Lake-Moorhead

Director of Service One - IT Operations & Support

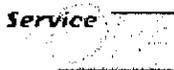
Perdue Farms Inc.

410-543-3129 (Service Desk)

410-543-3296 (Direct)

410-430-3086 (Mobile)

Lois.Lake@perdue.com



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Proposed Phosphorus Regulations

John Moore <jm9020@aol.com>
To: Earl.Hance@maryland.gov

Fri, Nov 15, 2013 at 12:48 PM

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

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Sincerely,

Carrie A Moore

Earl Hance -MDA- Earl.Hance@maryland.gov

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Message

Patterson, Agatha <Agatha.Patterson@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 12:44 PM

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

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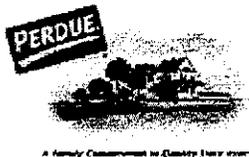
Thank you for your consideration!

Agatha M. Patterson

Q.A. Lab Services Project Coordinator

Phone: (410) 341-2426

Fax: (410) 543-3696





Earl Hance -MDA- <earl.hance@maryland.gov>

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Fulton, Christy <Christy.Fulton@perdue.com>
 To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 12:46 PM

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

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Thank you for your consideration!

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RE: Nutrient & Phosphorous Management Regulation

Lowisan Lake <loisannlake@hotmail.com>
To: "Earl.Hance@maryland.gov" <earl.hance@maryland.gov>

Fri, Nov 15, 2013 at 12:51 PM

Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

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Thank you for your consideration!

Lois and family

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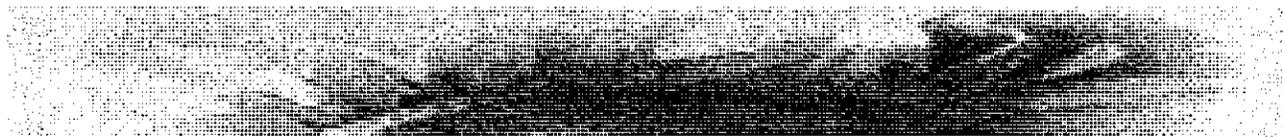


OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

1 page

Phillips, Lorie <Lorie.Phillips@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 12:47 PM



To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

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Thank you for your consideration!

Lorie Phillips

Grain & AgServices Accounting
Perdue AgriBusiness
Office: 410-543-3799



OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION.

1 message

Howeth, Stan <Stan.Howeth@perdue.com>

Fri, Nov 15, 2013 at 12:48 PM

To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

To Secretary Hance:

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Thank you for your consideration!

Stan Howeth

Perdue Farms, Inc.

Audit Services

P.O. Box 1537

Salisbury, Md. 21802

410-543-3257

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Earl Hance - MDA - Earl.Hance@maryland.gov

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

1 message

Welch, Roger <Roger.Welch@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 12:48 PM

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Thank you for your consideration!

Roger Welch

Parsonsburg, MD

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MDA Regulations

message

Knobloch, Linda <Linda.Knobloch@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 12:48 PM

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Thank you for your consideration!

Linda Knobloch

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Earl Hance - MDA - earl.hance@maryland.gov

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Sansom, Bill <Bill.Sansom@perdue.com>

Fri, Nov 15, 2013 at 12:49 PM

To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

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Thank you for your consideration!

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(2) Tested and proven plans are in place to deal with the excess organic fertilizer;

(3) Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;

(4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, my family and I support the continued restoration of the Chesapeake Bay. This land and the bay are our homes. In many cases this has been through multiple generations. We recognize that this will take continued collective efforts by all of us. Importantly to consider is that agriculture has already made significant progress on the Chesapeake Bay Model and the PMT remain works in progress. Its impact on Maryland's farm families and the industries behind them has not been determined. These farm families have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!

Pete Mohr

PTI Backhaul

Direct 410-543-3950

1-800-638-0386 Option 4

pete.mohr@perdue.com

PTI_backhaul@perdue.com

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OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Message

Moore, John <John.Moore@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 12:51 PM

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. I, along with like voters across Maryland, firmly request that the implementation of this regulation be put on hold until:

(1) A full economic impact study is completed, publicized, discussed and its results incorporated into the regulation;

(2) Tested and proven plans are in place to deal with the excess organic fertilizer;

(3) Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;

(4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, my family and I support the continued restoration of the Chesapeake Bay. This land and the bay are our homes. In many cases this has been through multiple generations. We recognize that this will take continued collective efforts by all of us. Importantly to consider is that agriculture has already made significant progress on the Chesapeake Bay Model and the PMT remain works in progress. Its impact on Maryland's farm families and the industries behind them has not been determined. These farm families have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Regards,

John Moore

John Moore

Perdue Deli Marketing "*We Believe in a Better Chicken™*"

31149 Old Ocean City Rd. Salisbury, MD 21801

410-543-3504 Office 410-422-9693 Cell

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Earl Hance (MDA) <earl.hance@mda.maryland.gov>

OPPOSITION TO PROPOSED MARYLAND PHOSPOROUS MANAGEMENT TOOL REGULATION.

1 message

Patterson, David <David.Patterson@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>
Cc: "steve.schwalb@perdue.com." <steve.schwalb@perdue.com.>

Fri, Nov 15, 2013 at 12:50 PM

Dear Secretary Hance;

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. I, along with like voters across Maryland, firmly request that the implementation of this regulation be put on hold until;

(1) A full economic impact study is completed, publicized, discussed

and its results incorporated into the regulation;

(2) Tested and proven plans are in place to deal with the excess organic fertilizer;

(3) Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;

(4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, we support the continued restoration of the Chesapeake Bay. This land and the bay are our homes. In many cases this has been through multiple generations. We recognize that this will take continued collective efforts by all of us. Importantly to consider is that agriculture has already made significant progress on the Chesapeake Bay Model and the PMT remain works in progress. Its impact on Maryland's farm families and the industries behind them has not been determined. These same voters have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!

David R Patterson

Tyaskin Maryland



Earl Hance - Maryland Department of Agriculture

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

1 message

Hicks, Debbie <Debbie.Hicks@perdue.com>

Fri, Nov 15, 2013 at 12:53 PM

To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. I, along with like voters across Maryland, firmly request that the implementation of this regulation be put on hold until:

(1) A full economic impact study is completed, publicized, discussed and its results incorporated into the regulation;

(2) Tested and proven plans are in place to deal with the excess organic fertilizer;

(3) Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;

(4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, my family and I support the continued restoration of the Chesapeake Bay. This land and the bay are our homes. In many cases this has been through multiple generations. We recognize that this will take continued collective efforts by all of us. Importantly to consider is that agriculture has already made significant progress on the Chesapeake Bay Model and the PMT remain works in progress. Its impact on Maryland's farm families and the industries behind them has not been determined. These farm families have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!

Debbie Hicks

Perdue Agribusiness CMMS Coordinator

Phone: 410-341-2159

Cell: 410-725-6796

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Earl Hance - MDA <Earl.Hance@maryland.gov>

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Vanderwende, Brad <Brad.Vanderwende@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 12:53 PM

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. I, along with like voters across Maryland, firmly request that the implementation of this regulation be put on hold until:

(1) A full economic impact study is completed, publicized, discussed and its results incorporated into the regulation;

(2) Tested and proven plans are in place to deal with the excess organic

fertilizer;

(3) Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;

(4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, my family and I support the continued restoration of the Chesapeake Bay. This land and the bay are our homes. In many cases this has been through multiple generations. We recognize that this will take continued collective efforts by all of us. Importantly to consider is that agriculture has already made significant progress on the Chesapeake Bay Model and the PMT remain works in progress. Its impact on Maryland's farm families and the industries behind them has not been determined. These farm families have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!

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OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

1 message

O'Leary, Neil <Neil.O'Leary@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 12:56 PM

Secretary Hance,

I believe that there is no practical, realistic, sufficient or timely plan proposed by this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT. Nor do I believe that MDA is providing those who will be impacted by the regulation sufficient time to evaluate its effect on their businesses and develop workable alternatives.

The proposed regulation will have a significant impact on all poultry growers and their families, and all those who are supported by agriculture across Delmarva. Please work with both sides of this issue to come up with a viable plan that will actually achieve some of the desired outcomes of the proposed legislation without crippling a key industry on the Delmarva peninsula, two improvements over the current proposal.

Very Sincerely,

Neil J. O'Leary

Neil J. O'Leary MBA, PMP

Office - (410) 341 - 2086

Mobile - (443) 944 - 3316

neil.oleary@perdue.com

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Earl Hance - MDA - earl.hance@maryland.gov

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Perdue.com

Dennis, Kevin <Kevin.Dennis@perdue.com>

Fri, Nov 15, 2013 at 12:57 PM

To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Mr. Hance,

As I Maryland citizen I am writing to you to voice my opposition to the Phosphorous Management Tool regulations. Attached is a summary of my concerns, thank you for your time and consideration.

Kevin Dennis

Director of Operations

Accomac Processing

Perdue Foods LLC

757-787-5314

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Mr. Hance,

I am a Perdue Foods associate who lives in Wicomico County. I am writing to you in concern of the proposed Phosphorous Management Tool regulation. I understand from the public hearings held in Salisbury and Easton the only people in attendance who supported the regulation were state employees. The University of Maryland has even stated the research is not complete. With agriculture being such a vital part of the Maryland economy why would not want to delay this regulation until research is completed? By ignoring the concerns of Maryland citizens and statements from the University of Maryland, it gives the appearance the State is placing the wants of the EPA above its citizens.

I have a proud Maryland agriculture heritage. I grew up and still live in Powellville, MD. My lot was once part of my grandfather's farm which is now owned by my father. I earned a bachelor's degree from UMES and began working in the poultry industry. I also enjoy the Maryland outdoors. We live in a unique area with wonderful forests, rivers, wetlands, beaches, and of course the treasure that is the Chesapeake Bay. I am an Eastern Shoreman and I want to do everything I can to protect the outdoors I enjoy.

I continue to be disappointed by the continued onslaught of over regulation in Annapolis. So much energy and resources is wasted in fighting over regulation that could be used to develop an environmental plan which accomplishes the goal of protecting natural resources without placing undue burden on the Maryland citizen farmer.

In August I visited a college friend who lives just outside of Westminster, MD. It was sad to see a once thriving commercial egg industry lying dormant in that region. My friend sadly recounted the regulations which drove his family and others out of business. It was hard for me to listen to his struggles to support his family knowing that just across the state line in Pennsylvania there is a thriving commercial egg saying industry.

I encourage you and your staff to help chart a new course in Maryland. One where we put politics aside and use our state's resources to find real solutions.

Thanks you for your time and consideration.

Kevin J Dennis
Wicomico County, MD



Earl Hance -MDA- kearl.hance@mda.maryland.gov

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Message

Dennis, Keith <Keith.Dennis@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>
Cc: "Schwalb, Steve" <Steve.Schwalb@perdue.com>

Fri, Nov 15, 2013 at 12:58 PM

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. I, along with like voters across Maryland, firmly request that the implementation of this regulation be put on hold until:

(1) A full economic impact study is completed, publicized, discussed and its results incorporated into the regulation;

(2) Tested and proven plans are in place to deal with the excess organic fertilizer;

(3) Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;

(4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, my family and I support the continued restoration of the Chesapeake Bay. This land and the bay are our homes. In many cases this has been through multiple generations. We recognize that this will take continued collective efforts by all of us. Importantly to consider is that agriculture has already made significant progress on the Chesapeake Bay Model and the PMT remain works in progress. Its impact on Maryland's farm families and the industries behind them has not been determined. These farm families have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!

Keith Dennis

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Opposition to proposed Maryland phosphorous management tool regulation

MESSAGE

Rob Nichols <robert_nichols@outlook.com>

Fri, Nov 15, 2013 at 1:05 PM

To: "Earl.Hance@maryland.gov" <earl.hance@maryland.gov>

Dear Secretary Hance,

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). This regulation will have a huge economic impact on the poultry growers, poultry integrators and their employees, along with grain and soybean farmers, and the multitude of businesses supporting agriculture in Maryland, many of whom support families just like mine.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. Along with like voters across Maryland, I firmly request that the implementation of this regulation be put on hold until:

- (1) A full economic impact study is completed, publicized, discussed and its results incorporated into the regulation;
- (2) Tested and proven plans are in place to deal with the excess organic fertilizer;
- (3) Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;
- (4) Scheduled modifications to the Chesapeake Bay Model are made, the

resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, my family and I support the continued restoration of the Chesapeake Bay. This land and the Chesapeake Bay are our beloved heritage, home, and legacy. We recognize that protecting and restoring the Bay will take continued collective efforts by all of us. In that connection, it is imperative to remember and consider that agriculture has already made significant progress on the Chesapeake Bay Model, and that PMT remains a work in progress. Its impact on Maryland's farm families and the industries in partnership with them has not been determined. These farm families have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration, and best regards.

Robert Nichols
14778 Woodland Drive
Eden, MD 21822
443-235-3118



Earl Hance (MDA) <earl.hance@maryland.gov>

Poultry Industry**Stepp, Betty** <Betty.Stepp@perdue.com>

Fri, Nov 15, 2013 at 1:02 PM

To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

To Secretary Hance:

My family (entire family) and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. I, along with like voters across Maryland, firmly request that the implementation of this regulation be put on hold until:

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(3) Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;

(4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, my family and I support the continued restoration of the Chesapeake Bay. This land and the bay are our homes. In many cases this has been through multiple generations. We recognize that this will take continued collective efforts by all of us. Importantly to consider is that agriculture has already made significant progress on the Chesapeake Bay Model and the PMT remain works in progress. Its impact on Maryland's farm families and the industries behind them has not been determined. These farm families have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!

IN GOD WE TRUST



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Earl Hance - MDA - earl.hance@maryland.gov

Nutrient Mgmt/Phosphorous Management Tool Regulation

Cahalane, Tom <Tom.Cahalane@perdue.com>
To: "earl.hance@maryland.gov" <earl.hance@maryland.gov>

Fri, Nov 15, 2013 at 1:07 PM

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. I, along with like voters across Maryland, firmly request that the implementation of this regulation be put on hold until:

(1) A full economic impact study is completed, publicized, discussed and its results incorporated into the regulation;

(2) Tested and proven plans are in place to deal with the excess organic fertilizer;

(3) Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;

(4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, my family and I support the continued restoration of the Chesapeake Bay. This land and the bay are our homes. In many cases this has been through multiple generations. We recognize that this will take continued collective efforts by all of us. Importantly to consider is that agriculture has already made significant progress on the Chesapeake Bay Model and the PMT remain works in progress. Its impact on Maryland's farm families and the industries behind them has not been determined. These farm families have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!

Thomas Cahalane

210 Berkshire Rd

Sandy Hook, CT 06482

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Earl Hance - MDA - earl.hance@maryland.gov

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION.

Message

Casiano, Charlin <Charlin.Casiano@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>
Cc: "Schwalb, Steve" <Steve.Schwalb@perdue.com>

Fri, Nov 15, 2013 at 1:02 PM

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). I have great concern on the largely negative economic impact that this regulation will have on all the hard working farmers, and other agriculture community members with families like mine and the many businesses supporting agriculture in Maryland.

Additionally, I understand, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT. Please do not make decisions that can bring more harm than good.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The Chesapeake Bay Model is working on modifications for nutrient management/PMT Regulation and impact of organic fertilizer. I, along with like voters across Maryland, firmly request that the implementation of this regulation be put on hold until:

(1) A full economic impact study is completed, publicized, discussed and its results incorporated into the regulation;

(2) Tested and proven plans are in place to deal with the excess organic fertilizer;

(3) Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;

(4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

I want to help the environment thrive so our children and many more generations to come can enjoy it too. Like most Marylanders, my family and I support the continued restoration of the Chesapeake Bay. But I cannot support decision making that will jeopardize our livelihood either. Without Agriculture there is no food and without food there is no life.

Thank you for your consideration!

Charlin C. Casiano

Primary Breeders Senior Farm Manager

Farm 15/17 Complex, Princess Anne MD

cell phone: (302) 519-3570

work phone: (410) 651-0199

fax: (410) 651-4485

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OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION.

11/15/2013

Brown, Patricia <Patricia.Brown@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>
Cc: "Steve.schwalb@perdue.com." <Steve.schwalb@perdue.com.>

Fri, Nov 15, 2013 at 1:10 PM

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

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Thank you for your consideration!

Patty Brown

Patricia Brown

Sr. Payroll Technician

Regional for Accomac, Lewiston

and Prince George (MARC)

Perdue Farms, Corporate Office

410-341-2547

Patricia.Brown@perdue.com



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OPPOSITION TO PROPOSED MARYLAND PHOSPOROUS MANAGEMENT TOOL REGULATION

1 message

Usner, Jacquelyn <Jacquelyn.Usner@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 1:11 PM



Dear Secretary Hance;

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Thank you for your consideration!

Jackquelyn Usner

Crisfield, MD

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11/15/13


MARYLAND

Earl Hance -MDA- <Earl.Hance@maryland.gov>

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Brown, Patricia <Patricia.Brown@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>
Cc: "Schwalb, Steve" <Steve.Schwalb@perdue.com>

Fri, Nov 15, 2013 at 1:14 PM

To Secretary Hance:

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Thank you for your consideration!

Patty Brown

Patricia Brown

Sr. Payroll Technician

Regional for Accomac, Lewiston

and Prince George (MARC)

Perdue Farms, Corporate Office

410-341-2547

Patricia.Brown@perdue.com



OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

DeBerardinis, Jay <Jay.DeBerardinis@perdue.com>
 To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 1:14 PM

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Thank you for your consideration!

John Jay DeBerardinis

-University of Maryland , Agriculture Resource Economics, 1991

-Lifelong Maryland resident

-Currently reside in Salisbury, Maryland

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(no subject)

Minton, John <John.Minton@perdue.com>

Fri, Nov 15, 2013 at 1:16 PM

To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

To Secretary Hance:

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Thank you for your consideration!

John E. Minton

QA Regional Grading Manager

Perdue Foods, LLC

443-523-2185 cell

410-543-3686 office





Earl Hance - MDA - Earl.Hance@maryland.gov

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

1 message

Hitch, Keith <Keith.Hitch@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 1:26 PM

Secretary Hance,

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

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Thank you for your consideration!

Keith A. Hitch

Perdue Foods LLC

Manager - Capital Sourcing & Facilities

Direct: (410) 341-2410

Cell: (443) 235-5146

Fax: (410) 543-3616



Earl Hance -MDA- es.hance@maryland.gov

Comments on PMT Regulation

Bud Malone <malonepoultryconsulting@gmail.com>
To: Earl.Hance@maryland.gov

Fri, Nov 15, 2013 at 1:29 PM

Secretary Earl Hance

Maryland Department of Agriculture

50 Harry S. Truman Parkway

Annapolis, MD

Dear Secretary Hance:

As a retired University of Delaware extension poultry specialist that has spent much of my 34 year career devoted to Delmarva litter and waste management issues. I have many concerns with the Maryland Department of Agriculture's proposed regulation on the Phosphorus Management Tool (PMT)! Having been born on a chicken farm in Wicomico County and lived my adult life in Somerset County, I have the following concerns and fears with this regulation.

This regulation should be halted until such time an economic impact study has been conducted on the consequences it will have on our poultry growers, family farms, and the entire economy of this region! Just at the individual farm level my preliminary estimate is it could cost our poultry growers in the lower 4 counties up to \$5 million dollars a year. This do to the fact our growers barter to have their houses serviced (clean out, crusting, reconditioning and/or windrowing) in exchange for the fertilizer value of the litter. I have yet to hear any provisions whereby poultry growers would be compensated for the litter management services they have received free in the past. With the lack of local farmland to receive litter under the PMT and the uncertainty of new markets they will now have to pay for these services. Although having regional sites to stockpile litter on State land is a good gesture, it will do little to address the economic consequences for our growers. Providing additional (and consistent) litter transport monies is also a good thing but I still don't see it helping the individual poultry grower with their added operating expenses and significant loss in net income. This is just the no-land poultry grower. For those growers who also use litter in their farming operation they now have these expenses plus have to purchase commercial fertilizer and application equipment.

It appears to me this regulation is being rushed for adoption by the State and USEPA based on incomplete research and incomplete data. I have yet to see comprehensive studies concluding that a 150 FIV is the appropriate threshold for P saturation given our various soil types in our region. The 150 FIV is based on an agronomic value for crop response but no data has been provided to indicate it has anything to do with P losses to the watershed. Furthermore I question if the PMT will have a significant impact on the subsurface P losses given the decades it has taken to reach and deplete these saturation levels. For my region it would appear mitigation strategies other than the PMT might be more cost-effective. It would appear to me tax payers dollars would be better utilized by selecting those practices that offer P reduction at the least cost.

Allowing an orderly phase-in of the implementation of the PMT beyond the 1 year extension that has been agreed upon will cause no environmental harm while permitting a more orderly transition for alternative litter uses. Finding new markets for land application of litter may aid in the short term, but I feel a more viable alternative to land application is much needed. You are keening aware of the dozen of alternative litter technologies that have been proposed for my region. It has been my observation over the years that the State should NOT be the organization in determining which technology is best for the Lower Shore. I look back at the huge State grant given to Eastern Shore Forest Products to build a litter pelleting facility in Westover. It never produced a ton of product and the facility was later sold by the owner for a handsome profit. For nearly 4 years I have had dealings with EcoCorp on the anaerobic digestion project at ECI and promises of construction starting *soon*. I am left to believe this is no more than a scam to get State grant monies. Almost 20 years ago I held a meeting in Delaware with ALL stockholders (growers, farmers, poultry and allied companies, and various agencies) to review the most promising alternative use technologies at the time for the projected litter surpluses in Sussex Country. The group's recommendation eventually lead to the Perdue AgriRecycle facility. However, it took nearly 10 years for this plant to come on-line. I would strongly encourage you to have a collaborative approach to the selection of an alternative(s) and to allow at least 3 years for financing, permitting, construction and securing feedstocks for these alternatives. Please do not let the State repeat prior mistakes and wasteful spending. Although academia and agencies can assist, you must have the participation of the poultry and agricultural industries to be active participants in the selection process.

In closing, I worked my entire career on viable and environmentally sustainable poultry production systems. If the PMT proceeds as currently outlined, I only see great harm to the industry I worked for so many years. Please slow down, allow the scientific research to be completed and time to transition into viable alternative uses.

Thank you.

George (Bud) Malone

13713 Allen Road

Princess Anne, MD 21853



OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Message

Fontanez, Danielle <Danielle.Fontanez@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 1:32 PM

To Secretary Hance:

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Thank you for your consideration!



Danielle Fontanez

Movement/ Placement Coordinator

Perdue Foods LLC.

410-543-3739

danielle.fontanez@perdue.com

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OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

11/15/2013

Valdivia, Stephanie <Stephanie.Valdivia@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 1:36 PM

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

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Thank you for your consideration!

Stephanie Valdivia

Stephanie Valdivia, MBA, CPA, CGMA

Sr Corporate Accounting Manager - General Ledger/Property

Ph. 410-543-3863

Fax 410-543-3376

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Earl Hance -MDA- <Earl.Hance@maryland.gov>

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Beauchamp, Melissa <Melissa.Beauchamp@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 1:41 PM

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Thank you for your consideration!

Melissa Beauchamp

Perdue Foods LLC

International - Accounting/Finance

410-543-3725 (office)

410-341-5094 (fax)

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Earl Hance -MDA- <earl.hance@maryland.gov>

PMT comments

11/15/13 1:43 PM

Debora Taylor <cwtaylorjr@yahoo.com>
Reply-To: Debora Taylor <cwtaylorjr@yahoo.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 1:43 PM

Sir;

I am a Caroline County poultry, grain, and vegetable grower. Of course, my soils are high in phosphorous. According to the U of MD my levels will never reach your acceptable level. Without erosion I don't see how phosphorous gets to the bay.

You said at the Easton meeting that everybody has numbers and you had numbers concerning the costs that will change with this regulation. So I won't bother you with that.

Most cleanouts are done for the manure. I won't be getting any dollars with which to buy fertilizer.

The idea of collecting the manure and transporting seems very farfetched. logistically, monetarily and environmentally. I assume you will cover all of this manure. If you are hauling to farmers who haven't used manure, will you also spread it for them. It is my understanding that Perdue Agricycle has never made a profit.

You vouch for the O'Malley administration's support for agriculture. In two years things will change. What's next on the list for farmers to do for the state?

I wouldn't want your job for any price. None of this is personal.

I have read the comments of the Maryland Farm Bureau and agree with them wholeheartedly.

Calvin Taylor



Earl Hance -MDA- <earl.hance@maryland.gov>

Opposition To Proposed Maryland Phosphorous Management Tool Regulation

Printed Page

Paul, Victoria <Victoria.Paul@perdue.com>

Fri, Nov 15, 2013 at 1:43 PM

To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Cc: "Schwalb, Steve" <Steve.Schwalb@perdue.com>

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(4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, we support the continued restoration of the Chesapeake Bay. This land and the bay are our homes. In many cases this has been through multiple generations. We recognize that this will take continued collective efforts by all of us. Importantly to consider is that agriculture has already made significant progress on the Chesapeake Bay Model and the PMT remain works in progress. Its impact on Maryland's farm families and the industries behind them has not been determined.

These same voters have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!

Victoria L Paul

Chadds Ford, PA

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Earl Hance -@MDA- <earl.hance@maryland.gov>

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Howell, Gary <Gary.Howell@perdue.com>

Fri, Nov 15, 2013 at 1:44 PM

To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. I, along with like voters across Maryland, firmly request that the implementation of this regulation be put on hold until:

(1) A full economic impact study is completed, publicized, discussed and its results incorporated into the regulation;

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Thank you for your consideration!

Gary Howell

Nutritionist, PhD

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OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Message

Mumford, Denise <Denise.Mumford@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 1:46 PM

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

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Thank you for your consideration!

Denise Mumford

IT Production Scheduler

Perdue Farms Incorporated

410-341-2377 (Office)

Hours 7:00AM-4:00PM (M-F)

denise.mumford@perdue.com





OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Message

Fleming, Emily <Emily.Fleming@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 1:46 PM

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

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Thank you for your consideration!

Emily A. Fleming

Settlement Coordinator

Perdue Foods, LLC

Phone: 410.543.3237

Fax: 410.341.2106

Email: emily.fleming@perdue.com



Earl Hance (MDA) <Earl.Hance@maryland.gov>

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Alisha King <alishamking@gmail.com>
To: Earl.Hance@maryland.gov

Fri, Nov 15, 2013 at 1:52 PM

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

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PMT regulation proposed.

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Thank you for your consideration!

Alisha King
Salisbury, MD



OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

1 message

jimandpatsyhearne@comcast.net <jimandpatsyhearne@comcast.net>
To: Earl.Hance@maryland.gov

Fri, Nov 15, 2013 at 1:52 PM

Please add my voice of opposition to the Proposed Maryland Phosphorous Management Tool Regulation being pushed right now. Please see my attached letter of opposition.

Thank You, James L. Hearne

7723 Broadleaf Drive

Parsonsburg, MD 21849

 **20131115130203832.pdf**
176K

Jo A. Mercer, Ed.D.

Administrator, Nutrient Management Program

Maryland Department of Agriculture

50 Harry S. Truman Parkway

Annapolis, Maryland 21401

Dear Dr. Mercer:

I am a concerned citizen and work for a major agricultural company who lives and/or works in Wicomico County and I am extremely concerned about the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool.

My first fear is that the proposed regulation, which will have huge impacts on the state's agricultural community, is based on incomplete research. The University of Maryland researchers have stated that their work is not done, yet the state is moving forward at breakneck speed for what appears to be political reasons. Rather than being focused on how to support and improve the agricultural community, the department seems more concerned with appeasing the U.S. Environmental Protection Agency. If the farming sector in Maryland was lagging in achieving Chesapeake Bay Watershed Implementation Plan goals, then perhaps enhanced efforts would be needed, but as Secretary of Agriculture Hance has stated, we are at 130% of the goal. That's an accomplishment that seems to be lost on Governor O'Malley, the Maryland Department of Agriculture, and the EPA.

Allowing an extended and orderly phase-in of the implementation date of the Phosphorous Management Tool will cause no environmental harm. For decades, the scientific and regulatory community told farmers not to worry about applications of phosphorus to the soil because unless the soil moved, the phosphorus would not move. Recently, that thinking changed and farmers began applying manures based upon their phosphorus content. The phosphorus levels in soils and waters were achieved over decades and will not be corrected for decades, even if this new regulation changes manure application procedures in 2015.

Waiting a few more years to allow for an orderly phase-in will not cause any harm to our environment. An orderly phase-in will allow the agricultural community to adjust and make required changes. Additionally, we saw firsthand how difficult and time consuming it was for Maryland CAFO farmers to obtain a Comprehensive Nutrient Management Plan and to think the conservation districts, the University of Maryland Extension, and/or private consultants can do enough side-by-side Phosphorus Site Index/Phosphorus Management Tool comparisons in 2014 to provide valid results does not seem feasible.

Here are some of my concerns about the near-immediate implementation of this regulation. First and foremost, how can the Department of Agriculture even think about proposing a regulation that could cause such financial hardships on farm families when no meaningful economic impact analysis has been done?

Chicken Farms

- Denied the ability to use manure, a locally produced organic fertilizer, on their own crops, some chicken farmers will have to buy commercial fertilizer to replace chicken manure they already own. That will have a negative economic impact on the chicken growers.
- Chicken growers who have been selling their manure to other farmers may no longer have customers, thus a loss of income.
- Chicken growers who have had their chicken houses cleaned with manure removed from the farm without charge may now have to pay somebody to clean the houses and transport the manure since the cleaning/transporting company may not be able to sell the manure to make a profit and cover the costs of cleaning/transporting.
- Even if the MDA establishes the state storage sites, it will be the chicken growers' responsibility to transport the manure to the site, possibly creating a cost for the chicken growers.
- If the value of manure is lost, then alternative use companies might start charging a fee to accept manure, much like a landfill charges for disposal. If any alternative use companies start operating, and nothing of any magnitude appears to be on the horizon, they might charge a disposal fee instead of buying manure or accepting it for free.

Crop Farmers

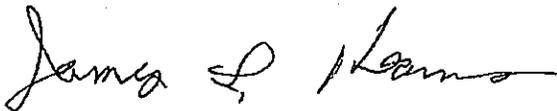
- Denied the ability to use manure on their crops, crop farmers will have to buy commercial fertilizer to replace chicken manure that they have been using.
- Crop farmers who have used manure and not commercial fertilizers may have to buy or rent commercial fertilizer application equipment, thus raising their costs of doing business.

- Crop farmers wanting to hire a fertilizer applicator might find that there are not enough applicators or equipment in the short fertilizer application period to allow timely fertilizer applications. Increased demand in services will allow these applicators to raise their fees, thus higher costs for crop farmers.
- While commercial fertilizer will help a crop grow, the micronutrients and organic material in animal manure will help grow a larger crop. If yields are lessened due to the loss of organic material and micronutrients, then farmer income will diminish.
- Crop farmers and chicken farmers alike will most likely have to alter their business plans in ways that weaken their ability to withstand adverse growing conditions and/or markets – requiring new expenditures/capital purchases while at the same time artificially reducing their potential yields.
- Crop farmers could see increased effects of drought on their crops as a result of losing poultry litter's organic material that helps build up the soil's moisture retaining capabilities.

Once this regulation is in effect, as it appears it will be and contrary to the wishes of many in the agricultural community, there will be many negative effects to the farming community, individuals like me, and the entire state of Maryland without noticeable improvements in water quality.

Please, slow this down. Allow the scientific research to be completed and then allow an orderly phase-in much as the game-changing Water Quality Improvement Act of 1998 allowed a phase-in period. Without alternative uses of manure and cost effective replacements for this soon-to-be lost organic fertilizer, tremendous harm will come to the state of Maryland without improving the environment.

Respectfully yours,



James H. Hearne
7723 Broad Leaf Dr.

Parsonsburg, MD 21847



Earl Hance (MDA) <earl.hance@maryland.gov>

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Messages

Harrington, Brad <Brad.Harrington@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 1:55 PM

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

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Thank you for your consideration!

Brad Harrington

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(no subject)

00000000

McCauley, Larry <Larry.McCauley@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 2:00 PM

Dear Secretary Hance;

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Thank you for your consideration!

Larry McCauley

Salisbury MD



OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Davis, Marcia <Marcia.Davis@perdue.com>

Fri, Nov 15, 2013 at 2:01 PM

To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

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Thank you for your consideration!

Marcia Davis

Marketing Specialist - Foodservice

p. 410.543.3053

f. 410.341.5119

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Proposed Phosphorous Management Regulations

Larry Hill <larry@peninsulapoultry.com>
To: earl.hance@maryland.gov

Fri, Nov 15, 2013 at 2:18 PM

11/15/13

Earl Hance
Office of Secretary
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

Dear Mr. Hance:

I am a chicken grower and business owner and I am extremely concerned about the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool.

With the proposed regulation, I feel there will be huge impact on the state's agricultural community. The University of Maryland researchers have said that their work is not complete, but the state is moving toward changes that appear to be for political reasons. It does seem that it is not geared on how to improve the agricultural community, but it seems there is more concerned with pleasing the U.S. Environmental Protection Agency. If the farming sector in Maryland is not achieving the Chesapeake Bay Watershed execution Plan goals, then maybe increased plans are needed, as you have stated Mr. Earl Hance, we are at 130% of the goal. Governor O'Malley, the Maryland Department of Agriculture, and the EPA do not see this as an accomplishment.

Extending and having an orderly phase-in of the execution date of the Phosphorous Management Tool will cause no environmental harm. For quite some time, the scientific and regulatory population told farmers that we did not have to worry about the application of phosphorus to the soil, if the soil did not moved. The thought process changed recently and farmers started applying manure based upon their phosphorus content. The phosphorus levels in the soil and the water were reached over many years and will not be corrected for decades, even if the new regulation change the manure procedures in 2015. Waiting a few more years will not cause any harm which would allow an orderly phase-in. By doing this the agricultural community will be able to adjust and make the required necessary changes.

As a Chicken Farmer this will impact the way we dispose of the manure. We have been able to sell our manure to farmers for their fields and we will not being able to do this would cause a loss of income. Because of this, it would become an expense in disposing of the manure. Currently we have been able to have a company come in and clean out the manure, at no cost to us then transport the manure. They have been able to sell the manure for a profit that covers their costs and if these changes are made, this will no

longer be feasible. The chicken farmers will then have to pay to have the manure removed and taken to a state storage site, if established or to a landfill.

If these regulations go into effect, it appears that there will be many negative effects on the farming community and the entire state of Maryland and there will not be major improvements in water quality.

Please allow the scientific research to be completed and then have a logical phase-in just like the Water Quality Improvement Act in 1998 which had a phase-in period. Not considering the use of manure and the cost would impact the organic fertilizer use and there will be an incredible harm that will come to the state of Maryland and there will be no improvement to the environment.

One additional thought, I have been to several meetings lately on this subject and I can tell you the mood of most if not all farmers is turning dark. You cannot think that farmers will allow their livelihood to be destroyed and passively accept it.

Respectfully yours,

Larry Hill
Pocomoke, Maryland



Earl Hance - PMT A-Case@maryland.gov

PMT

1 message

Charles Wright <charles@wrightsmarket.com>

Fri, Nov 15, 2013 at 2:33 PM

To: earl.hance@maryland.gov

Mr Secretary,

I am opposed to MDA's proposed PMT regulation.

There are many reasons for my opposition. The following is a list of just a few reasons.

- This regulation would increase our fertilizer expenses by \$16,500 per year on our Maryland farms
- We will be replacing an organic nutrient supply, that slowly breaks down in the soil, with an commercial liquid nitrogen product that has a high potential to leach from the root zone in our soil type.
- The FIV of 150 has not been proven by science to be a starting benchmark for phosphorous movement
- University of MD scientist admitted they did a rapid barebones study for the PMT process
- There has not been a cost anyalsis study to determine the environmental cost of transporting manure out of the region and and transporting in commercial fertilizer
- What are organic growers going to use for fertilizer?
- The USGS study determined it takes an average of THREE DECADES for excess nitrogen to reach the Chesapeake Bay from the Delamarva Pennisula. HOW long would it take phosphorous?
- No economic impact study on the effects of this proposed regulation

The above bullet points are just a few of the facts and unanswered questions on this regulation. I attended both PMT briefings on the eastern shore as did HUNDREDS of fellow agriculturist. The constant regulatory pressure placed on the number one industry in the state must stop! Maryland farmers are looking to you, Mr Secretary, to do what is right for Maryland agriculture even if it isn't politically appeasing.

Sincerely, Charles Wright IV farmer
 568 Michelle Wright farmer
 569 Nancy Wright retired farmer
 570 Charles Wright V NC State student and future farmer
 571 Morgan Wright High school student working on farm
 572 Tim Wright farmer poultry grower
 573 Theresa Wright Employeed by Perdue Farms and farmers wife
 574 Garrett Wright 5th grader living on farm

You can count this as eight no's to the PMT regulation.

Earl.Hance@MDA.sean.night@delaware.gov

MDA regulations

Aaron Hooper <aaron.hooper68@gmail.com>

Fri, Nov 15, 2013 at 2:40 PM

To: "earl.hance@maryland.gov" <earl.hance@maryland.gov>

Cc: "steve.schwalb@perdue.com" <steve.schwalb@perdue.com>

Dear Secretary Hance;

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

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These same voters have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!

Aaron

Perdue Transportation

Aaron.Hooper@perdue.com

P: 410-341-2227

C:443-754-1663

F: 410-341-2838

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OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

1 message

Kelly, Linda <Linda.Kelly@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 2:44 PM

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

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Thank you for your consideration!

Linda Kelly

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OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

1/1/13

Bounds, Dale <Dale.Bounds@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 3:05 PM

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

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Thank you for your consideration!

Dale Bounds

Dale.Bounds@perdue.com

443-235-8495 cell

410-341-2825 office

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Earl Hance, MDA <earl.hance@maryland.gov>

OPPOSITION TO PROPOSED MARYLAND PHOSPOROUS MANAGEMENT TOOL REGULATION

11/15/13

Joseph, Richard <Richard.Joseph@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 3:14 PM

Dear Secretary Hance;

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

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Thank you for your consideration!

Richard D Joseph Jr



MDA Regulations

1 message

Rasel, Sandy <Sandy.Rasel@perdue.com>

Fri, Nov 15, 2013 at 3:23 PM

To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

To Secretary Hance:

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(no subject)

1 message

Smith, Shelley <Shelley.Smith@perdue.com>

Fri, Nov 15, 2013 at 3:27 PM

To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>, "Schwalb, Steve" <Steve.Schwalb@perdue.com>

To Secretary Hance:

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Thank you for your consideration!

Shelley L. Smith

Sr. FLock Advisor

DMV South Live Production





Earl Hance - MDA - <Earl.Hance@maryland.gov>

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

1 message

Lemon, Brian <Brian.Lemon@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 3:34 PM

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

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Thank you for your consideration!

Brian Lemon

Perdue Farms Inc.

410-860-4037 (office)

410-251-1049 (cell)



*A Family Commitment to Quality Since 1920**



Earl Hance -MDA- <Earl.Hance@maryland.gov>

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

MESSAGE

Rogers, Redgie <Redgie.Rogers@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 3:43 PM

Secretary Hance:

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Thank you for your consideration!

Redgie Rogers

410-341-5102

Redgie.rogers@perdue.com

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Earl Hance -MDA- Earl.Hance@maryland.gov

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Message

Roberts, Bruce <Bruce.Roberts@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 3:50 PM

Dear Secretary Hance;

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Thank you for your consideration!

Bruce Roberts



PMT regulation

Godano, Nick <Nick.Godano@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 4:07 PM

Sir,

After reading about the Maryland Depart of Agricultures proposed Nutrient Management PMT regulation in and around the Delmarva area, I felt I needed to voice my opinion. I truly do not understand the purpose of this proposal as it will have an adverse impact on growers, farmers and their families in what is already, tough economic times. It is my feeling that this proposal needs to be revisited and for the MDA to consider what this can do to these hard working families and how this will impact the local economy even more than it has been. My question to you sir is, why would MDA consider replacing an inexpensive organic source of fertilizer with a more expensive chemical source of fertilizer, which in my mind would be more of a hazard to our environment? It is also my understanding that some of these farmers may not have the means to apply a chemical fertilizer which means an added expense on top of the cost of the chemical fertilizer if they should need to purchase application methods, such as machinery. Also, if row crop farmers are not allowed to use chicken litter as a source of fertilizer, that means the poultry growers will not have an outlet for their chicken litter, which means an economical loss for them as well. If they can't sell the chicken litter, they can't grow chickens, if they can't grow chickens, than the poultry industry as we know it on the Eastern Shore can deteriorate, or maybe will.

I appreciate your taking time to read and consider my thoughts and understand the feelings of all those who might oppose the proposal of this regulation and consider the ultimate impact this will have on folks who have worked hard their entire life to provide a means of support for their families.

With respect,

Sincerely,

Nick Godano

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(no subject)

1 message

Rawlinson, Eric <Eric.Rawlinson@perdue.com>

Fri, Nov 15, 2013 at 4:20 PM

To: "Earl.Hance@Maryland.gov" <Earl.Hance@maryland.gov>

To Secretary Hance:

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Thank you for your consideration!

Eric Rawlinson

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Earl Hance (0000) <Earl.Hance@maryland.gov>

OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Message

Green, Tim <Tim.Green@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>
Cc: "Schwalb, Steve" <Steve.Schwalb@perdue.com>

Fri, Nov 15, 2013 at 4:39 PM

To Secretary Hance:

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Thank you for your consideration!

Tim Green

Mardela Springs, MD

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Gloria Chambers -MDA- <Gloria.Chambers@maryland.gov>

Fwd: PMT Comments

1 message

Jo Mercer -MDA- <jo.mercer@maryland.gov>
To: Gloria Chambers -MDA- <Gloria.Chambers@maryland.gov>

Fri, Nov 15, 2013 at 4:38 PM

Jo Mercer, Ed.D.
Training & Certification
Nutrient Management Program
Maryland Department of Agriculture
50 Harry S Truman Pkwy #201
Annapolis, MD 21401
Phone 410-841-5959
Fax 410-841-5950
www.mda.maryland.gov

----- Forwarded message -----

From: **Michele Merkel** <mmerkel@fwwatch.org>
Date: Fri, Nov 15, 2013 at 2:26 PM
Subject: PMT Comments
To: "jo.mercer@maryland.gov" <jo.mercer@maryland.gov>
Cc: Scott Edwards <sedwards@fwwatch.org>

Dr. Mercer:

On behalf of Food & Water Watch, and its more than 7,500 supporters and members in Maryland, please accept the attached comments on the Phosphorus Management Tool; i.e., Regulation .02 of COMAR 15.20.07, .05 of COMAR 15. 20.08, and the incorporated by reference sections of the Maryland Nutrient Management Manual and associated University of Maryland Phosphorus Management Tool: Technical Users Guide (UMD-PMT).

Best,

Michele

Michele Merkel
Co-Director, Food & Water Justice
Food & Water Watch
1616 P St. NW, Suite 300
Washington, DC 20036
mmerkel@fwwatch.org
202.683.4967 (o)
202.257.0877 (c)

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November 15, 2013

Jo A. Mercer, Ed.D.
Administrator, Nutrient Management Program
Maryland Department of Agriculture
50 Harry S Truman Parkway
Annapolis, MD 21401

RE: Phosphorus Site Index Regulatory Changes

Dear Dr. Mercer:

On behalf of Food & Water Watch, and its more than 7,500 supporters and members in Maryland, please accept these comments on the Phosphorus Management Tool; i.e., Regulation .02 of COMAR 15.20.07, .05 of COMAR 15.20.08, and the incorporated by reference sections of the Maryland Nutrient Management Manual and associated University of Maryland Phosphorus Management Tool: Technical Users Guide (UMD-PMT).

In summary, we support the proposed regulations, which reflect not only the best science available but also the consensus agreement negotiated by MDA with the Chesapeake Bay Foundation, sixteen Maryland Clean Agriculture Coalition partner organizations, the Delmarva Poultry Industry, the Maryland Farm Bureau, and the Maryland Grain Producers Association. Although the agricultural interests have subsequently reneged on their commitment to this agreement, the terms of which are reflected in the regulations, we believe that the regulations are a fair and balanced proposal for implementing the Phosphorus Management Tool (PMT), an essential step in our efforts to restore the health and well-being of Maryland's waterways and the Chesapeake Bay.

With respect to the draft PMT regulations we ask the following:

- That the proposed time frames contained in the draft regulations for the implementation of the PMT remain unchanged. The regulations are already years late. The repeated delay is evidenced by the following timeline:
 - December 2010: Maryland's 2010 Chesapeake Bay Watershed Implementation Plan commits the state to updating the Phosphorus Management Tool by 2011.
 - April/May 2012: University of Maryland scientists present latest phosphorus research and proposed PMT updates.
 - January 2013: MDA publishes draft PMT regulations. During the 30-day public comment period, MDA receives seven comments.
 - July 2013: MDA proposes "emergency" regulations to make up for delay and implement the PMT in fall 2013.
 - August 2013: MDA pulls the emergency regulations in order to address stakeholder concerns. The O'Malley Administration holds three stakeholder meetings and forges a consensus agreement among environmental and agriculture organizations.

- October 2013: Per stakeholder agreement, MDA proposes revised PMT regulations. The PMT must be used on all applicable farm fields beginning January 2015. The agricultural community reneges on the consensus agreement and AELR schedules a hearing for November 20, 2013.

Additional delay will only allow additional pollution of the Chesapeake Bay. All Marylanders are being asked to reduce pollution – urban and suburban taxpayers are paying to reduce polluted runoff; builders are limiting pollution from new development; rural areas are limiting septic system installations. If we do not reduce pollution from farm fields via the PMT, as planned, Maryland will need to reduce more pollution from other sources.

- That, as science and research methods evolve over time, they are incorporated into the PMT in a timely manner in the future. It has taken far too many years for Maryland to update the old Phosphorus Site Index with the PMT. The Maryland WIP commits to reviews of the PMT every five years. We fully support the ongoing continuous evaluation of fields at high risk for phosphorus loss and the parallel five-year update of the PMT. If the current PMT allows for any phosphorous to be added to the 80 percent of the fields sampled on the Lower Eastern Shore and nearly 50 percent of fields statewide that are saturated with phosphorous, we will likely never reach our water protection goals. The PMT should function to ban the application of phosphorous to already saturated fields.
- That MDA ensure the greatest level of transparency in the disclosure of Maryland soil phosphorus saturation levels and PMT results. The need for transparency around implementation of the PMT is essential to good government and good environmental policy decisions. The MDA commitment to periodic reporting, to evidence whether or not the PMT is actually achieving changes on the ground, particularly in those areas where manure production exceeds local crop nutrient requirements, is critical to our continued forward movement. Maryland's WIP commits to reporting "aggregated data reflecting phosphorus applications to cropland within specifically defined geographic areas. Data will be gathered from annual nutrient management reporting information and will reflect phosphorus applications by crop type before and after changes to the P-site index." We recommend that the "defined geographic area" be the TMDL segment boundaries, as has been suggested by MDA staff in the past.

In addition to these specific recommendations, we would also like to note the following: Industry lobbyists and their political allies seek to kill the regulation by continuing to make sweeping assertions that that the economic impact of the regulation will make Maryland's farms "financially nonviable," despite that fact that MDA has continued to ensure farmers that they will provide the technical and financial resources they need to comply with the new regulation. In fact, the state already provides tens of millions of taxpayer dollars to incentivize the agricultural industry to stop polluting the Bay.

Moreover, while environmental regulations do impose compliance costs on businesses, they also create jobs by requiring pollution clean-up and prevention efforts. A report released by the Chesapeake Bay Foundation highlights the job creation numbers — at least 250,000 full-time jobs — expected to come from achieving new pollution goals set by EPA's TMDL.

Meanwhile, the jobs spawned by coastal restoration and pollution reduction projects in the Chesapeake are already here, and they are permanent. According to the Foundation's report, environmental clean-up and monitoring jobs have increased by 43 percent — 42,000 jobs — over the last two decades in Pennsylvania, Maryland, and Virginia alone. And these numbers don't begin to account for the increase in employment opportunities and revenue for small businesses that depend on a healthy coastal ecosystem, from tourism to commercial and recreational fishing and aquaculture.

National statistics also demonstrate that the benefits of environmental regulation far outweigh the costs. A recent Office and Management Budget (OMB) study looked at a range of regulations across the economy, and found their benefits outweighed their costs across the board. The OMB found that a decade's worth of major federal rules had produced annual benefits to the U.S. economy of between \$193 billion and \$800 billion and impose aggregate costs of \$57 billion to \$84 billion. The rules with the highest benefits and the highest costs, by far, come from the Environmental Protection Agency. EPA regulations accounted for between 58% and 80% of the benefits the study found as well as 44% to 54% of the costs.

Given that there is no merit to industry's spurious claims of economic ruin, we ask that you finalize the PMT regulations as quickly as possible and require that the PMT be used on all applicable farm fields beginning January 2015.

Thank you for taking these comments into consideration. Please don't hesitate to contact us if you would like any further clarification.

Sincerely yours,

587 Scott Edwards

588 Michele Merkel

Co-Directors, Food & Water Justice

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Gloria Chambers -MDA- <gloria.chambers@maryland.gov>

Fwd: Comments on PMT Regulation

Jo Mercer -MDA- <jo.mercer@maryland.gov>
To: Gloria Chambers -MDA- <Gloria.Chambers@maryland.gov>

Fri, Nov 15, 2013 at 4:40 PM

----- Forwarded message -----

From: **Bud Malone** <malonepoultryconsulting@gmail.com>
Date: Fri, Nov 15, 2013 at 1:24 PM
Subject: Comments on PMT Regulation
To: Jo.mercer@maryland.gov

Dear Jo:

As you may know I am a retired University of Delaware extension poultry specialist that spent most of my 34 year career devoted to Delmarva litter and waste management issues. I have many concerns with the Maryland Department of Agriculture's proposed regulation on the Phosphorus Management Tool (PMT)! Having been born on a chicken farm in Wicomico County and lived my adult life in Somerset County I have the following concerns and fears with this regulation.

This regulation should be halted until such time an economic impact study has been conducted on the consequences it will have on our poultry growers, family farms, and the entire economy of this region! Just at the individual farm level my preliminary estimate is it could cost our poultry growers in the lower 4 counties up to \$5 million dollars a year. This do to the fact our growers barter to have their houses serviced (clean out, crusting, reconditioning and/or windrowing) in exchange for the fertilizer value of the litter. I have yet to hear any provisions whereby poultry growers would be compensated for the litter management services they have received free in the past. With the lack of local farmland to receive litter under the PMT and the uncertainty of new markets they will now have to pay for these services. Although having regional sites to stockpile litter on State land is a good gesture, it will do little to address the economic consequences for our growers. Providing additional (and consistent) litter transport monies is also a good thing but I still don't see it helping the individual poultry grower with their added operating expenses and significant loss in net income. This is just the no-land poultry grower. For those growers who also use litter in their farming operation they now have these expenses plus have to purchase commercial fertilizer and application equipment.

It appears to me this regulation is being rushed for adoption by the State and USEPA based on incomplete research and incomplete data. I have yet to see comprehensive studies concluding that a 150 FIV is the appropriate threshold for P saturation given our various soil types in our region. The 150 FIV is based on an agronomic value for crop response but no data has been provided to indicate it has anything to do with P losses to the watershed. Furthermore I question if the PMT will have a significant impact on the

subsurface P losses given the decades it has taken to reach and deplete these saturation levels. For my region it would appear mitigation strategies other than the PMT might be more cost-effective. It would appear to me tax payers dollars would be better utilized by selecting those practices that offer P reduction at the least cost.

Allowing an orderly phase-in of the implementation of the PMT beyond the 1 year extension that has been agreed upon will cause no environmental harm while permitting a more orderly transition for alternative litter uses. Finding new markets for land application of litter may aid in the short term, but I feel a more viable alternative to land application is much needed. You are keening aware of the dozen of alternative litter technologies that have been proposed for my region. It has been my observation over the years that the State should NOT be the organization in determining which technology is best for the Lower Shore. I look back at the huge State grant given to Eastern Shore Forest Products to build a litter pelleting facility in Westover. It never produced a ton of product and the facility was later sold by the owner for a handsome profit. For nearly 4 years I have had dealings with EcoCorp on the anaerobic digestion project at ECI and promises of construction starting *soon*. I am left to believe this is no more than a scam to get State grant monies. Almost 20 years ago I held a meeting in Delaware with ALL stockholders (growers, farmers, poultry and allied companies, and various agencies) to review the most promising alternative use technologies at the time for the projected litter surpluses in Sussex Country. The group's recommendation eventually lead to the Perdue AgriRecycle facility. However, it took nearly 10 years for this plant to come on-line. I would strongly encourage you to have a collaborative approach to the selection of an alternative(s) and to allow at least 3 years for financing, permitting, construction and securing feedstocks for these alternatives. Please do not let the State repeat prior mistakes and wasteful spending. Although academia and agencies can assist, you must have the participation of the poultry and agricultural industries to be active participants in the selection process.

In closing, I worked my entire career on viable and environmentally sustainable poultry production systems. If the PMT proceeds as currently outlined, I only see great harm to the industry I worked for so many years. Please slow down, allow the scientific research to be completed and time to transition into viable alternative uses.

Best regards.

George (Bud) Malone

13713 Allen Road

Princess Anne, MD 21853



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November 15, 2013

Via Electronic Mail (Jo.Mercer@maryland.gov)

Jo A. Mercer, Ed.D
Administrator, Nutrient Management Program
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

Re: Phosphorus Management Tool Regulations
Proposed COMAR 15.20.04.11, COMAR 15.20.07.02 and COMAR 15.20.08.05

Dear Administrator Mercer:

This letter is submitted to comment on the proposed Phosphorus Management Tool ("PMT") regulations, *i.e.*, COMAR 15.20.04.11, 15.20.07.02 and 15.20.08.05. These proposed regulations were published in the October 18, 2013 Maryland Register, Vol. 40, Issue 21 at 1840-1843. *See* 40:21 Md. R. 1840-1843.¹

The Clean Chesapeake Coalition (the "Coalition") is a growing association of Maryland local governments that have coalesced around the objective of pursuing improvement to the water quality of the Chesapeake Bay in a prudent and fiscally responsible manner. In furtherance of this objective and the interests of its individual county members, the Coalition opposes the aforementioned proposed regulations and requests the Maryland Department of Agriculture ("MDA") to withdraw the regulations for the reasons explained below; including the failure of MDA to conduct the requisite economic impact evaluation and the marginal reduction in phosphorus pollution relative to larger, more concentrated sources of phosphorus loading that remain unregulated.

¹ These same regulations were initially petitioned by the Maryland Department of Agriculture to the Joint Committee on Administrative, Executive, and Legislative Review of the General Assembly on July 11, 2013 to give emergency status to the regulations so that they would be put in place for the fall planting season; but were subsequently withdrawn by MDA on August 26, 2013.



For the sake of the Chesapeake Bay and the unprecedented efforts and expenditures by Marylanders over recent decades to restore the Bay, it is time again to step back and look at the big watershed picture. The enclosed satellite photograph (Exhibit 1) shows a sediment plume extending 100 miles from the Conowingo Dam to the mouth of the Potomac River a few days after Tropical Storm Lee in 2011. During that single storm event (7-9 days), an estimated 10,600 tons of phosphorus was loaded into the Chesapeake Bay, along with 42,000 tons of nitrogen and 19 million tons of sediment.² The estimated phosphorus loading reduction to be achieved by the proposed PMT regulations pales in comparison to the enormous concentration of phosphorous loading to the Bay from the Susquehanna River.

For the sake of our local economies, our delivery of essential public services and our heritage, it is time to stand up against imprudent and cost ineffective mandates driven by the Bay TMDL and the State's watershed implementation plan ("WIP"). The proposed PMT regulations will undoubtedly do harm to the human environment³ of the Coalition counties.

Economic Impact/Evaluation on Small Businesses Not Adequately Addressed

Our local economies rely heavily on agriculture. Placing additional economic and operational burdens on farms and related agricultural businesses, which these regulations will do, will have a daunting impact on our already stressed economies. The proposed regulations state that "certain farms with high phosphorus levels in the soil" will be affected. Such a statement is misleading in that more than "certain farms" will be implicated. In fact, under the proposed regulations, forty-eight percent (48%) of all Maryland farms will fall within the new "high" category, whereas this number would be less than eight percent (8%) of Maryland farms under the old/current system.⁴ The proposed regulations also provide that additional costs will be incurred based on manure applications, including transportation and disbursement. The proposed regulations advocate for setting aside land for manure applications that would normally be used for crops. Not only is this approach removing valuable farm land from commerce, but the assumptions that this will institute phosphorus control lacks any real scientific merit.

MDA's assumptions and conclusions in its "Economic Impact on Small Businesses" statement grossly underestimate the far-reaching impact on farms and farming based communities in the Coalition counties. Common and voluminous discontent within the agriculture community in reaction to the harmful economic impact of these proposed regulations

² Hirsch, R.M., 2012, Flux of nitrogen, phosphorus, and suspended sediment from the Susquehanna River Basin to the Chesapeake Bay during Tropical Storm Lee, September 2011, as an indicator of the effects of reservoir sedimentation on water quality: U.S. Geological Survey Scientific Investigations Report 2012-5185, 17 p.

³ The National Environmental Policy Act (NEPA), 42 U.S.C. § 3421. *et seq.*, provides that protection of the human environment of man as well as the natural or physical environment is the national policy and that both must be simultaneously supported in productive harmony.

⁴ See generally "University of Maryland Phosphorus Management Tool (The Revised Maryland PSI)", Joshua McGrath and Frank Coale, Laboratory for Agriculture and Environmental Studies, Department of Environmental Science & Technology.



has been repeatedly expressed via public comment throughout the PMT regulations proposal period (both now and earlier this summer). These comments alone from the regulated industry provide ample support for MDA to reconsider its proposed actions. Despite this unified uproar, MDA's proposed regulations ignore such widely held beliefs as its economic impact determinations are minimal in both presentation and comprehensiveness. Such disregard for the human environment by MDA is concerning and in conflict with State law.

Section 10-124 of the State Government Article provides that MDA "**shall evaluate** whether the proposed regulation has any **impact on businesses.**" (*Emphasis added.*) The common dictionary definition of "evaluate" is: "[T]o set down or express the mathematical value of; to estimate or ascertain the monetary worth of; to examine and judge concerning the worth, quality, significance, amount, degree or condition of."⁵ MDA may contend that Section 10-124 of the State Government Article requires nothing more than what it did, *i.e.*, scant if any analysis. If that is the case, then the law is meaningless, and Section 10-124 of the State Government Article does not then require an economic evaluation at all, and the section is mere surplusage with no affirmative obligation placed on a Maryland regulatory agency. Maryland law, however, does not permit such a statutory construction.⁶ Instead, MDA must conduct a more thorough and comprehensive economic impact evaluation so as to provide protections for the Maryland businesses and communities it is trying to regulate, and to minimize economic harm

The proposed PMT regulations do not adequately address the adverse impacts that this proposed rule, if promulgated, will assuredly have on farming businesses. Not only will the proposed regulations affect farmers, small businesses and the communities that rely upon agriculture to thrive, but they will also negatively impact the employment and tax bases of the Coalition counties. These proposed regulations do not comply with the requirements of Maryland law regarding regulatory adoption because MDA did not conduct the economic impact evaluation required under statute:

§ 10-124. Evaluation of impact

- (a) "Business" defined. -- In this section, "business" means a trade, professional activity, or other business that is conducted for profit.
- (b) Required. --
 - (1) Before a unit adopts a proposed regulation, the unit **shall evaluate** whether the proposed regulation has any impact on businesses.
 - (2) To evaluate the impact, the unit shall:

⁵ Webster's Third New International Dictionary of the English Language Unabridged at 786 (2002).

⁶ See *Mayor & City Council of Baltimore v. Chase*, 360 Md. 121, 128-130 (2000) (Neither statute should be read, however, so as to render the other, or any portion of it, meaningless, surplusage, superfluous or nugatory); see also *State v. Crescent Cities Jaycees Found., Inc.*, 330 Md. 460, 468-469 (1993) (legislative intention must be gathered from related statutes and construed together and harmonized to be consistent with their general object and scope).



- (i) on the basis of the sizes of the businesses that the proposed regulation might affect, divide those businesses into any classes that the unit considers appropriate for the proposed regulation; and
- (ii) particularly consider:
 1. the costs that the proposed regulation would impose on each class; and
 2. the difficulty of compliance for each class.

(c) Action after evaluation. -- On the basis of the evaluation, the unit may adopt 1 or more regulations that apply differently to classes of businesses.

(Emphasis added.) As the law clearly provides, MDA is obliged to evaluate the economic impacts of the proposed regulations on businesses prior to the adoption of the proposed regulations. MDA fails to follow such requirements.

Maryland Farms Contribute a Marginal Source of Phosphorus Loading

According to the proposed PMT regulations, Maryland farms will be required to establish nutrient management plans based on soil samples showing levels of phosphorus of 150 Fertility Index Value or greater. Nutrient management plans will need to be developed based on soil samples using both the Phosphorus Site Index and the PMT to determine the potential risks of phosphorus loss. Many Maryland farms will be financially drained with this potentially endless endeavor requiring constant reporting, sand monitoring and financial expenses. Meanwhile, our upstream watershed neighbor, Pennsylvania, is still considering recommending the mere collection of nutrient information to determine the amount of phosphorus being applied by Pennsylvania farmers.⁷

Governor Martin O'Malley recently proclaimed that: "Maryland led the way in developing 2-year milestones for Bay restoration and is currently leading all Bay states by achieving 100% of its first and second 2-year milestone commitment for nitrogen and sediment."⁸ These proposed regulations will once again exacerbate the disproportionate financial burden weighing on the backs of Maryland farms and the Coalition counties as compared to what Pennsylvania has committed to meet Bay TMDL goals or to otherwise reduce nutrient loadings to the Bay.

In accord with the Coalition's objective, the State's public policy and limited taxpayer funding must be directed towards reducing major sources of phosphorus loading to the Bay (number one being the Susquehanna River), before the State proposes more regulations on less significant sources of phosphorus loading such as farms. This approach will maximize the

⁷ A Review of the Pennsylvania Phosphorus Index: Version 2, Joseph Rudek, June 2011, p. 13.

⁸ Governor O'Malley's presentation entitled "Better Choices, Better Results: A Sustainable Maryland for Future Generations." This presentation was given on October 31, 2013 at the North Laurel Community Center, Laurel, MD.



benefits achieved from the limited public funding and other resources available to improve the water quality of the Bay. This approach will also safeguard against efforts and expenditures by Maryland farmers that will be marginalized or rendered meaningless as a result of the pollution loading from major sources that are not being appropriately addressed.

As hinted at above, the largest single source of phosphorus loading that threatens the Chesapeake Bay is located in the lower Susquehanna River and is being overlooked by the State of Maryland. A recent study of Smallmouth Bass in the Susquehanna River proves this point.⁹ Smallmouth Bass are dying, diseased and mutating due to the excessive nutrient and sediment loading in the Susquehanna River north of Maryland. The study concludes that Pennsylvania, its agencies and its local governments have done little to improve discharges from wastewater treatment plants and to address stormwater and agricultural discharges to the Susquehanna River watershed. Mr. William C. Baker, the Chief Executive Officer of the Chesapeake Bay Foundation ("CBF"), has been outspoken in his/CBF's disapproval of Pennsylvania's environmental restoration efforts.¹⁰

Another example of the disproportionate pollution reduction efforts above the Conowingo Dam (in PA) compared to the efforts below the Dam is the markedly gross difference in water quality between the respective waters of Maryland and Pennsylvania. As the enclosed chart comparison portrays (Exhibit 2), the Choptank River (Maryland) admittedly needs improvement; however, when compared to the Conestoga River (Pennsylvania) any claims for equal efforts/contributions between Maryland and Pennsylvania end. As the enclosed chart indicates, the total phosphorus concentration (.364 mg/l) in the Conestoga River, a Pennsylvania tributary that is located approximately twenty-five (25) miles north of the Conowingo Dam and feeds into the Susquehanna River and eventually into the Bay, is 366% greater than the total phosphorus concentration (.078 mg/l) in the Choptank River. Exemplary of the general achievements of both Maryland and Pennsylvania, comparisons between the Conestoga River (Pennsylvania) and the Choptank River (Maryland) clearly show that Pennsylvania is nowhere close to Maryland in terms of protecting and restoring the Bay. If MDA's true concern is phosphorous loading to the Bay, why isn't the State of Maryland petitioning the U.S. Environmental Protection Agency ("EPA") (the pioneers behind the Bay TMDL) to enforce Pennsylvania to implement measures to bring it to par with Maryland, pursuant to the Clean Water Act § 1329(g)? Asking EPA to get involved in addressing Pennsylvania's phosphorus contributions that impact Maryland's waters is not only beneficial to Maryland waters, but it will drastically reduce a significant source of phosphorus to the Bay and will not be economically harmful to Maryland farmers.

⁹ See generally 2013 Smallmouth Bass Report: Angling for Healthier Rivers, Chesapeake Bay Foundation. See link: <http://www.cbf.org/2013-smallmouth-bass-report-embedded-pdf>.

¹⁰ See Pennsylvania Fish & Boat Commission Press Release- April 25, 2013 – Chesapeake Bay Foundation Releases Smallmouth Bass Report. See link: <http://www.fish.state.pa.us/%5C/newsreleases/2013press/cbf-report.htm>.



The Susquehanna River is the largest single source for sediment and nutrient loading to the Bay. It is responsible for roughly fifty percent (50%) of the Bay's freshwater loading. Phosphorus is loaded into the Bay at an average annual rate of 3,300 tons (6,600,000 lbs.) from the Susquehanna River. Maryland's annual average phosphorus loading to the Bay from agriculture of 985 tons (1,970,000 lbs.) is minimal when compared to the Susquehanna River. The average annual phosphorus loading (3,300 tons) from the Susquehanna is 335% greater than the average annual phosphorus loading from Maryland agriculture.¹¹ (It is no coincidence that this number is nearly identical to the percentage disparity in phosphorus levels between the Conestoga River (PA) and Choptank River (MD). See discussion on disparity between the Conestoga River and the Choptank River *infra* at pg. 5.) Such a comparison is revealing as to the real priorities facing the Bay and efforts to clean its waters. Why would Maryland heavily regulate and burden its farmers over 985 tons of phosphorus while the State completely ignores 3,300 tons of phosphorus loading from upstream jurisdictions? Even more alarming is the failed trapping capacity of the Conowingo Dam and its reservoir. At a state of equilibrium (*i.e.*, when the Dam's trapping capacity is lost), which the Coalition believes has already been reached¹², the Dam's trapping capacity will decrease by 70% in regards to phosphorus¹³; in other words, the average annual phosphorus loading from the Susquehanna River to the Bay will increase by seventy percent (70%) from 3,300 tons (6,600,000 lbs.) to 5,610 tons (11,220,000 lbs.).¹⁴ Clearly, priority of attention now must be devoted above the Conowingo Dam, not on Maryland's farms; especially as the Conowingo Dam has already reached equilibrium.

Equally concerning to the significantly increased volume of phosphorus loading to the Bay as a result of the Conowingo Dam's state of equilibrium is the make-up of the phosphorus and its reaction when it is loaded into the Bay. The sediments found in the Conowingo Dam reservoir (a.k.a. the "Conowingo Pond") contain both inorganic and organic phosphorus. EPA's scientists in Region 4 conducted an internal examination of science and data on the role of inorganic nitrogen/phosphorus in sediments causing or contributing to hypoxia in the northern Gulf of Mexico.¹⁵ In that peer reviewed document scientists noted that reactive inorganic phosphorus adsorbed to particles in fresh water is released as salinity increases, and that iron or sulfate reduction in marine sediments can remobilize and release reactive phosphorus.¹⁶ This peer review also noted that a sizeable fraction of the dissolved organic phosphorus in sediments was also likely to become available in the northern Gulf of Mexico, much more so than for dissolved organic nitrogen, which tends to cycle more slowly (NRC 2000).¹⁷ According to

¹¹ $(3,300 / 985) \times 100 = 335.0254$.

¹² See note 2 *supra*.

¹³ Equilibrium will also result in increases of 250% for sediments and 2% for nutrient loading from the Susquehanna River to the Chesapeake Bay. *Id.*

¹⁴ $3,300 \text{ tons} \times .70 = 2,310 \text{ tons}$. $2,310 \text{ tons} + 3,300 \text{ tons} = 5,610 \text{ tons}$.

¹⁵ See External Peer Review of the Role of Nitrogen/Phosphorus in causing or contributing to hypoxia in the Northern Gulf, Prepared for: EPA, Office of Water, Prepared by: Versar Inc., dated June 2005. See link:

http://water.epa.gov/type/watersheds/named/msbasin/upload/2005_06_24_msbasin_peerreviewfullcomments.pdf.

¹⁶ *Id.* at pg. 44.

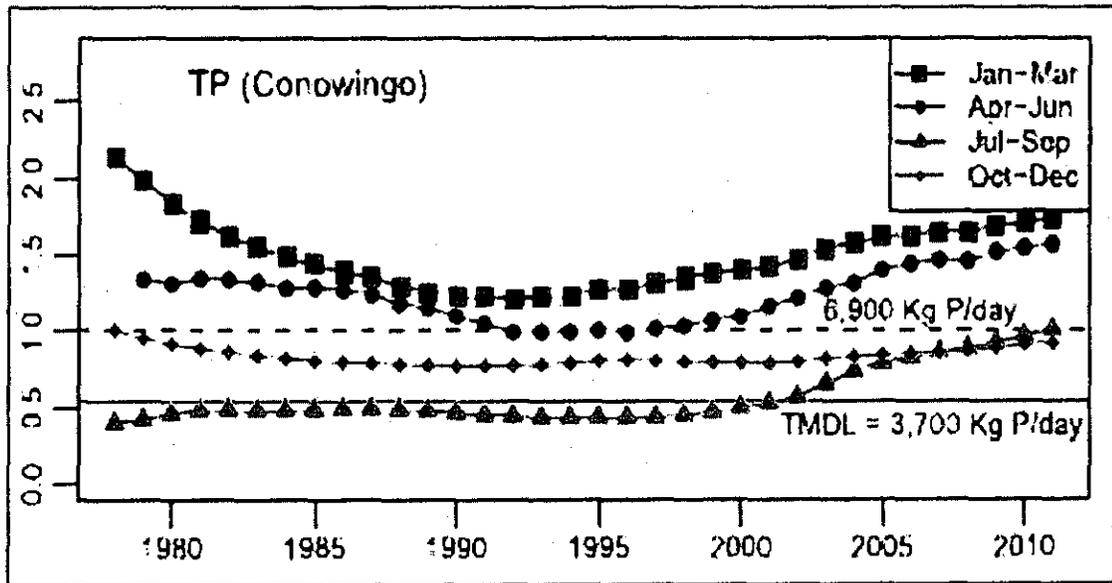
¹⁷ *Id.* at pg. 20.



several of the peer review scientists, the bioavailability of phosphorus in the Gulf of Mexico is probably more accurately reflected as the total phosphorus in the Mississippi River. Although that peer reviewed document pertained to the Mississippi River water source flowing into the northern Gulf of Mexico, the Susquehanna River water source flowing into the Chesapeake Bay has various similarities, such as the influence of phosphorus with increased salinity. Essentially, this EPA report indicates that the concern is not only with the volume of phosphorus entering the Bay from the Susquehanna, but also concern must be given to the make-up of the phosphorus and its reaction to its introduction to the Bay's more saline (brackish) conditions.

The single activity that would directly minimize the phosphorus loading in the Chesapeake Bay is dredging or otherwise addressing the eighty-four (84) years of sediments and nutrients from the Susquehanna River basin that have accumulated in the Conowingo Pond. Regaining significant trapping capacity in the Conowingo Pond would be instrumental in Maryland's efforts to save the Bay. In spite of the science and common sense that supports this critical activity as a cost effective means of reducing phosphorus loading to the Bay, the State/MDA is instead bull-doggedly pursuing the PMT regulations. A recent analysis conducted by the Department of Geography and Environmental Engineering, Johns Hopkins University, concludes that the current state of the Conowingo Pond may need to be factored into the proper establishment of regulatory load requirements and the development of WIPs.¹⁸ The reservoir has been steadily losing its storage capacity for sediments, nitrogen and phosphorus over the past two to three decades. Flow-normalized loads of sediments, nitrogen and phosphorus have been rising since the mid-1990s. As the chart below depicts, phosphorus levels continue to rise at the Conowingo Dam and threaten Maryland's waters with regularity and in devastating proportions during storm events.

¹⁸ Science of the Environment, 452-453, 208-221, Long-term seasonal trends of nitrogen, phosphorus, and suspended sediment load from the non-tidal Susquehanna River Basin to the Chesapeake Bay, Q. Zhang et al., 2013



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Conclusion

The Coalition is concerned over the proposed expansion of nutrient management regulations being imposed on Maryland farmers. If phosphorus reduction is the State's major reason for these proposed regulations (and the resulting significant burden on Maryland farmers), how can the biggest source of phosphorus loading, the Susquehanna River, be overlooked? Simply having Maryland promulgate regulations on a sector, such as the Maryland farm sector, with nutrient management requirements will not only be a financial drain on Maryland farmers, but any realized phosphorus reductions will be marginalized or rendered meaningless as a result of the rate of pollution loading from the Susquehanna River.

For the reasons explained above, the Coalition respectfully requests that the proposed PMT regulations be withdrawn.

If there are any questions whatsoever about the issues and concerns submitted by the Coalition, we welcome the opportunity to participate in a full hearing before the Joint Committee on Administrative, Executive, and Legislative Review regarding the subject regulations and/or to meet with you or your designee to explain why the regulations are ineffective and harmful.

¹⁹ *Id.* Fig. 10. "Seasonal averages of flow-normalized load of [total phosphorus] in the Susquehanna River at the Conowingo Station. All loads have been normalized by the media of respective long-term annual loads at Conowingo (located at $y = 1.0$ in each panel.) The TMDL of $6,900 \text{ kg P day}^{-1}$ set for the Susquehanna River ([EPA], 2010) is inserted [] for comparison..."

Jo A. Mercer, Ed.D, Administrator
Nutrient Management Program
Department of Agriculture
November 15, 2013
Page 9



Your attention and consideration of the views and concerns of the individuals, businesses and communities most directly impacted by the subject regulations is appreciated.

Respectfully submitted,

Handwritten signature of Ronald H. Fithian in cursive.

Ronald H. Fithian
Chairman, Clean Chesapeake Coalition
Commissioner, Kent County

Handwritten signature of William R. Valentine in cursive, with "(rmo)" written at the end.

William R. Valentine
Member, Clean Chesapeake Coalition
Commissioner, Allegany County

Handwritten signature of Wilbur Levensgood, Jr. in cursive.

Wilbur Levensgood, Jr.
Member, Clean Chesapeake Coalition
Commissioner, Caroline County

Richard Rothschild

Richard S. Rothschild
Member, Clean Chesapeake Coalition
Commissioner, Carroll County

Handwritten signature of Tari Moore in cursive.

Tari Moore
Member, Clean Chesapeake Coalition
County Executive, Cecil County

Handwritten signature of Diana Broomell in cursive, with "(rmo)" written at the end.

Diana Broomell
Member, Clean Chesapeake Coalition
Councilmember, Cecil County

Handwritten signature of Thomas C. Bradshaw in cursive.

Thomas C. Bradshaw
Member, Clean Chesapeake Coalition
Councilmember, Dorchester County

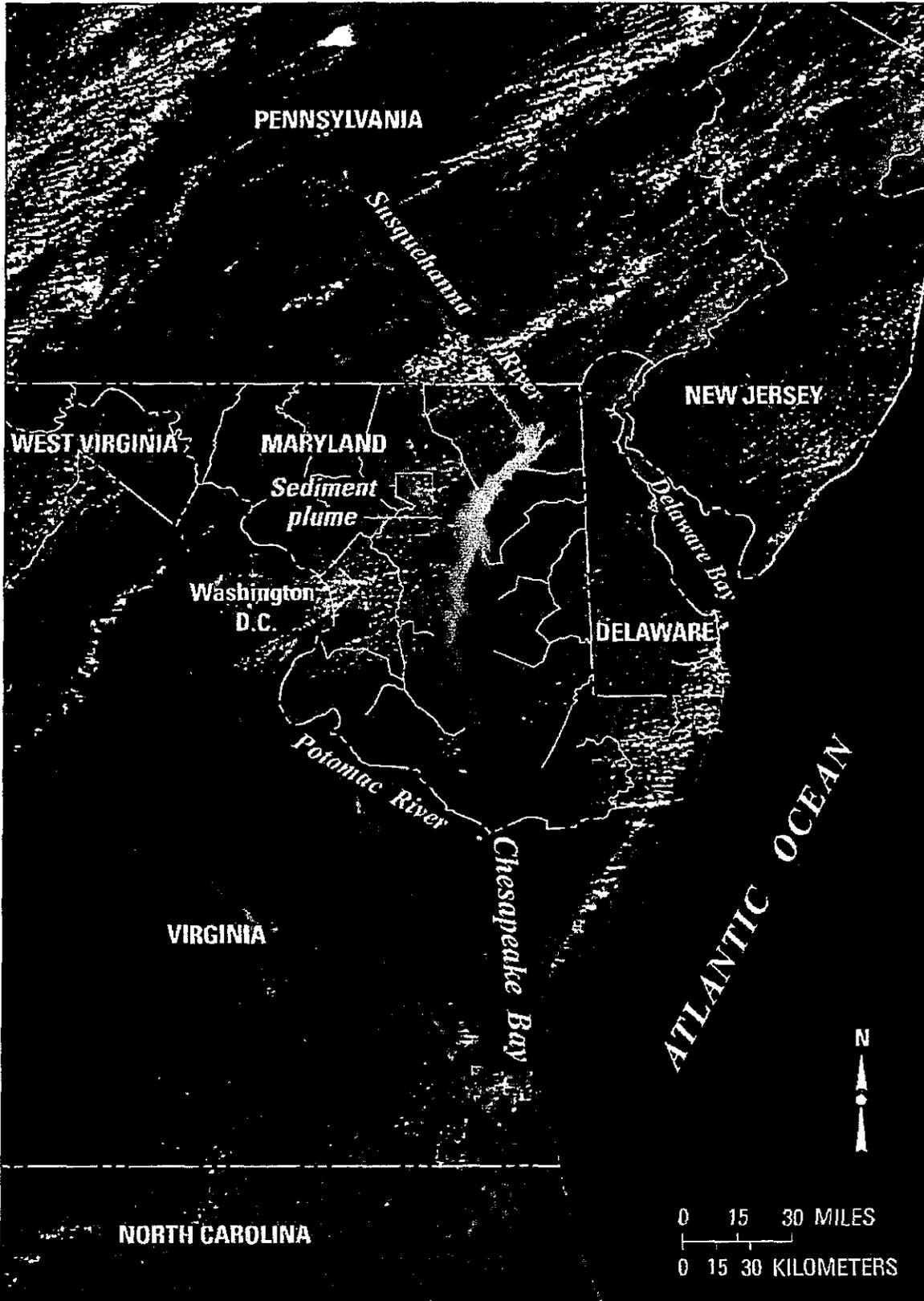
Handwritten signature of C. Paul Smith in cursive.

C. Paul Smith
Member, Clean Chesapeake Coalition
Commissioner, Frederick County

Enclosures: Exhibit 1
Exhibit 2

cc: The Honorable Members of the AELR Committee
Earl F. Hance, Secretary, MDA

CLEAN CHESAPEAKE COALITION

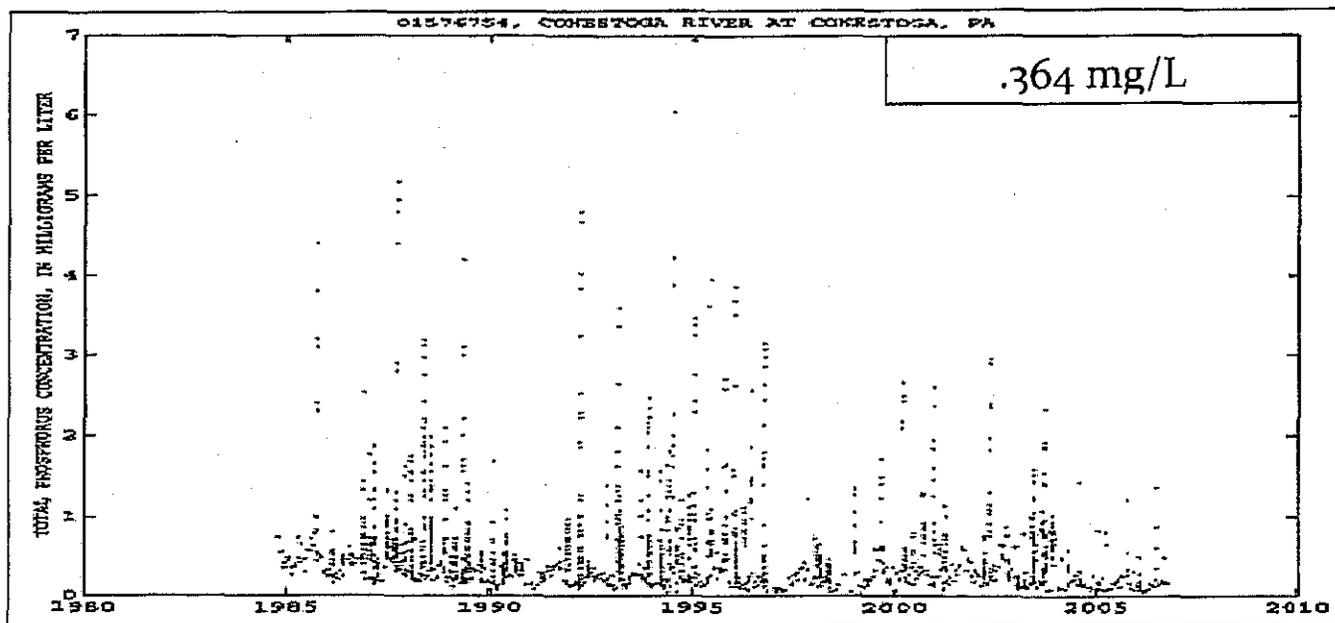
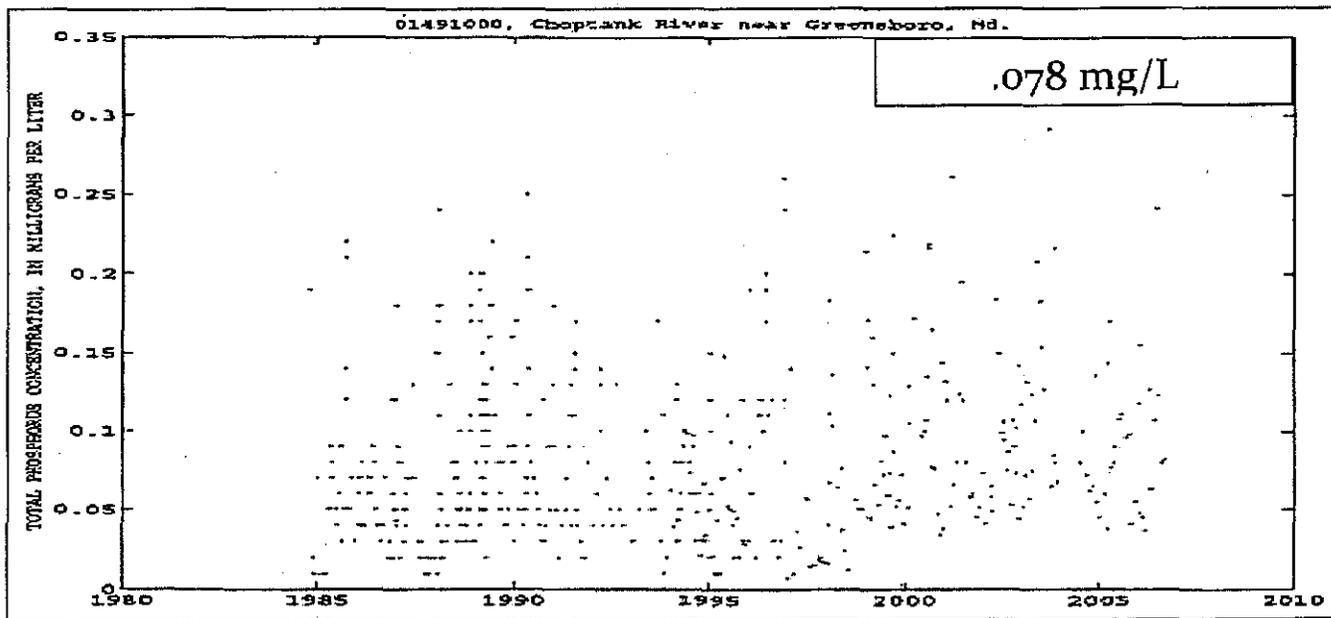


NASA photograph from the Terra satellite, September 13, 2011 (a few days after Tropical Storm Lee) showing sediment plume extending about 100 miles to the mouth of the Potomac River.

Maryland Department of Agriculture - Phosphorus Management Tool Regulations
Proposed COMAR 15.20.04.11, COMAR 15.20.07.02 and COMAR 15.20.08.05

Total Phosphorus Concentrations - Comparison between
Pennsylvania (Conestoga River) and Maryland (Choptank River) Waters¹

Pennsylvania = 366% > Maryland



¹ Langland, Michael, Moyer, Douglas, and Blomquist, Joel, 2007, Changes in Streamflow, Concentrations, and Loads in Selected Nontidal Basins in the Chesapeake Bay Watershed, 1985–2006: U.S. Geological Survey Open-File Report 2007–1372, 26 p., App. 2. The numbers represented in the top right of the charts are selected from the respective data sets as provided in the report and its appendices.



210 SOUTH CROSS STREET, SUITE 101
CHESTERTOWN, MARYLAND 21620
PHONE: (410) 810-1381 | FAX: (410) 810-1383

November 15, 2013

Via Electronic Mail (Jo.Mercer@maryland.gov)

Jo A. Mercer, Ed.D
Administrator, Nutrient Management Program
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

Re: Phosphorus Management Tool Regulations
Proposed COMAR 15.20.04.11, COMAR 15.20.07.02 and COMAR 15.20.08.05

Dear Administrator Mercer:

This letter is submitted to comment on the proposed Phosphorus Management Tool ("PMT") regulations, *i.e.*, COMAR 15.20.04.11, 15.20.07.02 and 15.20.08.05. These proposed regulations were published in the October 18, 2013 Maryland Register, Vol. 40, Issue 21 at 1840-1843. *See* 40:21 Md. R. 1840-1843.

The Harvesters Land & Sea Coalition, Inc. ("Harvesters") – an association of watermen and farmers whose mission is to protect the rights and heritage of those that harvest the land and sea – fully adopts and supports the positions and reasons provided by the Maryland Farm Bureau, the Delmarva Poultry Industry, Inc., and the Clean Chesapeake Coalition in objection to the proposed PMT regulations as provided in each of their respective submitted commentary.

For the reasons provided in aforementioned submittals the Harvesters oppose and respectfully request the MDA to withdraw the proposed PMT regulations.

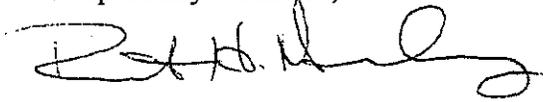
Protecting the rights and heritage of those that harvest the land and sea.

Jo A. Mercer, Ed.D, Administrator
Nutrient Management Program
Department of Agriculture
November 15, 2013
Page 2

If there are any questions whatsoever about the issues and concerns submitted by the Harvesters, we welcome the opportunity to participate in a full hearing before the Joint Committee on Administrative, Executive, and Legislative Review regarding the subject regulations and/or to meet with you or your designee to explain why the regulations are ineffective and harmful.

Your attention and consideration of the views and concerns of the individuals, businesses and communities most directly impacted by the subject regulations is appreciated.

Respectfully submitted,



Robert Newberry
Chairman, Harvesters Land & Sea Coalition, Inc.

cc: Earl F. Hance, Secretary, MDA
Maryland Farm Bureau
Delmarva Poultry Industry, Inc.
Clean Chesapeake Coalition
Harvesters Land & Sea Coalition, Inc.





Earl Hance <Earl.Hance@maryland.gov>

(no subject)

Moore, James <James.Moore@perdue.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Fri, Nov 15, 2013 at 8:16 PM

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. I, along with like voters across Maryland, firmly request that the implementation of this regulation be put on hold until:

(1) A full economic impact study is completed, publicized, discussed and its results incorporated into the regulation;

(2) Tested and proven plans are in place to deal with the excess organic fertilizer;

(3) Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;

(4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, my family and I support the continued restoration of the Chesapeake Bay. This land and the bay are our homes. In many cases this has been through multiple generations. We recognize that this will take continued collective efforts by all of us. Importantly to consider is that agriculture has already made significant progress on the Chesapeake Bay Model and the PMT remain works in progress. Its impact on Maryland's farm families and the industries behind them has not been determined. These farm families have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!

Rocky Moore
Salisbury Soybean Plant

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"Secretary of Agriculture Buddy Hance stated that he had received only eight comments about the new Phosphorous Management Tool (PMT) regulation. We wanted to make sure you have the opportunity to make your voice heard." Kevin Anderson - President, Maryland Grain Producers Association



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

I work for a Poultry housing & equipment company in Salisbury. The new regulations will impact me, my family & 60 other people & their families. The document includes all of the companies that our business deals with. The dominance effect goes on forever. Please take this in consideration.

RECEIVED

NOV 15 2013

OFFICE OF THE SECRETARY

Our Farms, Our Future

sincerely,
Name: P.E. Bailey
Address: Kyrin Construction & Equipment
2305 Northwood Dr
Salisbury, Md 21801
Email: KEE@KREGCONCRETE.NET 600

"Secretary of Agriculture Buddy Hance stated that he has received only eight comments about the new Pesticide Management Tool (PMT) regulation. We wanted to make sure you have the opportunity to make your voice heard." Keith Anderson, President, Maryland Poultry Producers Association



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

The New PMT Regulation will put me out of The Poultry Business. I do not own land to put Manure on and have to pay someone to take care of The Cleanout + Poultry to other Farms. This New Regulation will cause the Price to go way out of any control.

I urge you to please post-pone this Regulation until Further Studies are done on Eastern Shore Farms

Thank You

RECEIVED

NOV 15 2013

OFFICE OF THE SECRETARY

Our Farms, Our Future

Sincerely,

Name: GARY BENNETT
Address: 10831 St. Martins Rd.
Berlin Md. 21811
Phone: 410-641-2756
Email: _____

601

Secretary of Agriculture Earl Hance noted that he had received only eight comments about the new Phosphorus Management Tool (PMT) regulation. We wanted to make sure you have the opportunity to make your voice heard." Kevin Anderson, President, Maryland Poultry Producers Association



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

I AM OPPOSED TO THE PMT REGULATION WITHOUT ECONOMIC STUDY TO DETERMINE THE IMPACT ON THE POULTRY INDUSTRY. ALSO NEED BETTER PLAN FOR MOVING THE MANURE SHOULD BE A RESOURCE NOT A LIABILITY. ALSO THE EXTRA COST TO AREA FARMERS COMPETING IN THE SAME ARENA WITH OTHER STATES THAT DO NOT HAVE SAME STANDARDS WITH DIFFERENT SCIENCE.

THANKS FOR YOUR ATTENTION TO THIS MATTER

RECEIVED

NOV 15 2013

OFFICE OF THE SECRETARY
Our Farms, Our Future

Sincerely,

Name: WAYNE LAMBERTSON
Address: 4401 JONES RD.
POCOMOKE MD. 21851
Phone: 410-726-7929
Email: MWAYNELAMBERTSON@aol.com

602

"Secretary of Agriculture Buddy Hance stated that he had received only eight comments about the new Phosphorous Management Tool (PMT) regulation. We wanted to make sure you have the opportunity to make your voice heard." Kevin Anderson - President, Maryland Grain Producers Association



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

First and foremost how can Dept. of Ag even think about proposing a regulation that will cause such financial hardships on farm families when no meaningful economic impact analysis has been done? This needs to be done first, ~~we~~ We also need to understand where we are today & be sure the model is correct.

So this needs to be slowed down allow all scientific research to be completed and then allow an orderly phase in approach.

Reacting too fast w/o the facts will cause tremendous harm to the state of Maryland without improving the environment.

RECEIVED

Sincerely,

Name: Michael Levensgood
Address: 1453 Remberton Dr.
Salisbury md 21801
Phone: 410-251-7353
Email: Mike.Levensgood@peaduc.com

603

Our Farms, Our Future

"Secretary of Agriculture Earl Hance stated that he had received many pages of comments about the new Phosphorus Management Tool (PMT) regulation. He wanted to assure you have the opportunity to make your voice heard." Kevin Anderson, President, Maryland Farm Producers Association



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

You do not receive comments because the State of Md. is like a dictatorship when it comes to rules, you only have meetings to make it look good. We did not need more phosphorus laws because if a person has a high phosphorus index he cannot use phosphorus under the old law. The new rules always cost more money that has to come out of the farmer's pocket, and it will not help clean up the Bay any more.

RECEIVED

Name: Dan Lee Miller
Address: 12793 Augustino Herman Hwy
Kennedyville Md. 21645
Phone: 410-348-5688
Email: _____

604

Our Farms, Our Future

Secretary of Agriculture Earl Hance stated that he had received only slight comments about the new Phosphorus Management Tool (PMT) regulations. We wanted to make sure you have the opportunity to make your voice heard." Ernie Anderson - President, Maryland Grain Producers Association



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

I AM VERY CONCERNED ABOUT THE PMT REGULATIONS. I FEEL PREPARATIONS FOR THESE CHANGES ARE LACKING AND THE ECONOMIC IMPACT ON THE FARMING - BUSINESS COMMUNITY IS UNKNOWN. THE ALTERNATIVE USES FOR MANURE ARE LARGELY UNAVAILABLE OR NON-EXISTENT. I BELIEVE MORE PREPARATION AND RESEARCH IS REQUIRED BEFORE IMPLEMENTATION.

AS FOR THE RESEARCH, I CAN'T BELIEVE THE UNIVERSITY OF MARYLAND WOULDN'T, IN CONJUNCTION WITH THEIR PMT RESEARCH, WOULD NOT HAVE COMPANION RESEARCH LOOKING AT WAYS TO "LOCK" PHOSPHORUS AND LIMIT ITS MOVEMENT OR DECREASE ITS EFFECT IN THE FIELD. I BELIEVE TRANSPORTING MANURE IS NOT ONLY IMPRACTICAL, BUT COSTLY AND UNNECESSARY.

I HOPE YOU SERIOUSLY CONSIDER THESE COMMENTS.

JANE MACDONALD

Sincerely,

Name: JANE MACDONALD
Address: 10020 MILA STREET
DENTON, MD 21629
Phone: 410-479-1992
Email: _____

605

OFFICE OF THE SECRETARY
Our Farms, Our Future

"Secretary of Agriculture Buddy Hance stated that he had received only eight comments about the new Phosphorous Management Tool (PMT) regulation. We wanted to make sure you have the opportunity to make your voice heard." Kevin Anderson - President, Maryland Grain Producers Association



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

I believe more preparation is required prior to implementation of the PMT regulations. THE ECONOMIC IMPACT IS NOT WIDELY KNOWN AND THE COMPROMISES FOR THE HUGE TASK OF MOVING MANURE ARE NOT IN PLACE. ALTERNATIVES FOR THE MANURE ARE LARGELY NON-EXISTENT, WHILE THE COST OF FERTILIZER IS COST PROHIBITIVE.

IT SEEMS THE "DEVIL IS IN THE DETAILS" AND MANY OF THE DETAILS OF THESE REGULATIONS ARE NOT WELL THOUGHT OUT. I WOULD ASK THAT MORE THOUGHT BE PUT INTO A GRADUAL IMPLEMENTATION, IN CONJUNCTION WITH OTHER STATES IN THE WATERSHED. SOME CONSIDERATION HAS TO BE GIVEN TO THE PROFITABILITY OF AGRICULTURE.

Thank you.

RECEIVED

Sincerely,

Name: Beth Macdonald
Address: 10020 Mile Street
Dorchester, Md. 21629
Phone: 410-479-1992
Email: _____

606

Our Farms, Our Future

Secretary of Agriculture Earl Hance stated that he had received only eight comments about the new Phosphorus Management Tool (PMT) regulation. We wanted to make sure you have the opportunity to make your voice heard." Kevin Anderson, President, Maryland Grain Producers Association



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

THE PMT regulations are of a great concern to me. Having to replace manure with commercial fertilizer will be an economic hardship. I am a beginning farmer and my bottom line is already tight. I started out with NO equipment and a big investment and now I am looking at another large expense.

It's already a tough economy, throwing another "road block" to a young farmer can spell the difference between success and failure. You need to assess the economic impact on the farming community.

Thank you for your time.

Sincerely,

Name: Timothy Mackland
Address: 6158 Todd Rd.
Federalburg, Md. 21632
Phone: 410-829-3523
Email: _____

607

OFFICE OF

Our Farms, Our Future

Secretary of Agriculture Earl Hance stated that he had received only eight comments about the new Chesapeake Management Plan (PMT) regulation. We wanted to make sure you had the opportunity to add your voice. www.maryland.gov/secretaryofagriculture



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

AG IN Maryland is getting a lot harder
than any other state. This is unfair
for Md. Farmers.

RECEIVED

Sincerely,
Name: Wm Dutton
Address: VIENNA, MD 21869
Phone: _____
Email: dutton w b @ verizon.net

608

Our Farms, Our Future

Secretary of Agriculture Earl Hance states that he has received many great comments about the new Pesticide Management EoR (PMT) regulation. We wanted to make sure you have the opportunity to make your voice heard. Kevin Erickson, President, Maryland Grain Producers Association



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

I think that Maryland has some way overboard on this regulation. They need to take time to see exactly where they are at. The environment groups will never give the Bay a good grade because then they won't get funding to keep those jobs.

Sincerely,
Name: William Dutton Jr
Address: Vicentia, MD 21869

Phone: _____
Email: duttonkd@verizon.net

609

Our Farms, Our Future

Secretary of Agriculture Earl Hance states that he has received a large number of comments about the new Phosphorus Management Tool (PMT) regulations. He would like to make sure you have the opportunity to make your voice heard. Earl Hance, Secretary, Maryland Department of Agriculture



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

I believe we have enough Fertilizer restrictions in place along with waterways buffer strips & Cover Crop programs. I think its time they put more focus on non-ag related sources

RECEIVED

NOV 15 2013

OFFICE OF THE SECRETARY

Name: Mitch Quillen Sincerely,
Address: 117 Clearspring Pl.
Millington, Md 21651
Phone: 410 708-4005
Email:

610

Our Farms, Our Future

Secretary of Agriculture Earl Hance stated that he had available only digital documents about the new Phosphorus Management Tool (PMT) regulations. We wanted to make sure you have the opportunity to make your voice heard." Kevin Anderson, President, Maryland Fresh Producers Association



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

I am very involved in organizations working to restore the health of the Sassafras and Chester Rivers. 20 years of participation in this process have given me a clear awareness of role P+N play in the health of the watershed. Revising the phosphorous management tools and regulations is a necessary step based on recent scientific data. That being said it is critical these findings are peer reviewed and accepted as the best available science. Additionally, the Report must must highlight for flexibility in application of new regulations to allow the science to be proven and accepted rather than implemented prematurely.

RECEIVED

NOV 15 2013

OFFICE OF THE SECRETARY
Our Farms, Our Future

Sincerely,
Name: Brennan Starkey
Address: Oldfield Farms Co.
PO Box 250, GALENA, MD 21635
Phone: 410-648-5105
Email: BKS@PMV.com

611

"Secretary of Agriculture Earl Hance stated that he had received only eight comments about the new Phosphorus Management Tool (PMT) regulations. We wanted to make sure you have the opportunity to make your voice heard." Kevin Anderson, President, Maryland Grass Producers Association



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

We own about three-hundred-twenty-five acres near Berlin. About five years ago we put thirty-five foot buffers around every ditch on the farm. We have one-hundred feet on each side of a tax ditch that runs through our property. It totals about sixty-five acres. I think if you would require every farmer to put thirty-five buffers on all of their farm ditches it might reduce a lot of runoff; it might not work (but it might) give this some time before you start the PMT Please think

We also grow poultry, corn, soybeans, wheat ~~etc~~ I Love what I do; I don't want to lose it

RECEIVED

15 2013

THE SECRETARY

Sincerely,
Name: Bill Thompson
Address: 9522 Mary Rd
Berlin MD, 21811
Phone: 410-603-2159 (Cell)
Email: None

612

Our Farms, Our Future

613
Kimber Ward
Amick Farms, LLC.
10281 Amick Drive
Delmar, DE 19940
October 29, 2013

RECEIVED

NOV 15 2013

OFFICE OF THE SECRETARY

Earl F. Hance
Secretary of Agriculture
Wayne A. Cawley, Jr. Building
50 Harry S Truman Parkway
Annapolis, MD 21401

Dear Mr. Hance,

I'm writing to address the concerns of Amick Farms LLC, a fully integrated Poultry company with operations in Hurlock, Maryland. The concerns are in regards to the proposed and not fully tested new Phosphorus Management Tool scheduled for implementation January 15th 2015. The new "P" Management Tool has many flaws and it is based on inaccurate and outdated information.

We have approximately 5,000,000 square feet of contract family farms in Maryland and we are concerned for their livelihoods. The plan, if implemented will have a direct impact on 80% of these family farmers. In addition to the poultry family farms, the grain farmers that we purchase grains from will be negatively impacted as well. Without the family farmer kept whole, Amick Farms cannot be successful. The Delmarva Peninsula operates at a competitive disadvantage with regards to feed cost, utilities and grower pay. Additional disadvantages such as a lack of available housing square footage and increased feed costs due to higher fertilizer will continue to have a negative impact on poultry companies choosing to remain in Maryland.

It is incomprehensible that requests for economic impact studies have fallen on deaf ears. Additionally the scientific community differs greatly on what impact if any this would have on "P" in the soils.

There are too many unanswered questions. I am not merely asking for a delay in implementation but a withdrawal of the "P" tool entirely. Please take our concerns on behalf of the poultry industry into consideration before making such a dire decision.

Sincerely,



Kimber Ward
Live Production Development Manager

leik
JEANNIE HADDAWAY-RICCIO
 Legislative District 37B
 Caroline, Dorchester, Talbot,
 and Wicomico Counties

Economic Matters Committee
 Joint Committee on Federal Relations

House Chair
 Talbot County Delegation



The Maryland House of Delegates

ANNAPOLIS, MARYLAND 21401

Annapolis Office
 The Maryland House of Delegates
 6 Bladen Street, Room 311
 Annapolis, Maryland 21401
 410-841-3429 • 301-858-3429
 800-492-7122 Ext. 3429
 Fax 410-841-3523 • 301-858-3113
 Jeannie.Haddaway@house.state.md.us

District Office
 32 South Washington Street • Suite 1
 Easton, Maryland 21601
 410-820-8043
 Fax 410-820-8759

November 12, 2013

The Honorable Earl F. Hance
 Secretary
 Maryland Department of Agriculture
 50 Harry S Truman Parkway
 Annapolis, Maryland 21401

Dear Secretary Hance,

I again want to express my grave concerns about the Maryland Department of Agriculture's proposed regulations on the Phosphorous Management Tool (PMT) program. I continue to be concerned about the unintended consequences and negative ramifications of these regulations to the agriculture industry in my region and across the State.

Therefore I am writing to request that you put these regulations on hold or withdraw them altogether until a satisfactory agreement can be reached with all of the stakeholders. Delaying these regulations will not impact our progress on environmental benchmarks at all but it will demonstrate to the agriculture community and the environmental community that the Administration wants to find reasonable, science-based solutions to the issues we face.

As you know, agriculture is one of the largest contributors to Maryland's economy. With that in mind, we cannot afford to move forward with such a drastic change in policy - particularly without complete and accurate scientific research and without thoroughly investigating the economic impacts of doing so. Please work to find a better solution for our farmers, for our environment and for the future of our state.

Sincerely,

Jeannie Haddaway-Riccio

615
Jo A. Mercer, Ed.D.
Administrator, Nutrient Management Program
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

RECEIVED

NOV 15 2013

MD DEPARTMENT OF AGRICULTURE
NUTRIENT MANAGEMENT PROGRAM
ANNAPOLIS

Dear Dr. Mercer:

I am extremely concerned about the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool

My first fear is that the proposed regulation, which will have huge impacts on the state's agricultural community, is based on incomplete research. The University of Maryland researchers have stated that their work is not done, yet the state is moving forward at breakneck speed for what appears to be political reasons. Rather than being focused on how to support and improve the agricultural community, the department seems more concerned with appeasing the U.S. Environmental Protection Agency. If the farming sector in Maryland was lagging in achieving Chesapeake Bay Watershed Implementation Plan goals, then perhaps enhanced efforts would be needed, but as Secretary of Agriculture Earl Hance has stated, we are at 130% of the goal. That's an accomplishment that seems to be lost on Governor O'Malley, the Maryland Department of Agriculture, and the EPA.

Allowing an extended and orderly phase-in of the implementation date of the Phosphorous Management Tool will cause no environmental harm. For decades, the scientific and regulatory community told farmers not to worry about applications of phosphorus to the soil because unless the soil moved, the phosphorus would not move. Recently, that thinking changed and farmers began applying manures based upon their phosphorus content. The phosphorus levels in soils and waters were achieved over decades and will not be corrected for decades, even if this new regulation changes manure application procedures in 2015. Waiting a few more years to allow for an orderly phase-in will not cause any harm to our environment. An orderly phase-in will allow the agricultural community to adjust and make required changes. Additionally, we saw firsthand how difficult and time consuming it was for Maryland CAFO farmers to obtain a Comprehensive Nutrient Management Plan and to think the conservation districts, the University of Maryland Extension, and/or private consultants can do enough side-by-side Phosphorus Site Index/Phosphorus Management Tool comparisons in 2014 to provide valid results does not seem feasible.

Here are some of my concerns about the near-immediate implementation of this regulation. First and foremost, how can the Department of Agriculture even think about proposing a regulation that could cause such financial hardships on farm families when no meaningful economic impact analysis has been done?

Chicken Farms

- Denied the ability to use manure, a locally produced organic fertilizer, on their own crops, some chicken farmers will have to buy commercial fertilizer to replace chicken manure they already own. That will have a negative economic impact on the chicken growers.
- Chicken growers who have been selling their manure to other farmers may no longer have customers, thus a loss of income.
- Chicken growers who have had their chicken houses cleaned with manure removed from the farm without charge may now have to pay somebody to clean the houses and transport the manure since the

cleaning/transporting company may not be able to sell the manure to make a profit and cover the costs of cleaning/transporting.

- Even if the MDA establishes the state storage sites, it will be the chicken growers' responsibility to transport the manure to the site, possibly creating a cost for the chicken growers.
- If the value of manure is lost, then alternative use companies might start charging a fee to accept manure, much like a landfill charges for disposal. If any alternative use companies start operating, and nothing of any magnitude appears to be on the horizon, they might charge a disposal fee instead of buying manure or accepting it for free.

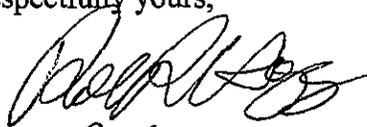
Crop Farmers

- Denied the ability to use manure on their crops, crop farmers will have to buy commercial fertilizer to replace chicken manure that they have been using.
- Crop farmers who have used manure and not commercial fertilizers may have to buy or rent commercial fertilizer application equipment, thus raising their costs of doing business.
- Crop farmers wanting to hire a fertilizer applicator might find that there are not enough applicators or equipment in the short fertilizer application period to allow timely fertilizer applications. Increased demand in services will allow these applicators to raise their fees, thus higher costs for crop farmers.
- While commercial fertilizer will help a crop grow, the micronutrients and organic material in animal manure will help grow a larger crop. If yields are lessened due to the loss of organic material and micronutrients, then farmer income will diminish.
- Crop farmers and chicken farmers alike will most likely have to alter their business plans in ways that weaken their ability to withstand adverse growing conditions and/or markets – requiring new expenditures/capital purchases while at the same time artificially reducing their potential yields.
- Crop farmers could see increased effects of drought on their crops as a result of losing poultry litter's organic material that helps build up the soil's moisture retaining capabilities.

Once this regulation is in effect, as it appears it will be and contrary to the wishes of many in the agricultural community, there will be many negative effects to the farming community, individuals like me, and the entire state of Maryland without noticeable improvements in water quality.

Please, slow this down. Allow the scientific research to be completed and then allow an orderly phase-in much as the game-changing Water Quality Improvement Act of 1998 allowed a phase-in period. Without alternative uses of manure and cost effective replacements for this soon-to-be lost organic fertilizer, tremendous harm will come to the state of Maryland without improving the environment.

Respectfully yours,



Robert R. Hogg
13957 ALLEN RD
PRINCESS ANNE, MD.
21853
phone 410 651 0751

616
Jo A. Mercer, Ed.D.
Administrator, Nutrient Management Program
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

RECEIVED

NOV 15 2013

MD DEPARTMENT OF AGRICULTURE
NUTRIENT MANAGEMENT PROGRAM
ANNAPOLIS

Dear Dr. Mercer:

I am extremely concerned about the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool

My first fear is that the proposed regulation, which will have huge impacts on the state's agricultural community, is based on incomplete research. The University of Maryland researchers have stated that their work is not done, yet the state is moving forward at breakneck speed for what appears to be political reasons. Rather than being focused on how to support and improve the agricultural community, the department seems more concerned with appeasing the U.S. Environmental Protection Agency. If the farming sector in Maryland was lagging in achieving Chesapeake Bay Watershed Implementation Plan goals, then perhaps enhanced efforts would be needed, but as Secretary of Agriculture Earl Hance has stated, we are at 130% of the goal. That's an accomplishment that seems to be lost on Governor O'Malley, the Maryland Department of Agriculture, and the EPA.

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Here are some of my concerns about the near-immediate implementation of this regulation. First and foremost, how can the Department of Agriculture even think about proposing a regulation that could cause such financial hardships on farm families when no meaningful economic impact analysis has been done?

Chicken Farms

- Denied the ability to use manure, a locally produced organic fertilizer, on their own crops, some chicken farmers will have to buy commercial fertilizer to replace chicken manure they already own. That will have a negative economic impact on the chicken growers.
- Chicken growers who have been selling their manure to other farmers may no longer have customers, thus a loss of income.
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cleaning/transporting company may not be able to sell the manure to make a profit and cover the costs of cleaning/transporting.

- Even if the MDA establishes the state storage sites, it will be the chicken growers' responsibility to transport the manure to the site, possibly creating a cost for the chicken growers.
- If the value of manure is lost, then alternative use companies might start charging a fee to accept manure, much like a landfill charges for disposal. If any alternative use companies start operating, and nothing of any magnitude appears to be on the horizon, they might charge a disposal fee instead of buying manure or accepting it for free.

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- Crop farmers could see increased effects of drought on their crops as a result of losing poultry litter's organic material that helps build up the soil's moisture retaining capabilities.

Once this regulation is in effect, as it appears it will be ~~and~~ contrary to the wishes of many in the agricultural community, there will be many negative effects to the farming community, individuals like me, and the entire state of Maryland without noticeable improvements in water quality.

Please, slow this down. Allow the scientific research to be completed and then allow an orderly phase-in much as the game-changing Water Quality Improvement Act of 1998 allowed a phase-in period. Without alternative uses of manure and cost effective replacements for this soon-to-be lost organic fertilizer, tremendous harm will come to the state of Maryland without improving the environment.

Respectfully yours,



Randall J. Wheeler
9405 Rum Ridge Road
Delmar, MD. 21875

I am signing this letter because it is a good thing.

617-
Jo A. Mercer, Ed.D.
Administrator, Nutrient Management Program
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

RECEIVED

NOV 15 2013

MD DEPARTMENT OF AGRICULTURE
NUTRIENT MANAGEMENT PROGRAM
ANNAPOLIS

Dear Dr. Mercer:

I am extremely concerned about the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool

My first fear is that the proposed regulation, which will have huge impacts on the state's agricultural community, is based on incomplete research. The University of Maryland researchers have stated that their work is not done, yet the state is moving forward at breakneck speed for what appears to be political reasons. Rather than being focused on how to support and improve the agricultural community, the department seems more concerned with appeasing the U.S. Environmental Protection Agency. If the farming sector in Maryland was lagging in achieving Chesapeake Bay Watershed Implementation Plan goals, then perhaps enhanced efforts would be needed, but as Secretary of Agriculture Earl Hance has stated, we are at 130% of the goal. That's an accomplishment that seems to be lost on Governor O'Malley, the Maryland Department of Agriculture, and the EPA.

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Respectfully yours,

Ruby West
Wicomico County - Chicken Farmer
Grain Farmer.

Please take time to listen to all sides of this matter. I want to be able to live work and help my family for a good many years to come, and to do this I need to raise chickens and farm my 55 acres of land. Also my 6 yr old grandson wants to be a FARMER!

Ruby West
32770 Roy West Rd.
Delmar, MD 21875-2137

618

Phillip L. Renshaw, Jr.
27211 Fitzgerald Road
Princess Anne, MD 21853

RECEIVED

NOV 15 2013

OFFICE OF THE SECRETARY

October 30, 2013

Secretary Earl D. Hance
Maryland Department of Agriculture
50 Harry S Truman Parkway
Annapolis, Maryland 21841

Dear Secretary Hance:

I am a crop farmer and chicken grower who lives in Somerset County and I am extremely concerned about the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool.

My first fear is that the proposed regulation, which will have huge impacts on the state's agricultural community, is based on incomplete research. The University of Maryland researchers have stated that their work is not done, yet the state is moving forward at breakneck speed for what appears to be political reasons. Rather than being focused on how to support and improve the agricultural community, the department seems more concerned with appeasing the U.S. Environmental Protection Agency. If the farming sector in Maryland was lagging in achieving Chesapeake Bay Watershed Implementation Plan goals, then perhaps enhanced efforts would be needed, but as you have stated, we are at 130% of the goal. That's an accomplishment that seems to be lost on Governor O'Malley, the Maryland Department of Agriculture, and the EPA.

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Phillip L. Renshaw, Jr.

619

Patti Sue Renshaw
27211 Fitzgerald Road
Princess Anne, MD 21853

RECEIVED

October 30, 2013

NOV 15 2013

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Maryland Department of Agriculture
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Respectfully yours,

Patti Sue Renshaw
Patti Sue Renshaw

620

TO WHOM IT MAY CONCERN:

WE NEED MORE INFO ON HOW TO MANAGE PHOSPHORUS IN OUR SOILS, ON OUR FARM WE HAVE BEEN WORKING ON P. REDUCTION FOR 12 OR 50 YEARS WITH NO SUCCESS. WE NEED TO KNOW THE SCIENCE BEHIND IT, BEFORE IMPLEMENT IT INTO OUR N.M.P AS B.M.P

THANK YOU
David Shockley

DAVID W. SHOCKLEY
HARDWAY FARM
7738 PARSONSBURG RD
PARSONSBURG, MD 21849
410-860-2303

RECEIVED

NOV 15 2013

OFFICE OF THE SECRETARY

To Whomever it may concern,

I am a poultry grower and have been since growing up on a poultry farm to owning my own. I am truly concerned about the MDA proposed regulations related to the phosphorus management tool. It will literally put us out of business. We have no control on what bird we get, when we get it or how much waste it has. The poultry company controls the delivery of the chicks, the feed and the litter they grow on. Do you really think we want to pollute anywhere. This is our livelihood. We are making the same amount of money on poultry as we did when we first started this farm operation but the bills are allowed to go up with us not compensated for our hard work 24/7 7 days a week. Most poultry growers have a hard enough time with the paper work as it is. You need a lawyer to figure everything out. Organic is the same as manure. Constantly blaming is wrong. We are not the only ones responsible for the phosphorus, not the day I saw a man putting organic on their yards, golf courses, and sewage treatment plants also pollute. There is less land farmed and houses with more pollution not coming from just us. When the manure is already available to us on the farm to grow our crops, to make a living, why can't we use it. It will put us out of business and then what are you going to eat.

No signature

No return
address

Nov. 11, 2013

(622)

To Whomever It may concern,

I am a farmer and grew up on a farm. To deny us from using what God has provided and been used for years is absurd. There are not very many farmers left. The next generation aren't interested due to all the restrictions that are placed upon us and all the expensive equipment, time, fuel and the certain window we have to get crops in and get crops out is so stressful. But being a farmer is born and bread in us. It is only putting hardship on farmers and when you sit down to eat your food just remember where it came from. "A Farmer." Farming has always been a gamble due to weather but now it is being governized by people who don't even know what farming is all about which is wrong to the working farmer. There needs to be more income not less. Because of not being able to use poultry litter which is organic material that helps build up soils moisture retaining capability farmer could see increased effects of drought. Before making any decisions look at the scientific facts first. Next you will have to pick up dog and cats feces. That is not what a farm is all about. It is providing for the whole world to eat & survive.

No signature

No return
address

623

COUNTY COUNCIL OF DORCHESTER COUNTY

COUNTY OFFICE BUILDING
P. O. BOX 26
CAMBRIDGE, MARYLAND 21613
PHONE: (410) 228-1700
FAX: (410) 228-9641

JAY L. NEWCOMB, PRESIDENT
WILLIAM V. NICHOLS, VICE PRESIDENT
TOM C. BRADSHAW
RICK M. PRICE
RICKY C. TRAVERS



JANE BAYNARD
COUNTY MANAGER
E. THOMAS MERRYWEATHER
COUNTY ATTORNEY

November 7, 2013

RECEIVED

NOV 15 2013

OFFICE OF THE SECRETARY

Senator Paul G. Pinsky, Chair
Joint Committee on Administrative,
Executive & Legislative Review
Legislative Services Building
90 State Circle
Annapolis, Maryland 21401

Dear Senator Pinsky and Committee Members:

On behalf of the Dorchester County Council I am writing in opposition to the proposed Maryland Department of Agriculture (MDA) regulation to require the use of the recently revised Phosphorus Management Tool (PMT) to measure nutrients on farms, in lieu of the Phosphorus Site Index, which is currently utilized.

It is our understanding that University of Maryland researchers have determined, through the sampling of 391 farms in the State that the use of this tool has resulted in more farms being scored in the "high" category. In light of these results, the County Council is concerned that poultry and dairy farmers will lose their market to sell excess manure and/or will incur additional costs to transport the material, including increased fuel costs. Likewise, crop farmers will suffer as they will be unable to apply manure to their fields and therefore may have to purchase more expensive commercial fertilizers as well as additional equipment.

According to the Delmarva Poultry Industry, there were approximately 300 million chickens in Maryland with a production value of more than \$800 million, ranking Maryland eighth in the nation in value of production. In Dorchester County alone, there is a production of around 25 million from just over 100 poultry operators. It is also home to Amick Farms, a poultry processing plant which employs 975. The County Council is concerned that the use of this tool may result in the loss of a substantial portion, if not all, of the poultry industry, which will adversely affect the local and State economy.

In summary, the County Council strongly opposes the adoption of this regulation. Thank you for your consideration of this letter. Please contact the County Council's Office at (410) 228-1700 if you have any questions.

Sincerely,

DORCHESTER COUNTY COUNCIL


Jay L. Newcomb
President

jln/dl

cc: Earl F. Hance, Secretary, Maryland Department of Agriculture
Honorable Richard Colburn, Senator
Honorable Adelaide Eckardt, Delegate
Honorable Rudolph Cane, Delegate
Honorable Jeannie Haddaway-Riccio, Delegate

<http://www.docogonet.com>
e-mail: info@docogonet.com

624

November 10, 2013

Maryland Dept. of Agriculture
50 Truman Parkway
Annapolis, MD 21401
Attention: Secretary Earl Hance

RECEIVED

NOV 15 2013

OFFICE OF THE SECRETARY

Dear Secretary Hance:

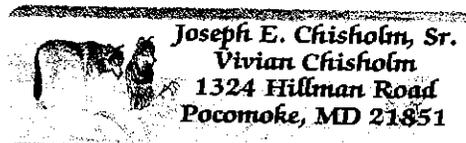
I am writing to express my concerns about the proposed phosphorous management tool. I am a long time poultry farmer located in Worcester County, Md. Additionally, I had a long career in finance. During this time frame I served as President of DPI, Chaired Governor Ehrlich's Poultry Task Force, served on the Maryland Ag Commission and presently a member of the MARBIDCO loan committee. This proposal by the Department of Ag appears to have little scientific background nor has there been any economic impact studies of this regulation on the State's Ag community. As Secretary I had hoped you would have been more proactive in supporting your constituents, i.e. farmers. It appears your support lies more with the O'Malley camp with their limited support for agriculture. As I stated earlier I have a long history with Maryland Ag through various commissions as well as a producer of Ag products. As I look back over the previous 25 years there appears to be a long slow deliberate program to drive the Poultry Industry out of Maryland. As one example, the pfiesteria crisis went away after the election and to my knowledge has not returned to the Pocomoke River. I would hate to think this new regulation is just another election year scheme. The economic consequents of this regulation could be devastating to the Poultry Industry as well as the thousands of family farms. In closing, history repeats itself, in a remark from Chairman Mao concerning the Nationalist Chinese, "we will take two steps forward and one back and we will drive you into the sea"

((which they did). Is this the fate of the Poultry Industry in the State of Maryland?

Yours truly,



Joseph E. Chisholm, Sr.



Joseph E. Chisholm, Sr.
Vivian Chisholm
1324 Hillman Road
Pocomoke, MD 21851

Tommy and Donna Smith
2003 Busic Church Rd
Marydel, MD 21649

November 6, 2013

Secretary Earl D Hance
Maryland Department of Agriculture
50 Harry S Truman Parkway
Annapolis MD 21401

Secretary Hance:

I am a crop, poultry and dairy producer in Queen Anne's County and I am extremely frustrated and concerned about the Maryland Department of Agriculture's (MDA) proposed regulation related to the Phosphorus Management Tool (PMT).

My first fear is that the proposed regulation, which will have huge impacts on the State's agricultural community, it is based on incomplete research. The University of Maryland researchers have stated that their work is not yet done, yet the State is moving forward at breakneck speed for what appears to be political reasons. Rather than being focused on how to support and improve the agricultural community and cleanup the Chesapeake Bay watershed, the department seems more concerned with appeasing the U.S. Environmental Protection Agency (EPA). If the farming sector in Maryland was lagging in achieving Chesapeake Bay Watershed Implementation Plan (WIP) goals, then perhaps enhanced efforts would be needed, but as you have stated, agriculture are at 130% of their goal. That's an accomplishment that seems to be lost on Governor O'Malley's awareness along with MDA and EPA.

Allowing an extended orderly phase-in of the implementation date of the PMT will cause no environmental harm. For decades, the scientific and regulatory community told farmers not to worry about application of phosphorus to the soil because unless the soil is moved, the phosphorus would not move out of the soil. Recently, that recommendation has changed and farmers began applying manure and fertilizer based upon their phosphorus recommendations according to soil and manure tests. The phosphorus levels in soils and waters have occurred over decades and will not be corrected for decades. Even if the proposed regulation that changes manure application it would not negatively impact the soil before 2015. Waiting a few more years to allow for an orderly phase-in will not cause any harm to our environment. An orderly phase-in will allow the agricultural community to adjust and make required changes based on their farm operation. Additionally, we saw firsthand how difficult and time consuming it was for Maryland CAFO farmers to obtain a Comprehensive Nutrient Management Plan, implement the requirements, pay for the plan and to anticipate the local Soil Conservation Districts, University of Maryland Extension and/or private consultants can be trained and do enough side-by-side Phosphorus Site Index/PMT comparisons in 2014 to provide valid results do not seem feasible.

Here are some of my concerns about the near-immediate implementation of this regulation:

- How can MDA think about supporting and processing a regulation that could cause such financial hardships of farm families when no meaningful economic impact study has been completed?
- On poultry farms:
 - Denying the ability to utilize my manure, a locally produced “**organic**” fertilizer on my crops. I thought MDA was very supportive of organic production! I would have to purchase commercial fertilizer to replace my own manure which I don’t have to buy!
 - If I had an excess of poultry manure, transporting is not an option, our farming operation does not have a truck that is legal to be driven on the road to transport the manure which means I would have to take a reduction in sale price because of not delivering my manure to the buyer or hire a truck to transport my manure.
 - There may not be a market for my manure due to the levels of Phosphorus in soils on surrounding farm operations.
 - During the season when manure cannot be applied, storing manure will become a problem because of not being able to use and spread my manure during the time I’m allowed to apply. My manure building will not hold the capacity of manure if I cannot utilize it myself.
- Even if MDA establishes the State storage sites, it will be my responsibility to transport the manure to wherever designated. The site maybe many miles from my poultry houses and I would have to hire a truck to transport it.
- If the value of manure is lost due to the decrease in demand alternative uses for manure may cause companies to charge a fee to accept the manure which is more money out of my pocket!
- Who will monitor the manure at the State storage sites and who would monitor what the manure tests results show the levels are in the manure and who decides who can buy it and it is usable on their soil?
- Grain farmers:
 - Denies the ability to use manure on their crops, grain farmers will have to buy commercial fertilizer to replace chicken manure that they have been using.
 - Grain farmers who have used manure and not commercial fertilizers may have to buy or rent equipment to apply the purchased fertilizer and leave the manure spreader in the barn, thus once again raising equipment costs.
 - Grain farmers may have to hire a fertilizer company to apply the fertilizer instead of doing the work themselves and once again another cost out of my pocket.
 - Commercial fertilizers will help grow a crop; however the micronutrients and organic material in manure will help grow a larger crop. If yields are lessened due to the loss of organic material and micronutrients my income will diminish.
 - Grain farmers and poultry farmers alike will most likely have to alter their business plan in ways that will weaken their ability to borrow and withstand adverse growing conditions and/or markets – requiring new expenditures and

capital purchases such as equipment while at the same time reducing potential yields.

- Grain farmers could also see increased effects of drought on their crops as a result of losing poultry litter's organic material that helps build up soil's moisture retaining capabilities.

Once this regulation goes into effect, as it appears it will be and contrary to the wishes of many in the agricultural community, there will be many negative effects. For individuals like me, a small farming operation, the financial impact is huge and to realize no significant and noticeable improvement in water quality is just sad.

I have soils tests that have been taken on the same fields for over 20 years and the FIV value has not changed during that time. Where in fact did the FIV value of 150 come from? Is it a number someone inputted into a computer and decided that is the number I should pick or has science been completed to show that 150 FIV is the level to limit the soil to for Phosphorus levels? I have not applied manure nor a P based commercial fertilizer, the Phosphorus that is measured in the soil is staying in the soil and is not moving through groundwater or any other way for that matter. Science has proven that whether it is the University of Maryland science or science from the testing labs where I send my soil samples.

The expense that our farming operation will have to incur will be very detrimental to my bottom line; it will cost between approximately \$8.00 a ton to transport my manure if I had my own truck. Since I don't have a truck to transport my manure, to God knows how many miles away to a State approved site, a loaded mile rate fee is \$1.75 per mile on top of the \$8.00/ton. My lending officer will see this as a huge reduction in my cash flow and then considering I will have to purchase fertilizer in place of my manure will just kill my bottom line.

There are scientists, MDA employees, environmentalists and the Governor who are telling farmers how to farm when they have never farmed a day in their life. How can someone tell me how to grow a crop when they don't know how to grow a crop themselves! I don't understand how our State and MDA can tell my family how to run their farming operation when they have been farming for the last 100 years or more. MDA has to trust the farmers in this State to make good decisions and to do the right thing without regulating them out of business.

There are so many farmers who do not have off the farm jobs and do not have a steady paycheck to fall back on. Insurance costs, machinery, fertilizer, spray, seed, living expenses, fuel and many other items that you have to have on the farm to run an agricultural business have all risen in prices and my profit margin is growing smaller and smaller each year. Yet, once again there is more and more expected of an already depressed occupation. If farming wasn't such a passion and what my family wants to do for a living I would quit and move to the west to get away from the bureaucratic mess! Farmers have agreed to so many new regulations over the past 20 years and yet no acknowledgment of all of what has been asked, or better yet, regulated to us. We have completed Nutrient Management Plans, Soil and Water Conservation Plans, soil tests, manure tests, annual implementation reports, crops reports, cover crops, Maryland Department of Environment inspections, bio security measures, manure reports and so on and so on, enough! There are so many flaws in the TMDL process, the WIP process and so many modulated

numbers that are not science based but created by a computer that has a person entering data that they "THINK" is appropriate. This process of cleaning up the Bay is all an educated guess! In most instances the people who are providing the computer created data have something to gain from pointing the finger at agriculture and to think that MDA has accepted and supported this mess is very disappointing. My family and every farm family wants the health of the Bay to improve but until you have every person, business and municipality, within the Chesapeake Bay watershed to do what should be done to clean up the Bay, regulating farmers will not do the job.

Slow this down, allow the scientific research to be completed and then allow an orderly phase-in. Without alternative uses of manure and cost effective replacements for this soon-to-be lost commodity, tremendous harm will come to our States largest economic engine, Agriculture and without improving Maryland's environment.

Respectfully

A handwritten signature in cursive script that reads "Tommy and Donna Smith". The signature is written in black ink and is positioned above the printed name.

Tommy and Donna Smith

627
November 15, 2013

Secretary Earl D. Hance

Maryland Department of Agriculture

50 Harry S Truman Parkway

Annapolis, Maryland 21841

Dear Secretary Hance:

I am a live production supervisor for a integrator who lives in Wicomico County and I am extremely concerned about the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool.

The fear that I have is the proposed regulation will be a huge financial burden on the whole agricultural community. I know working in the poultry industry for over 20 years that I have seen a lot of changes over the years and one of them has been the way farmers and poultry producers have done business to improve the environmental climate here in Maryland. However with this being said it has not changed overnight. I believe through diligence in research and education for all the agricultural community we have made Maryland a better place to live as well as be a leader in environmental stewardship for other states to follow suit. Allowing this regulation to implemented in a phase in date will not cause environmental harm as well as come up with solutions to help our problems without causing economic hardship for folks that will be directly affected immediately.

Please consider my comments and slow this regulation down as it will have great financial impacts on the whole agricultural community here on the eastern shore of Maryland. As I stated before Maryland has always been a leader of environmental stewardship but let's not cut off the hand that feeds us without trying to come up with logical and timely solution that everyone can with and not cause great financial hardship.

Respectfully yours,

John Hershberger

Hebron, Maryland



OPPOSITION TO PROPOSED MARYLAND PHOSPHOROUS MANAGEMENT TOOL REGULATION

Jack Hastings <jjhas413@mchsi.com>
To: EARL.HANCE@maryland.gov

Sat, Nov 16, 2013 at 9:35 AM

To Secretary Hance:

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. I, along with like voters across Maryland, firmly request that the implementation of this regulation be put on hold until:

(1) A full economic impact study is completed, publicized, discussed and its results incorporated into the regulation;

(2) Tested and proven plans are in place to deal with the excess organic fertilizer;

(3) Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;

(4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, my family and I support the continued restoration of the Chesapeake Bay. This land and the bay are our homes. In many cases this has been through multiple generations. We recognize that this will take continued collective efforts by all of us. Importantly to consider is that agriculture has already made significant progress on the Chesapeake Bay Model and the PMT remain works in progress. Its impact on Maryland's farm families and the industries behind them has not been determined. These farm families have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!



Earl Hance <Earl.Hance@maryland.gov>

PMT comments

Schmidt Vineyard Mgt <schmidtvineyardmgt@gmail.com>

Sat, Nov 16, 2013 at 5:39 PM

To: Earl Hance <Earl.Hance@maryland.gov>

Cc: Royden Powell -MDA- <royden.powell@maryland.gov>, jo.mercer@maryland.gov

Dear Buddy,

Attached are my comments on the PMT for the public comment period ending on Monday, November 18th. Thank you for withdrawing the PMT in order to have sufficient time to review the comments and consider revisions.

Jennie

—
Jennie Schmidt
Schmidt Vineyard Management Co.
schmidtvineyardmgt@gmail.com
410-438-3679 (Home Office)
@FarmGirlJen
<http://thefoodiefarmer.blogspot.com>

 **PMTcomments_JSchmidt.pdf**
139K



Secretary Earl Hance
Maryland Department of Agriculture

50 Truman Parkway
Annapolis, MD 21401

Dear Secretary Hance,

November 16, 2013

Thank you for withdrawing the proposed Phosphorus Management Tool in order to allow time to review these and other comments in order to make the regulation more appropriate and more effective. As I know you are aware, phosphorus is ubiquitous. DNA and RNA, the very foundation of all life, are composed of phosphorus. It is an essential nutrient used in every physiological function and metabolic pathway in humans, animals, and plants. In soil, phosphorus availability to plants is impacted by a plethora of factors, including but not limited to soil temperature, pH, iron and aluminum content, organic matter, and cation exchange capacity.

With respect to the proposed Phosphorus Management Tool (PMT), I would like to submit the following comments based on a review of the available literature. I am opposed to the implementation of the PMT for the following reasons:

- 1. Incomplete data:** The University of Maryland has yet to publish in a peer-reviewed journal, the methodology or results of the data collection and analysis of this new tool. The Extension Bulletin EB-405 <http://extension.umd.edu/sites/default/files/docs/articles/EB-405%20UMD%20Phosphorus%20Management%20Tool-Technical%20Users%20Guide.pdf> lacks any references of the research or outcomes of the PMT which reveals a lack of supporting data to demonstrate that the tool works. What EB-405 does reference is the Phosphorus Site Index and the Melich 3 procedures, but is devoid of data or references on results of the PMT. In order to implement the PMT, the tool must be substantiated by actual data. While there are volumes of research on P and other P-indices, there is no published data on the PMT. Implementing regulations ahead of complete and sound science is very poor policy development.
- 2. Unclear Science:** The study entitled "Evaluation of Phosphorus Indices after Twenty Years of Science and Development" (JEQ: 2012, Vol. 41 No. 6, p. 1703-1710) <https://www.agronomy.org/publications/jeq/articles/41/6/1703#ref-45> that Royden Powell provided me after my email to you last week and which I believe you reference the "20 years of data" in the press release Friday is really insufficient support for the PMT. I say that because the study does not provide sufficient or broad enough ground studies to make it applicable, nor does it correlate stream monitoring outcomes to those ground studies. The conclusion of this journal article in fact, says the very same thing: *"The papers in this special collection conclude that P indices can provide accurate assessments of P loss but must be evaluated appropriately. Evaluation will require compiling large regional P loss datasets at field and small watershed scales. Simulation models may be used to generate P loss estimates; however, models must be calibrated and validated to ensure their accuracy. Further development of P indices will require coordinated regional efforts to identify common P Index frameworks and standardized interpretations."* The study supports my statement that there is incomplete data. The Maryland experience is that simulation models such as the Bay Model are flawed and inaccurate, full of errors, over-estimations and miscalculations including actual acres of county agricultural land and poultry manure production as well as others. While the study does support the use of P-indices as a mechanism to evaluate P losses, it clearly states that there is conflicting results as to whether these indices improve water quality.

3. **Phosphorus Source Delineation:** As you are aware, Dr. Deb Jaisi is conducting ongoing research using phosphate oxygen isotope ratios to fingerprint the phosphorus in the Chesapeake Bay. This research is critical in order to determine the phosphorus' "signature" – the sources and levels of phosphorus in the bay. Since phosphorus is ubiquitous and the sources of natural land presence, oceanic, atmospheric, point vs. nonpoint sources have not been fingerprinted, the results of this research is imperative before implementing further nutrient regulations on the agricultural community.

4. **PSI data & BMPs:** The region's agri-businesses who conduct extensive soil sampling for their customers have reported that their aggregate soil data shows declining P, a sign that the PSI is effective. A recent article published in the *Journal of Environmental Science & Technology* "Quantifying Groundwater's Role in Delaying Improvements to Chesapeake Bay Water Quality" (<http://pubs.acs.org/doi/pdf/10.1021/es401334k>) concluded that the median age of Delmarva groundwater N is 20-40 year old. In fact, the research cited that the base flow of groundwater from the Delmarva is "markedly older" than the groundwater flow from the Western shore which has more fractured rock and low-porosity terrain leading to faster base-flow of water in the Chesapeake. Thus P from the Delmarva moves more slowly and in groundwater would surpass this study's median N age of 20-40 years.

Since P is adsorbed to soil and not highly mobile or leachable, the ability for P to "move" is limited except as attached to sediment and can mainly move through surface water and wind erosion. The 2011 NRCS Conservation Effects Assessment Project (CEAP)

http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcsdev11_023934.pdf

showed that 96% of farms in the watershed practiced residue or tillage management systems to control for sediment loss, 88% of cropland was defined as "no-till", however, this was before Maryland implemented the 48 hour organic fertilizer incorporation mandate. Sedimentary P-loss from no-till cropland is lower than from reduced tillage and conventional tillage. The effects of conservation practices slows both surface water loss and sediment control, thus farms with conservation practices both overland and edge of field, lose less phosphorus. Maryland's regulation for mandatory manure incorporation in an effort to decrease nitrogen volatilization, has increased the phosphorus loss potential through sediment loss due to exposed soil resulting from tillage. The State has essentially removed pure "no-till" conservation practice for farms using organic fertilizer. As the CEAP study shows, phosphorus loss through reduced tillage practices is higher than no-till farming.

Frankly, it's sad that the State chooses to overlook improving soil health, and instead, attempts to micro-manage individual nutrients with competing regulations. It is time to stop looking through a narrow lense of "N" or "P" and look at on-farm practices that can improve overall soil health which leads to improved watershed health.

Thank you for your careful consideration of these comments.

Sincerely,



Jennifer Schmidt, MS, RD
Managing Partner
Schmidt Vineyard Management Company



PMT Regulations

Thelmajeane Hipkins <tjhipkins@aol.com>

Sat, Nov 16, 2013 at 5:39 PM

To: Earl.Hance@maryland.gov

We are writing to you to let you know that we, as New Design Acres, LLC, oppose the adoption of the new Phosphorus Management Tool (PMT) at this time. The restrictions in these regulations will dramatically limit the use of the manure that is produced by our dairy cows. This will impact our operation in many ways.

As farmers in the State of Maryland, we believe that it makes no sense to impose this burden on us when at 130% we are the only sector to reach our Bay cleanup goals in the most recent analysis and we are doing more than our fair share.

It is our understanding that other state agencies have backed off when proposed water quality regulations are expected to have an unreasonable economic on businesses. The most recent example is in the Accounting for Growth negotiation at the Maryland Department of the Environment. When the development community balked at paying \$30,000 per credit to offset Phosphorus in new development, the agency agreed that they would only have to address Nitrogen. In fact, they reasoned that as long as Nitrogen was addressed (at around \$3000 per credit) Phosphorus would be contained. Shouldn't the farm community, one of the largest economic drivers in the state, get the same consideration?

We are concerned that replacing our slow-releasing manure that we use for most of our fertilizer needs, with water-soluble chemical Nitrogen will have a much greater impact on the Bay. The Chesapeake Bay Foundation agrees with this concern in their October, 2013, Pennsylvania Fact Sheet entitled, "Manure: Not the Leading Cause of Nitrogen Pollution to the Chesapeake Bay." In it they emphasize that "in the case of nitrogen pollution, manure is not the leading source; rather, chemical fertilizers applied onto agricultural lands are the leading source of nitrogen pollution..." And since no study has been conducted to analyze the potential impact of switching from organic to chemical fertilizer, it is possible that the effort to address a perceived Phosphorus problem on farms will cause a new Nitrogen concern.

And we say "perceived Phosphorus" problem because we know that the Chesapeake Bay Model does not currently give credit for most of the phosphorus control measures we, all Maryland farmers, have already taken on our farms. It is possible that once the model is corrected and the new numbers are run, we will have already met our Phosphorus reduction goals, without the need to implement the onerous PMT.

We do request that this proposed regulation be withdrawn. The science is simply not ready, and the cost-benefit analysis has not been conducted. The argument that we, as farmers, who are already at a compliance of 130%, still need to do more is not acceptable to us.

already met our Phosphorus reduction goals, without the need to implement the onerous PMT.

We do request that this proposed regulation be withdrawn. The science is simply not ready, and the cost-benefit analysis has not been conducted. The argument that we, as farmers, who are already at a compliance of 130%, still need to do more is not acceptable to us.

11/18/13

63



Earl Hance <Earl.Hance@maryland.gov>

Proposed Phosphorus Regulations

David Greene <greelamb@gmail.com>
Reply-To: David Greene <greelamb@gmail.com>
To: Earl.Hance@maryland.gov

Sat, Nov 16, 2013 at 6:00 PM

Dear Secretary Hance,

I urge you to postpone the new phosphorus regulations until an economic study can be done that will show the financial impact these regulations will have on the state's farmers, especially the broiler growers on the Eastern Shore.

David L. Greene



Phosphorus Management Tool (PMT)

Tomahawk Farms <tomahawkfm@gmail.com>
To: jo.mercer@maryland.gov, earl.hance@maryland.gov

Sun, Nov 17, 2013 at 3:01 PM

Earl Hance
Jo A. Mercer, Ed.D.
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

Dear Dr. Mercer and Mr Hance:

As a new farmer and former state employee, I am extremely concerned about the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool. I recently retired from the state of Maryland and now have a new appreciation for being the regulated instead of being the regulator. Please slow down and think this process through. Include farmers in this process as you wade through the tough demands of clean water for Maryland. Its a tough business in Agriculture and the costs are choking some producers to the limit. Taxes, fuel prices, equipment costs and the extremely confusing regulations, some of which is not understood unless you have a law degree, is mind numbing. The paperwork has created an entirely new expense for the farmers and some have outsourced the completion of required documents to newly created experts. A new layer of and expense for the farmer. **INCLUDE THE FARMER IN THE PROCESS!**

My first fear is that the proposed regulation, which will have huge impacts on the state's agricultural community, is based on incomplete research. The University of Maryland researchers have stated that their work is not done, yet the state is moving forward at breakneck speed for what appears to be political reasons. Rather than being focused on how to support and improve the agricultural community, the department seems more concerned with appeasing the U.S. Environmental Protection Agency. If the farming sector in Maryland was lagging in achieving Chesapeake Bay Watershed Implementation Plan goals, then perhaps enhanced efforts would be needed, but as Secretary of Agriculture Earl Hance has stated, we are at 130% of the goal. That's an accomplishment that seems to be lost on Governor O'Malley, the Maryland Department of Agriculture, and the EPA.

Allowing an extended and orderly phase-in of the implementation date of the Phosphorous Management Tool will cause no environmental harm. For decades, the scientific and regulatory community told farmers not to worry about applications of phosphorus to the soil because unless the soil moved, the phosphorus would not move. Recently, that thinking changed and farmers began applying manures based upon their phosphorus content. The phosphorus levels in soils and waters were achieved over decades and will not be corrected for decades, even if this new regulation changes manure application procedures in 2015. Waiting a few more years to allow for an orderly phase-in will not cause any harm to our

environment. An orderly phase-in will allow the agricultural community to adjust and make required changes. Additionally, we saw firsthand how difficult and time consuming it was for Maryland CAFO farmers to obtain a Comprehensive Nutrient Management Plan and to think the conservation districts, the University of Maryland Extension, and/or private consultants can do enough side-by-side Phosphorus Site Index/Phosphorus Management Tool comparisons in 2014 to provide valid results does not seem feasible.

Here are some of my concerns about the near-immediate implementation of this regulation. First and foremost, how can the Department of Agriculture even think about proposing a regulation that could cause such financial hardships on farm families when no meaningful economic impact analysis has been done?

- Denied the ability to use manure, a locally produced organic fertilizer, on their own crops, some chicken farmers will have to buy commercial fertilizer to replace chicken manure they already own. That will have a negative economic impact on the chicken growers.
- Chicken growers who have been selling their manure to other farmers may no longer have customers, thus a loss of income.
- Chicken growers who have had their chicken houses cleaned with manure removed from the farm without charge may now have to pay somebody to clean the houses and transport the manure since the cleaning/transporting company may not be able to sell the manure to make a profit and cover the costs of cleaning/transporting.
- Even if the MDA establishes the state storage sites, it will be the chicken growers' responsibility to transport the manure to the site, possibly creating a cost for the chicken growers.
- If the value of manure is lost, then alternative use companies might start charging a fee to accept manure, much like a landfill charges for disposal. If any alternative use companies start operating, and nothing of any magnitude appears to be on the horizon, they might charge a disposal fee instead of buying manure or accepting it.

Once this regulation is in effect, as it appears it will be and contrary to the wishes of many in the agricultural community, there will be many negative effects to the farming community, individuals like me, and the entire state of Maryland without noticeable improvements in water quality.

Please, slow this down, evaluate, coordinate and ensure this will do what it is intended to do: clean our water. Allow the scientific research to be completed and then allow an orderly phase-in much as the game-changing Water Quality Improvement Act of 1998 allowed a phase-in period. Without alternative uses of manure and cost effective replacements for this soon-to-be lost organic fertilizer, tremendous harm will come to the state of Maryland without improving the environment.

Respectfully yours,

Joe Branham, a new farmer

200 windy acres farm lane

Centreville, MD



Concern Regarding Proposed Regulation

Chas Schaffernoth Jr. <Chas@compasssc.com>
 To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Sun, Nov 17, 2013 at 7:41 AM

Dear Secretary Hance;

My family and I are dependent upon the poultry industry and agriculture in Maryland. I would like to go on record in opposition to the Nutrient Management / Phosphorous Management Tool (PMT) regulation recently proposed by the Maryland Department of Agriculture (MDA). It is my position that the economic impact of this regulation on the poultry growers, poultry integrators and their employees, grain and soybean farmers with families like mine and the many businesses supporting agriculture in Maryland is huge.

Additionally, in my view, there is no practical, realistic, sufficient and timely plan proposed with this regulation for dealing with the estimated excess organic fertilizer that will result from the implementation of the PMT.

Furthermore, MDA is not allowing farmers directly impacted by this regulation enough time to evaluate its effect on their businesses and develop any workable alternatives. The modifications being developed for the Chesapeake Bay Model, the basis for the nutrient management/PMT regulation, will change the model's output relating to the amounts and impact of organic fertilizer. I, along with like voters across Maryland, firmly request that the implementation of this regulation be put on hold until;

- (1) A full economic impact study is completed, publicized, discussed and its results incorporated into the regulation;
- (2) Tested and proven plans are in place to deal with the excess organic fertilizer;
- (3) Enough time is given to farmers that are directly affected to fully understand the impact of the Nutrient Management / PMT regulation on their specific farm, and understand what alternatives are available, and;
- (4) Scheduled modifications to the Chesapeake Bay Model are made, the resultant effects determined, and those effects incorporated into any nutrient management / PMT regulation proposed.

Like most Marylanders, we support the continued restoration of the Chesapeake Bay. This land and the bay are our homes. In many cases this has been through multiple generations. We recognize that this will take continued collective efforts by all of us. Importantly to consider is that agriculture has already made significant progress on the Chesapeake Bay Model and the PMT remain works in progress. Its impact on Maryland's farm families and the industries behind them has not been determined. These same voters have not been afforded the time to adjust to regulations that could drastically alter their economic livelihood and the economy of the state.

Thank you for your consideration!

Charles Schaffernoth, Jr.

Berlin, MD

443-513-4849 - Ph

877-343-6611 - Fx

Chas@Compasscc.com

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11/18/13



MARYLAND

Earl Hance <Earl.Hance@maryland.gov>

Letter Against Implementing The New PMT Regulations

Sargent, Timothy <TSargent@mafc.com>

Mon, Nov 18, 2013 at 8:05 AM

To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Cc: "samuel.rosenberg@house.state.md.us" <samuel.rosenberg@house.state.md.us>, "eric.bromwell@house.state.md.us" <eric.bromwell@house.state.md.us>, "bob.costa@house.state.md.us" <bob.costa@house.state.md.us>, "brian.feldman@house.state.md.us" <brian.feldman@house.state.md.us>, "keith.haynes@house.state.md.us" <keith.haynes@house.state.md.us>, "jolene.ivey@house.state.md.us" <jolene.ivey@house.state.md.us>, "dan.morhaim@house.state.md.us" <dan.morhaim@house.state.md.us>, "doyle.neimann@house.state.md.us" <doyle.neimann@house.state.md.us>, "paul.pinsky@senate.state.md.us" <paul.pinsky@senate.state.md.us>, "john.astle@senate.state.md.us" <john.astle@senate.state.md.us>, "david.brinkley@senate.state.md.us" <david.brinkley@senate.state.md.us>, "jim.brochin@senate.state.md.us" <jim.brochin@senate.state.md.us>, "jennie.forehand@senate.state.md.us" <jennie.forehand@senate.state.md.us>, "lisa.gladden@senate.state.md.us" <lisa.gladden@senate.state.md.us>, "nancy.jacobs@senate.state.md.us" <nancy.jacobs@senate.state.md.us>, "norman.stone@senate.state.md.us" <norman.stone@senate.state.md.us>, "bobby.zirkin@senate.state.md.us" <bobby.zirkin@senate.state.md.us>

Secretary Hance,

I mailed the attached letter to Governor O'Malley. I also wanted you and the Committee Members of the AELR receive a copy.

Thank you for your consideration.

Tim Sargent

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 **Letter to Governor O'Malley Regarding PMT Regulations, 11.16.2013.docx**
16K

November 16, 2013

The Honorable Governor Martin O'Malley
100 State Circle
Annapolis, Maryland 21401-1925

Dear Governor O'Malley:

My purpose for writing is to add my voice to the concerns raised over the planned implementation of the phosphorus management tool (PMT) regulation. While writing this letter, I learned that on Friday, November 15, 2013, Maryland Department of Agriculture (MDA) Secretary Hance announced the withdrawal of the proposed PMT regulations from consideration by the Joint Committee on Administrative, Executive and Legislative Review (AELR). This was a hard fought success for many, but more needs to be done.

I attended the October 8, 2013 meeting in Salisbury, where Secretary Hance presented the State's case for moving forward with the PMT regulations. What was not included in his presentation were supportive answers to the following:

- questions raised regarding the "science" behind the new PMT regulations;
- questions raised regarding the economic impact to farmers as a result of implementing the new PMT regulations;
- questions raised as to why the PMT regulations must be implemented so quickly, when, as it was learned at the meeting, one of the primary stakeholders in this decision was not in agreement with it or its implementation.

These and other questions need to be addressed and resolved by a more "balanced" committee of concerned stakeholders.

That being said, now is not the time to gloat; now is the time for all concerned citizens, in favor of retaining agriculture's status as Maryland's number one industry, to work even harder to ensure that any new regulations are fair to all who earn their livelihood through agriculture. This includes drilling-down to get the answers to all our questions. We, as concerned stakeholders, must remain vigilant and continue to work together to assure future successes.

Sincerely,

Timothy P. Sargent



Earl Hance <Earl.hance@maryland.gov>

PMT written comments

Wimberly Farms, Inc. <wimberlyfarms@gmail.com>

Mon, Nov 18, 2013 at 4:18 PM

To: earl.hance@maryland.gov

Please see my written comments attached.

Thank you,

Kevin Anderson.

—
Wimberly Farms, Inc.
William & Kevin Anderson
PO Box 187
10605 Old Princess Anne Rd.
Princess Anne, MD 21853

phone: 410-651-2706

fax: 410-651-5559

wimberlyfarms@gmail.com

 **MDA opposition to PMT.docx**
18K

Wimberly Farms, Inc.

William H. Anderson & H. Kevin Anderson

PO Box 187

10605 Old Princess Anne Road

Princess Anne, Maryland 21853

Phone: 410-651-2706 Fax: 410-651-5559 wimberlyfarms@gmail.com

18 November 2013

Dear Secretary Hance,

I am writing you as a 4th generation Maryland farmer. My father and I farm together in Somerset County. In addition to grain crops, we also have a seed operation where we clean and bag soybean, wheat, and barley seed. We do not have any livestock or poultry in our operation; however, we do spread poultry manure on some of our fields. This letter will serve as my written comments in opposition to the proposed Phosphorous Management Tool (PMT).

Since I have been farming, I have always followed the University of Maryland recommendations for fertilizer application on my farm. The proposed tool (PMT) does not allow any exceptions for deficiency or disease application of Phosphorous. It could take 50-100 years before Phosphorous would be permitted to be applied to my farmland again. Farms cannot operate under these conditions. Just because there may be Phosphorous in the soil, that doesn't mean it is plant available. Our expenses are high, and we require good yields to be profitable and sustainable.

I do not spread poultry manure because it is a cheap fertilizer. I spread poultry manure to utilize a by-product of the poultry industry. I have invested \$150,000 in equipment to handle manure and make it cost efficient. But, it's not cheap. The poultry industry is critical to the economy of Maryland, not just the agriculture community. The relationship between crop farmers and poultry farmers is symbiotic. We depend upon each other for our survival.

The PMT promotes tillage, which leads to erosion. This may be an unintended consequence, however, it will happen. Farmers will till the ground to dilute the concentration of Phosphorous. If we are unable to spread poultry manure, then farmers will have to apply commercial Nitrogen to their crops. Commercial Nitrogen leaches faster in a rain event than organic Nitrogen. This is yet another unintended consequence.

The PMT does not take into account the differences in soils, topography, and land uses in the different counties of the state. Certainly these differences are important regarding the movement of Phosphorous, and the potential to cause damage to waterways.

This proposed regulation would require me to sacrifice my entire operation and my livelihood for an unknown, if any, environmental benefit. There has been no environmental impact study on the PMT. So, we don't even know for certain that there would be a beneficial impact with the implementation of this tool. Furthermore, there has been no economic impact study. It occurs to me that these studies would be critical in the determination of the feasibility of implementation of the Phosphorous Management Tool as proposed.

In addition to pulling the regulation, as proposed, I would like to see economic and environmental impact studies completed, at the very least. Before you sacrifice a major economic engine in Maryland, I think there needs to be more true science to back it up. Farmers in Maryland have worked very diligently over the past several years to comply with Nutrient Management regulations. After all, our livelihood depends upon our stewardship of the natural resources that we utilize.

Sincerely,
H. Kevin Anderson
Princess Anne, MD



Earl Hance (MDA) <earl.hance@maryland.gov>

Comment on Phosphorus Management Tool

David Cadell <david@cadellassociates.com>

Mon, Nov 18, 2013 at 6:05 PM

To: Earl Hance <earl.hance@maryland.gov>

Cc: Valerie Connelly <valeriec.mdfb@verizon.net>, Bill Satterfield <satterfield@dpichicken.com>

Buddy,

I understand that MDA has withdrawn the PMT for the time being and commend you for doing so. Nevertheless, I want to submit the attached comments for consideration if the PMT is revised at a later date.

Sincerely,

David Cadell

 **PMT Comments.pdf**
101K

Cadell & Associates, LLC

*29556 Brant Court
Easton, MD 21601
410-822-0010*

November 18, 2013

Earl F. Hance, Secretary
Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

Via earl.hance@maryland.gov

Comments - Proposed Phosphorus Management Tool

For the record, I am a Certified General Real Estate Appraiser with a firm located in Easton, Maryland. I have qualified as an expert witness in seven different Maryland jurisdictions and have never been denied expert status. My firm specialized in the appraisal of agricultural properties and because of our location and clientele likely appraises more poultry farms than any other firm in Maryland, possibly one of the most in the United States.

Myself and representatives from my firm were in attendance at the PMT hearings in both Salisbury and Easton and share the agricultural communities concerns over the impact of the proposed regulations. We also share the belief that the potential impact of the regulations have not been adequately investigated and are not fully understood.

For instance, the appraisal of poultry farms differs significantly from the appraisal of a grain farm, in that they generally utilize an income approach and grain farms do not. This distinction is significant and will have a pronounced impact on the values of poultry farms.

There are basically three approaches to value in the appraisal of real estate. The income approach develops a cash flow model for a given year and divides the projected net income by a factor referred to as a cap rate.

Cap rates for Maryland poultry farms tend to range between 0.075 to 0.13 and depend on a number of property specific attributes. Unfortunately because of their small size, cap rates amplify changes to net income 7 to 13 fold. As a result, an increase of \$15,000 in the expense of disposing of poultry litter could equate to a loss of \$200,000 in property value! An increase of \$50,000 could result in a loss of \$650,000 in property value!

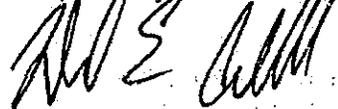
Equally concerning is the slim margins in which many poultry farms are now operating and that government officials seem to lose sight that self-employed individuals, including farmers, assume the risk at least in part to attempt to make a profit. With profit margins shrinking and property values dropping, there is a point in which it will no longer make sense to participate in business, at least in Maryland.

Although myself and everyone in my office sincerely rejoiced with the Hudson's victory, it often occurs to me that Maryland ag may have won the Hudson battle, but already lost the war. If the replacement of new poultry houses in Maryland remains below the retirement of houses as a result of aging, it strikes me that we are just riding out the decline. Without a Department of Agriculture and our land grant university soundly behind ag, sadly, can it be anything other than a matter of time.

I personally think Maryland should take a more proactive approach. Take Washington State for instance, concurrent with Maryland's use of the PMT to run the largest industry (ag) out of the State, Washington State on the other hand offered Boeing \$9 billion dollars to stay!

I realize when you go into to your meetings ag is often outnumbered. However, keep in mind that you represent Maryland largest industry and individuals that have made world class environmental contributions and are willing to continue to do so! It is a shame but the same can't be said of the environmentalist, themselves. Certainly, there must be a way to get that point across to them and get them off of ag's back, at least for a while.

Respectfully submitted,



David Cadell

cc

Val Connelly, Maryland Farm Bureau
William Satterfield, DPI

637



HOPE IMPACTS

Hoagland Outcomes for the Preservation of our Environment

hopeimpacts.com
14507 Sawview Court
Midlothian, VA 23112
804.221.0404

November 18, 2013

Jo A. Mercer, Ed.D.
Administrator, Nutrient Management Program
Maryland Department of Agriculture
50 Harry S Truman Parkway
Annapolis, MD 21401

RECEIVED

NOV 18 2013

OFFICE OF THE SECRETARY

RE: Phosphorus Site Index Regulatory Changes

Dear Dr. Mercer:

While I am aware of the Administration's announcement of its intent to withdraw the PMT regulation, I do not know if that action is official, yet, so I am filing these comments on behalf of various members of the Maryland Clean Agriculture Coalition. Please accept these comments on the Phosphorus Management Tool; i.e., Regulation .02 of COMAR 15.20.07, .05 of COMAR 15.20.08, and the incorporated by reference sections of the Maryland Nutrient Management Manual and associated University of Maryland Phosphorus Management Tool: Technical Users Guide (UMD-PMT) pursuant to the notice published in the Register.

In summary, we support the proposed regulations, which reflect not only the best science available but also the consensus agreement negotiated by MDA with the Chesapeake Bay Foundation, sixteen Maryland Clean Agriculture Coalition partner organizations, the Delmarva Poultry Industry, the Maryland Farm Bureau, and the Maryland Grain Producers Association. Although the agricultural interests have subsequently rejected their commitment to the provisions of this agreement, the terms of which are reflected in the regulations, we believe that the regulations are a fair and balanced proposal for implementing the Phosphorus Management Tool (PMT), an essential step in our efforts to restore the health and well-being of Maryland's waterways and the Chesapeake Bay.

We reference and incorporate by reference the prior comments filed February 25, 2013, by several partners of the Maryland Clean Agriculture Coalition¹ in response to the initial set of regulations which MDA public noticed in the Maryland Register last January. We appreciate that MDA has responded positively to several of the points contained in those comments by incorporating changes into the currently proposed regulations.

Specifically, we ask:

- That the proposed time frames contained in the regulations for the implementation of the PMT remain unchanged. The regulations are already years late. The repeated delay is evidenced by the following timeline:

¹ The Assateague Coastal Trust, Environmental Integrity Project, Environment Maryland, Maryland League of Conservation Voters, Water Stewardship, Inc., and West/Rhode Riverkeeper, Inc.

- December 2010: Maryland's 2010 Chesapeake Bay Watershed Implementation Plan commits the state to updating the Phosphorus Management Tool by 2011.
- April/May 2012: University of Maryland scientists present latest phosphorus research and proposed PMT updates.
- January 2013: MDA publishes draft PMT regulations. During the 30-day public comment period, MDA receives seven comments.
- July 2013: MDA proposes "emergency" regulations to make up for delay and implement the PMT in fall 2013.
- August 2013: MDA pulls the emergency regulations in order to address stakeholder concerns. The O'Malley Administration holds three stakeholder meetings and forges a consensus agreement among environmental and agriculture organizations.
- October 2013: Per stakeholder agreement, MDA proposes revised PMT regulations. The PMT must be used on all applicable farm fields beginning January 2015. The agricultural community reneges on the consensus agreement and AELR schedules a hearing for November 20, 2013.

Additional delay will only allow additional pollution of the Chesapeake Bay. All Marylanders are being asked to reduce pollution – urban and suburban taxpayers are paying to reduce polluted runoff; builders are limiting pollution from new development; rural areas are limiting septic system installations. If we do not reduce pollution from farm fields via the PMT, as planned, Maryland will need to reduce more pollution from other sources.

- That the latest science and research methods are incorporated into the PMT in a timely manner in the future. It has taken far too many years for Maryland to update the old Phosphorus Site Index with the PMT. The Maryland WIP commits to reviews of the PMT every five years. We fully support the ongoing continuous evaluation of fields at high risk for phosphorus loss and the parallel five-year update of the PMT.
- That MDA ensure the greatest level of transparency in the disclosure of Maryland soil phosphorus saturation levels and PMT results. The need for transparency around implementation of the PMT is essential to good government and good environmental policy decisions. The MDA commitment to periodic reporting, to evidence whether or not the PMT is actually achieving changes on the ground, particularly in those areas where manure production exceeds local crop nutrient requirements, is critical to our continued forward movement. Maryland's WIP commits to reporting "aggregated data reflecting phosphorus applications to cropland within specifically defined geographic areas. Data will be gathered from annual nutrient management reporting information and will reflect phosphorus applications by crop type before and after changes to the P-site index." We recommend that the "defined geographic area" be the TMDL segment boundaries, as has been suggested by MDA staff in the past.

I have included, and hereby incorporate by reference, a Position Statement endorsed by a number of the Coalition partners.

Thank you for taking these comments into consideration. If you have any questions, please contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Roy A. Hoagland". The signature is stylized with a large, sweeping initial "R" and "H".

Roy A. Hoagland, Esq.

Administrative, Legislative, and Executive Review Committee -- November 20, 2013
Proposed Regulations, DLS Control No. 283-13 - Phosphorus Management Tool
Position: FAVORABLE

Manure is a major source of phosphorus pollution, harming Maryland streams and the Chesapeake Bay. Phosphorus pollution causes algae blooms that kill underwater grasses; threaten human health; harm aquatic life like blue crabs, oysters and fish; and create an enormous “dead zone” in the Bay. According to BayStat, more than half of Maryland’s phosphorus pollution comes from farms.

The Phosphorus Management Tool (PMT) reflects more than ten years of scientific research. It more accurately predicts the likelihood of phosphorus polluting local waters and will better control the use of manure on farm fields. Experts (e.g., Tom Simpson, Ph.D.¹) say the PMT will reduce phosphorus runoff without adverse impacts to crops and will make our waters cleaner in both the short term and long term.

Science shows that the current tool, the Phosphorus Site Index (PSI), is flawed. The PMT corrects the flaws of the PSI. The PMT reflects research by the University of Maryland that shows there is a much greater risk of farm field phosphorus polluting Maryland waters than previously believed. Scientists at the University of Maryland estimate that nearly half of Maryland farm fields are polluting rivers and streams and the Chesapeake Bay due to excessive phosphorus.

The PMT is a major part of Maryland’s commitment to clean up the Chesapeake Bay. The state has been claiming credit for the tool since 2011. It has now been delayed four years.

- **December 2010:** Maryland’s 2010 Chesapeake Bay Watershed Implementation Plan commits the state to updating the Phosphorus Management Tool by 2011.
- **April/May 2012:** University of Maryland scientists present latest phosphorus research and proposed PMT updates.
- **January 2013:** MDA publishes draft PMT regulations. During the 30-day public comment period, MDA receives seven comments.
- **July 2013:** MDA proposes “emergency” regulations to make up for delay and implement the PMT in fall 2013.
- **August 2013:** MDA pulls the emergency regulations in order to address stakeholder concerns. The O’Malley Administration holds three stakeholder meetings and forges a consensus agreement among environmental and agriculture organizations.
- **October 2013:** Per stakeholder agreement, MDA proposes revised PMT regulations. The PMT must be used on all applicable farm fields beginning January 2015. The agricultural community reneges on the consensus agreement and AELR schedules a hearing for November 20, 2013.

All of your constituents are being asked to reduce pollution: urban and suburban residents are paying to reduce polluted runoff; builders are “accounting for growth” and limiting pollution from new development; rural areas are limiting septic system installations.

As the single largest source of pollution to the Chesapeake Bay, agriculture must do its part, including its part to reduce phosphorus pollution. If it doesn’t, everyone else will have to do even more.

The O’Malley Administration has committed to significant state, tax-payer funded additional resources to assist Maryland farmers as they implement the updated PMT. Please support the adoption and implementation of the Phosphorus Management Tool as proposed by the Administration.

Contact:

Roy Hoagland, Coordinator, Maryland Clean Agriculture Coalition; royhoagland@hopeimpacts.com

¹ Dr. Simpson has said, “As MDA has noted, the PMT reflects the results of over ten years of research by state, regional, national and international scientists. This research has provided overwhelming evidence that the PMT will serve as a critical new tool for reducing phosphorus runoff from farm fields, with no adverse impacts on crop yields. Without question, there will be both short term and long term environmental and water quality benefits to Maryland waters and the Chesapeake as a result of using the PMT.”

WHAT IS THE PHOSPHORUS MANAGEMENT TOOL?

- Many Maryland farm fields with a history of manure (and biosludge) application have phosphorus levels far in excess of the level needed for successful crop growth. Fields with high phosphorus levels can pollute nearby waterways and the Chesapeake Bay.
- To limit phosphorus pollution, Maryland and many other states have used the Phosphorus Site Index (PSI) since 2001 to calculate the risk of phosphorus pollution reaching waterways. This tool is now out of date. Recent research, particularly by the University of Maryland, has established that the PSI is seriously flawed.
- The updated Phosphorus Management Tool (PMT) more accurately estimates the likelihood of phosphorus polluting nearby waters from farm fields. It will reduce pollution in waterways by ensuring no manure is spread on "high risk" fields.
- Based on the best science available, the PMT corrects flaws in the old method. Changes include:
 - A better understanding of how phosphorus leaches from soils into waterways.
 - Revised weightings of different factors that provide a more accurate assessment of the risk of pollution.
 - New restrictions on "high risk" and "medium risk" fields.
- The PMT first calculates the level of risk for phosphorus migration from the farm field and then determines the permissible amount of manure a farmer can apply to that field.
- In addition, the PMT also helps farmers determine which best management practices they can use to reduce phosphorus pollution on their fields and thereby lower their PMT score.
- Farm fields with a fertility index value score of 150 or above will need to use the PMT to determine if they pose a low, medium or high risk of polluting nearby waterways. Only farm fields that result in a "high risk" PMT score will be prohibited from using manure. Not all farm fields with a 150 fertility index value score will be "high risk" or restricted from applying manure.

WHY NOW?

- Science shows that the tool we're currently using, the Phosphorus Site Index (PSI), is flawed.
- Tests by the University of Maryland show that many fields in Maryland pose a far greater risk of polluting the Bay than previously believed.
- The updated PMT is a major part of Maryland's commitment to clean up the Chesapeake Bay, but it has now been delayed four years. The state has been claiming credit for the PMT even though it is not yet implemented.
- The agreement negotiated by the O'Malley Administration and MDA in September gives farmers a phased-in approach, allows an additional year for implementation, and dedicates significant state, tax-payer funded resources to help farmers adjust. Delmarva Poultry Institute, the Grain Producers Association, and the Maryland Farm Bureau were a part of this agreement, along with environmental stakeholders.
- According to BayStat, more than half of Maryland's phosphorus pollution comes from farms. Failure to adopt the improved PMT will lead to more pollution in our waterways.
- All Marylanders are being asked to reduce pollution – urban and suburban taxpayers are paying to reduce polluted runoff; builders are limiting pollution from new development; rural areas are limiting septic system installations. If we do not reduce pollution from the updated PMT, as planned, Maryland will need to reduce more pollution from other sources.

For more information, read MDA's Phosphorus Management Tool fact sheet [here](#).

The Maryland Clean Agriculture Coalition is working to improve Maryland waterways and protect public health by reducing pollution, and increasing transparency and accountability, from agriculture and other associated sources of water degradation.

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NOV 18 2013
OFFICE OF THE SECRETARY

638

November 17, 2013

Secretary Earl D. Hance
Maryland Department of Agriculture
50 Harry S Truman Parkway
Annapolis, Maryland 21841

Dear Secretary Hance:

I am a Jack E Holt who lives in Caroline Co. and I am extremely concerned about the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool. The Holt family is a 2nd generation poultry farmers, we have large poultry farm in Caroline and Queen Anne's Co. In an effort to find a quick cure your putting the eastern shore farmers out of business. Where do you want your food to be imported from? China, think about the dog food we bought from them. Is that how you plan to pay back our loans.

My first fear is that the proposed regulation, which will have huge impacts on the state's agricultural community, is based on incomplete research. The University of Maryland researchers have stated that their work is not done, yet the state is moving forward at breakneck speed for what appears to be political reasons. Rather than being focused on how to support and improve the agricultural community, the department seems more concerned with appeasing the U.S. Environmental Protection Agency. If the farming sector in Maryland was lagging in achieving Chesapeake Bay Watershed Implementation Plan goals, then perhaps enhanced efforts would be needed, but as you have stated, we are at 130% of the goal. That's an accomplishment that seems to be lost on Governor O'Malley, the Maryland Department of Agriculture, and the EPA.

Allowing an extended and orderly phase-in of the implementation date of the Phosphorous Management Tool will cause no environmental harm. For decades, the scientific and regulatory community told farmers not to worry about applications of phosphorus to the soil because unless the soil moved, the phosphorus would not move. Recently, that thinking changed and farmers began applying manures based upon their phosphorus content. The phosphorus levels in soils and waters were achieved over decades and will not be corrected for decades, even if this new regulation changes manure application procedures in 2015. Waiting a few more years to allow for an orderly phase-in will not cause any harm to our environment. An orderly phase-in will allow the agricultural community to adjust and make required changes. Additionally, we saw firsthand how difficult and time consuming it was for Maryland CAFO farmers to obtain a Comprehensive Nutrient Management Plan and to think the conservation districts, the University of Maryland Extension, and/or private consultants can do enough side-by-side Phosphorus Site Index/Phosphorus Management Tool comparisons in 2014 to provide valid results does not seem feasible.

Here are some of my concerns about the near-immediate implementation of this regulation. First and foremost, how can the Department of Agriculture even think about proposing a regulation that could cause such financial hardships on farm families when no meaningful economic impact analysis has been done?

Chicken Farms

- Denied the ability to use manure, a locally produced organic fertilizer, on their own crops, some chicken farmers will have to buy commercial fertilizer to replace chicken manure they already own. That will have a negative economic impact on the chicken growers.
- Chicken growers who have been selling their manure to other farmers may no longer have customers, thus a loss of income.
- Chicken growers who have had their chicken houses cleaned with manure removed from the farm without charge may now have to pay somebody to clean the houses and transport the manure since the

cleaning/transporting company may not be able to sell the manure to make a profit and cover the costs of cleaning/transporting.

- Even if the MDA establishes the state storage sites, it will be the chicken growers' responsibility to transport the manure to the site, possibly creating a cost for the chicken growers.
- If the value of manure is lost, then alternative use companies might start charging a fee to accept manure, much like a landfill charges for disposal. If any alternative use companies start operating, and nothing of any magnitude appears to be on the horizon, they might charge a disposal fee instead of buying manure or accepting it for free.

Crop Farmers

- Denied the ability to use manure on their crops, crop farmers will have to buy commercial fertilizer to replace chicken manure that they have been using.
- Crop farmers who have used manure and not commercial fertilizers may have to buy or rent commercial fertilizer application equipment, thus raising their costs of doing business.
- Crop farmers wanting to hire a fertilizer applicator might find that there are not enough applicators or equipment in the short fertilizer application period to allow timely fertilizer applications. Increased demand in services will allow these applicators to raise their fees, thus higher costs for crop farmers.
- While commercial fertilizer will help a crop grow, the micronutrients and organic material in animal manure will help grow a larger crop. If yields are lessened due to the loss of organic material and micronutrients, then farmer income will diminish.
- Crop farmers and chicken farmers alike will most likely have to alter their business plans in ways that weaken their ability to withstand adverse growing conditions and/or markets – requiring new expenditures/capital purchases while at the same time artificially reducing their potential yields.
- Crop farmers could see increased effects of drought on their crops as a result of losing poultry litter's organic material that helps build up the soil's moisture retaining capabilities.

Once this regulation is in effect, as it appears it will be and contrary to the wishes of many in the agricultural community, there will be many negative effects to the farming community, individuals like me, and the entire state of Maryland without noticeable improvements in water quality.

Please, slow this down. Allow the scientific research to be completed and then allow an orderly phase-in much as the game-changing Water Quality Improvement Act of 1998 allowed a phase-in period. Without alternative uses of manure and cost effective replacements for this soon-to-be lost organic fertilizer, tremendous harm will come to the state of Maryland without improving the environment.

Respectfully yours,

Jack E Holt, Jr
Marydel, Maryland



Earl Hance MDIA <Earl.Hance@maryland.gov>

PMT comments

lauriezsavage@aol.com <lauriezsavage@aol.com>

Mon, Nov 18, 2013 at 11:54 AM

To: Earl.Hance@maryland.gov

Hello, I am e-mailing the comments on the PMT from the MD Dairy Industry Association. I mailed a hard copy last week and just wanted to be sure they were received.

Thanks!

Laurie Savage

MDIA

Secretary-Treasurer

 **PMT_Dairy.docx**
37K



Maryland Dairy Industry Association

Buddy Hance
Maryland Secretary of Agriculture
50 Harry S. Truman Parkway
Annapolis, MD 21401

Recent changes to Maryland Nutrient Management regulations have been extremely difficult for Maryland dairy farmers. The ban on winter hauling of manure has increased the need for expensive storage facilities. The heavy emphasis on incorporation may increase the likelihood of soil erosion and the greater loss of phosphorus. A more soil-friendly alternative is injection. This equipment is too expensive for smaller farmers to afford. They will have to rely on custom operators. Since the window to apply manure is now much smaller, all farmers will need their service at the same time, causing the potential for delayed planting and reduced yields.

The old Phosphorus Site Index was a useful tool to manage fields with high phosphorus values. It allowed much more flexibility than the new Phosphorus Management Tool (PMT). While most of the emphasis has been on the effect it will have on poultry operations on the Eastern Shore, there is an equal concern for the effect it will have on dairy farms in the Piedmont Region of central Maryland.

A quick geography lesson would tell us that the main contributors to the health or lack thereof of the upper Chesapeake Bay would be the Susquehanna River and the Conowingo Dam, as well as the cities that discharge their waste treatment near the Bay.

It is exceedingly unfair for the state of Maryland to continually put our farmers at an economic competitive disadvantage against farmers from neighboring states that do not have the same strict regulations. Farmers in this state have demonstrated they are good stewards of the land. **The state of Maryland should slow the process of promulgating costly new regulations until the other states in the Chesapeake Bay watershed catch up to our level of environmental stewardship.**

The average age of farmers continues to go higher. The next generations of farmers are being discouraged by the poor economic feasibility of farming. More costly regulations only make this problem worse. The Maryland Dairy Industry Association strongly urges the Maryland Department of Agriculture to abandon the implementation of the new Phosphorus Management Tool.

Allen Stiles
President



In Support of Maryland Farm Bureau Stance on Proposed Regulation to Adopt the Phosphorus Management Tool

1 message

STASTNC1@nationwide.com <STASTNC1@nationwide.com>
To: "Earl.Hance@maryland.gov" <Earl.Hance@maryland.gov>

Mon, Nov 18, 2013 at 9:20 AM

Mr. Hance and Maryland Department of Agriculture,

The Farmers of Maryland have stood together to reach goals to cleanup the Bay. I stand with Maryland Farm Bureau! It makes no sense to impose greater burden on farmers.

Please communicate to other Maryland Representatives "more is needed from other sectors and not from Farmers". The Farmers will continue on path with its goals to assist Chesapeake Bay Watershed as a whole.

Thank you.

-Charles



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Robert Charles Stastny | Producer

Stastny Agency | Nationwide

W 410-254-1200 | 1-800-884-2645 | F 410-254-2880

stastnc1@nationwide.com

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Earl Hance: 602A-4441, hance@maryland.gov

PMT regulations

Marian <sixwindsors@aol.com>

Mon, Nov 18, 2013 at 8:51 AM

To: Earl.Hance@maryland.gov

Dear Secretary Hance,

I attended the meeting in Easton and it is obvious the farming community is very concerned about the future of farming in Maryland as we know it. I am a grain farmer and have been using manure for 30 years. I have never applied more than the crop can use for a normal yield. I am very cautious about wasting any nutrient source. As a member of the National Corn Growers Association, I have won many awards for growing corn while using poultry manure. It is a very valuable nutrient when used properly. I value the Chesapeake Bay, as well as the state's many rivers and streams, and would not want to pollute it. I believe that we are being blamed for more pollution than we may actually contribute. With all of the efforts we have put in place over the last 10 years the bay should be a lot cleaner than they say it is now, that is if the poultry manure was causing so much pollution.

I believe sewage may be causing more of the problem than it is being blamed for. Also, a large water fowl population can be causing pollution as they eat grains and cover crops from our fields and release their droppings into the waterways. The new PMT regulation would create an economic hardship for the many farmers that are using manure. I feel that a lot more research should be done before any more regulations are put in place.

Maybe then we would know what is actually polluting the bay and we could use the proper tactics to work towards cleaning it up.

Sincerely,

John Windsor
5821 Thompsontown Rd
East New Market, MD 21631
(410) 943-4440



Earl Hance -FDA-ncast@maryland.gov

new PMT regulations

cisseljr@aol.com <cisseljr@aol.com>

Mon, Nov 18, 2013 at 1:09 PM

To: Earl.Hance@maryland.gov

We would like you to know that we support the Maryland Farm Bureau position on the new PMT regulations. There are still too many unanswered questions to proceed in any form, and should therefore be postponed.

Thank you.

W. Lambert Cissel, Jr.
Marjorie S. Cissel
Kimberthy Turf Farms, Inc.



Earl Hance - PMT regulation - nos@maryland.gov

Fwd: PMT regulation

Greg Webster <obxbeachbum63@gmail.com>
To: Earl.Hance@maryland.gov

Mon, Nov 18, 2013 at 8:53 AM

—— Forwarded message ——

From: **Greg Webster** <obxbeachbum63@gmail.com>
Date: Sat, Nov 16, 2013 at 6:54 PM
Subject: PMT regulation
To: Raymond Norris <jnd4010@gmail.com>

Mr. Secretary Hance,

After hearing of the new PMT regulations I was not happy to say the least. So I decided to educate myself about the subject. After spending some time reading all I could on the internet about phosphorous and farmland I came away with a new perspective. This is not just a problem here in our region, its a problem in other states and even other countries. The one word that came to mind is balance. Which means we've put too many large poultry operations over a small area with a large bi-product.

I came across an article that was written in 1997, it read like it was published last week. Evidently this problem was known over 16 years ago, right around one of the last biggest building booms in the poultry industry. Now we have an even bigger problem. My question is why wasn't there a moratorium on new poultry farms back then. The problem would have been a lot smaller and easier to deal with obviously. Who knows, maybe we (the dumb poultry farmer) may have gotten a better price for our product and service being there would have been less supply. But I'm sure there were politics involved like now.

I've heard all about the solutions people have come up with what to do with the manure. In my humble opinion none of them are viable, all of them are costly, and all of them will be Not In My Backyard with the public. So let me add my 2 cents. How about a poultry farm buy out program. It gets right straight to the problem, its viable, and I think you would have plenty of us agree with it.

In closing let me ask who else has done more than what was asked of them to help clean up the bay than farmers. It is my opinion that with this kind of large population around this body of water and all its tributaries will never be as clean as some want. Give my buy out option some thought.

Greg Webster
Gander's Lair Farm
Linkwood, MD

cell 443-521-4132



Earl Hance -MDA- earlhance@maryland.gov

PMT regulations

Jake Windsor <jake52289@gmail.com>
To: Earl.Hance@maryland.gov

Mon, Nov 18, 2013 at 9:11 AM

Dear Secretary Hance,

I am a 24 year old about to till my first farm on my own. I had plans for using poultry manure to provide an ideal amount of nutrients for my crops. With the possibility of these regulations threatening my budget, I fear that my solo farming future may be in Jeopardy. I have been farming for my father, full time, since 2007 and have learned how important poultry manure is to our industry. If the PMT regulations are put into place, many if not all of the Maryland farmers will be negatively effected. Before any more regulations are assigned, I would like for more research to be done on the pollution sources of the local waterways so that not only farmers have to make sacrifices, but so that the entire community can help make a possitive change to the so called threatened environment.

Sincerely,

Jacob Windsor
5821 Thompsontown Rd
E. New Market, MD 21631
410 943 4440
Jake52289@gmail.com

NOV 18 2013

OFFICE OF THE SECRETARY

645

Dear Secretary Hance,

First, I want to thank you for withdrawing the proposed Phosphorous Management Tool. I have some concerns and reservations over the implementation of this tool without having seen the studies and results. Like many farmers, I have implemented many new practices over the years on my farm that have been proven through research but that I phased into my operation as to see if these practices were to be practical and profitable for our operation. We have allowed researchers on our farm to take a research project to the next level to see how that research fits into production agriculture as opposed to a laboratory or small plot. All this work is done before farmers can be expected to try a new practice. As I look at this new tool, I have not seen the results. There seems to be no time to phase in the new regs without seeing what the circumstances may. One year is not enough.

I realize that science changes, but I also know that it is difficult to make drastic changes with the unknown. Farmers take huge financial risks every year when they go out to plant a crop. It is an uncomfortable risk to planting a crop without feeding the crop the proper nutrition needed to produce. This tool changes the mindset that farmers were taught for years by researchers and it's going to take time to expect those changes. Maryland farmers have stepped up to the plate and met 130% of their current BMP goals set in the Agricultural Phase II of the Watershed Implementation Plan but there is no mention of a Phosphorous Management Tool on those lists of goals. I know you have mentioned that this tool will be the last regulation on agriculture to meet our BMP goals but it would be good for MDA to show farmers what the goals will be year to year as we move closer to 2017 and 2025. It's hard to comprehend meeting goals that are based off a flawed model and yet new regulations are implemented. It would be good for farmers to see the whole picture.

My understanding of the new tool evaluates risks of P loss but does not explain how those risks can be resolved so to produce a crop. It talks about BMPs that can be implemented before and during application of additional P but does not explain what BMPs available. I realize this can be on a case by case basis but Maryland farmers need some guidance from MDA as we move forward. You cannot expect farmers to just stop applying P and assure them that their yields will not be affected. I would hope as MDA moves forward with the process, that farmers will be involved with hands on demonstration on how the PMT shall work with in the field. Maryland farmers need the assurance on how this tool will affect their bottom line as they move forward in the new year and how they evaluate their risk management. In most farmers eyes, not feeding a crop of corn P can only result in lower yields. With this new tool, MDA needs to prove otherwise.

I think the Maryland Department of Agriculture needs to look at a systems approach in soil management and not into a band aid approach of only trying to fix 1 element at a time. Making soils healthier should be a high priority. Cover-crop mixes can be an essential BMP to improving soil health and reducing the need for commercial fertilizer and manure. There has been plenty of research done in this field across the country and this research results can be of huge benefits to Maryland agriculture.

Farmers can only utilize the latest technology but it can't be expected to change their farming operations over night. Frankly a year to see what the PMT can do but having no time to implement those chances brings on undo risk at this time.

Thank you for taking time to read my concerns,

Hans Schmidt

Schmidt Farms Inc.

1010 Sudlersville Cemetery Road

Sudlersville, Maryland 21668

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NOV 18 2013

OFFICE OF THE SECRETARY

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Dear Secretary Hance,

I would like to applaud the MDA for withdrawing the proposed new PMT to take Effect September 1. I feel there are many unanswered questions to move forward with Implementation at this time.

Farmer's have made great strides in phosphorous reduction, whether it is through Applications of manure or fertilizer. The Chesapeake Bay model does not recognize these Deductions. Furthermore; in an effort to be in compliance, we are aiming at moving targets. Every year there are new regulations or laws enacted for agriculture. Research is still Evolving to catch up as well. Legislation and environmentalists outcry has caused the public To point fingers while agriculture has a horrid pace for compliance. Maryland agriculture Has stepped up to the plate and we need MDA to go to the table and back us up on this Regard.

I am afraid the implementation of the PMT at this time will cost Maryland its Animal agriculture. Most farmers engaged in animal Ag rely on their manure for crop Inputs. If again limited to the use of manure, it will make another huge impact into their Operation when they have to buy fertilizer instead. Maryland agriculture will fail Miserably if we do indeed lose our animal Ag.

Several key questions that come to mind are what producers will do with manure They cannot utilize? If it is to be transported, who will transport it and who will under-Write that expense?

The question is not what the PMT does to underwrite high phosphorus indexes But how do we address what phosphorus is available for optimum yields?

I want clean water for Maryland and my family as much as anyone in Maryland. I am also willing to do my share and more. In regards to the big picture I do

Not feel the playing field is level. Counties and Municipalities are still embracing storm water Plans yet to be finalized and implemented, and yet Ag gets another regulation. The sludge Companies dump sludge year round with no containment. They also spread year-round While Ag is limited to the calendar on application dates. Oh, by the way we hear the water Treatment plant had a million gallon spill the other day; the question remains, what is Their recourse? All the good agriculture can do will not make a difference to clean up Everyone else's failures. I would hope MDA would share the passion for our industry As do the many agriculturalist in Maryland and stand up and put the best foot forward when Representing our industry.

David Burrier
9005 Clemsonville Rd.
Union Bridge, Md. 21791-7411
301-829-6881

MID SHORE REGIONAL
COUNCIL
8737 BROOKS DRIVE
SUITE 101
EASTON, MD 21601



MID-SHORE REGIONAL COUNCIL

Phone: 410.770.4798

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www.midshore.org

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Riccio

District 37 B

November 14, 2013

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NOV 18 2013

Secretary Earl F. Hance
Maryland Department of Agriculture
50 Harry S Truman Parkway
Annapolis, Maryland 21401

OFFICE OF THE SECRETARY

Dear Secretary Hance:

The Mid-Shore Regional Council (MSRC) has strong concerns regarding the Department's proposed Phosphorous Management Tool (PMT) regulations and their implications for agriculture in the region.

The MSRC operates as a cooperative regional planning and development agency within Caroline, Dorchester, and Talbot Counties to foster physical, economic, and social development. Therefore, the Council understands how important a healthy and thriving agricultural economy is to the broader health of our region's economy.

Although the Council fully supports a clean and healthy Chesapeake Bay, these proposed regulations and the immediacy with which the Administration is insisting they be adopted will have drastic consequences on farmers involved in all sectors of production agriculture, but particularly on the poultry sector.

Allowing an extended and orderly phase-in of the implementation date of the Phosphorous Management Tool will cause no environmental harm and minimal disruption to agricultural operations in the region.

We know that agricultural production already requires significant investment and outlays of capital. Unfortunately, the proposed PMT regulations will force producers to drastically alter their business plans, add and/or increase costs for commercial fertilizer, likely require additional capital expenditures for new equipment/storage buildings, reduce soil health, and in most cases reduce yield potential.

In light of such significant concerns and so many additional unanswered questions, please slow implementation of this regulation down. In order to minimize economic harm to the region's farmers, the MSRC asks that you allow the scientific research to be completed along with an economic impact study and afterwards move forward with an orderly phase-in period.

Sincerely,

Scott Warner
Executive Director

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NOV. 11 RECEIVED

NOV 18 2013

OFFICE OF THE SECRETARY

Dear Secretary Hance,

I really don't think you have any concept, of what all of these new rules and regulations will mean to the grain farmers and poultry producers.

Why do these people, in authority can't or won't, try to go by actual facts or common sense is beyond me.

There are so many that are causing problems--

- Overflowing ~~septic~~ septic systems, that come from plants, in cities and towns
- All the crap that comes through the Conowingo Dam.
- City Sludge that is brought in and applied.
- Filt from Baltimore and harbor
- Over fertilized lawns
- Businesses with drain off

So many things are contributors

to our problems.

Farmers are good stewards of the land. We follow all the rules that are thrown at us.

Why don't you try doing your job and look at the true facts and figures, Not ones that are made up. Work for us and our family farms.

Sad but Respectful,
Darlene Hutchison

Darlene Hutchison
Easton Md
Talbot County.

Hutchison Farm
9601 Chapel Rd.
Easton, MD 21601

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To: Secretary Earl F. Hance

Subject: Phosphorous Management Tool

From: Blair Runnberger

Owner/Operator Sheppards Crossing Farm

Date: November 13, 2013

As a poultry and livestock producer in Wicomico County this tool will unfairly burden my operation by limiting and possibly eliminating the option of poultry litter as a fertilizer. 95% of poultry litter on my farm is exported to various farmers in my area who will now not be utilizing this cheaper form of fertilizer.

Although I practice windrowing, eventually the centers need to be cleared out to which I was being paid for that resource. Over supply vs. demand means I'll have to pay someone to take the poultry litter.

Further comments include:

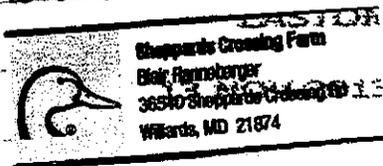
1. No study has been done on the overall impact to the Bay on commercial water-soluble nitrogen vs. slow-release organic nitrogen.
2. The present Chesapeake Bay model does not recognize the phosphorous reductions already made.
3. Maryland farmers are at 130 percent of their nutrient reduction goals. Why not wait

- until EPA reexamines the model in 2017.
- There has been no economic impact study done thus far.
 - The poultry diet consist of 70% corn and the integrators are financially better off buying local corn vs. the extra cost of shipping it in. Some farmers will most likely switch from corn to soybeans or other alternative crops.
 - I've not seen where the department of Ag has calculated the total acres involved.

In closing I remind you that all world agriculture has been challenged to double production by the year 2040. Maryland is a slice of that pie. When will Maryland wake up that they don't always have to be "first". It seems this state always goes thru the wall and looks for the door later.

Sincerely

Blair C. Ransberger





450

Trap Woods, Inc
25018 E. Trap Pond Road
Georgetown, De 19947
Phone 302-856-3858

OFFICE OF THE SECRETARY

NOV 18 2013

RECEIVED

November 13, 2013

The Honorable Earl F. Hance
Secretary of Agriculture

My name is Tom Coleman and I own and operate Trap Woods Inc, an agronomic field service company in Delaware and Maryland. You and I briefly met once but I do know your sister Susie, she dated my roommate in college.

I am writing to you with great concern about the new Phosphorus management Tool. I have several concerns, first plant available phosphorus can be an elusive element and there are many known conditions {i.e. cold soil, low pH, etc. }that can adversely affect the plants uptake of phosphorus, and have a negative impact on plant growth. Starter rates of phosphorus must be allowed on all soils to at least maintain yields! U of Md research has always supported the use of starter phosphorus.

My second concern is the work load for the proposed implementation. We use NuMan Pro and the current P-Site is populated from the information in NuMan, reducing the amount of time required to produce a P-Site evaluation. If we have to run the current P-Site and the new Phosphorus management Tool, who is going to pay for this? The new P-tool is more time consuming then what I feel is necessary to evaluate potential P movement. We are not government employees and must bill for our time. The training for this program will be needed and we are starting 2014 nutrient management plans next week. I am available anytime if you wish to speak or e-mail.

Sincerely,

Tom Coleman
tcolemancca@yahoo.com

Trap Woods Inc.
25018 E. Trap Pond Road
Georgetown De 19947u

651

The County Commissioners of Kent County

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PRESIDENT
ROCK HALL, MD

WILLIAM W. PICKRUM
MEMBER
CHESTERTOWN, MD

WILLIAM A. SHORT
MEMBER
STILL POND, MD

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Chestertown, Maryland 21620
TELEPHONE 410-778-4600
FACSIMILE 410-778-7482
E-MAIL kentcounty@kentgov.org
www.kentcounty.com

ERNEST A. CROFOOT
COUNTY ADMINISTRATOR
COUNTY ATTORNEY

THOMAS N. YEAGER
SPECIAL COUNSEL

November 12, 2013

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NOV 18 2013

OFFICE OF THE SECRETARY

Secretary Earl D. Hance
Maryland Department of Agriculture
50 Harry S Truman Parkway
Annapolis, Maryland 21841

Dear Secretary Hance:

Kent County, on behalf of its vibrant agricultural community and its continued viability, would like to express its concern regarding the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool. We strongly believe that the proposal will have long-reaching negative impacts for Kent County and for the Eastern Shore.

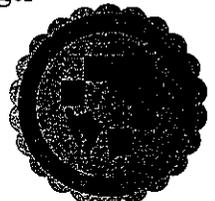
Specifically, we are apprehensive that the proposed changes are based on incomplete research. The University of Maryland and University of Delaware researchers have stated that their work remains incomplete and therefore inconclusive. Kent County would encourage the state to rescind any proposed changes to the Maryland Nutrient Management Manual until such time that the University researchers have concluded their studies of the Phosphorus Management Tool. Further, the County would encourage MDA to focus its efforts on continued support of the state's agricultural community rather than making an ill-conceived conciliatory gesture to the U.S. Environmental Protection Agency.

The Maryland farming sector generally, and the Kent County farming community specifically, continue to bear the brunt of the burden in achieving Chesapeake Bay Watershed Implementation Plan goals. Allowing an extended and orderly phase-in of the implementation date of the Phosphorous Management Tool will cause no environmental harm and will allow the much-needed research results to better guide any proposed changes in regulation. A phasing of the implementation will also provide the state an opportunity for more thoroughly study the economic impact of the proposed changes on the Eastern Shore.

Some of our additional concerns about the near-immediate implementation of this regulation and its impact on the agricultural community on the Eastern Shore follow:

Poultry and Dairy Farms

- Denied the ability to use manure, a locally-produced organic fertilizer, on their own crops; some chicken and dairy farmers will have to buy commercial fertilizer to replace chicken manure they already own or use. This will have a negative economic impact on the chicken growers and dairy farmers.
- Chicken growers who have been selling their manure to other farmers may no longer have customers, thus a loss of income.



- Chicken growers who have had their chicken houses cleaned with manure removed from the farm without charge may now have to pay somebody to clean the houses and transport the manure since the cleaning/transporting company may not be able to sell the manure to make a profit and cover the costs of cleaning/transporting.
- Even if the MDA establishes the state storage sites, it will be the chicken growers' responsibility to transport the manure to the site, possibly creating a cost for the chicken growers.
- If the value of manure is lost, then alternative use companies might start charging a fee to accept manure, much like a landfill charges for disposal. If any alternative use companies start operating, and nothing of any magnitude appears to be on the horizon, they might charge a disposal fee instead of buying manure or accepting it for free.

Crop Farmers

- Denied the ability to use manure on their crops, crop farmers will have to buy commercial fertilizer to replace chicken manure that they have been using.
- Crop farmers who have used manure and not commercial fertilizers may have to buy or rent commercial fertilizer application equipment, thus raising their costs of doing business.
- Crop farmers wanting to hire a fertilizer applicator might find that there are not enough applicators or equipment in the short fertilizer application period to allow timely fertilizer applications. Increased demand in services will allow these applicators to raise their fees, thus implementing higher costs for crop farmers.
- While commercial fertilizer will help a crop grow, the micronutrients and organic material in animal manure will help grow a larger crop. If yields are lessened due to the loss of organic material and micronutrients, then farmer income will diminish.
- Crop, dairy, and chicken farmers alike will most likely have to alter their business plans in ways that weaken their ability to withstand adverse growing conditions and/or markets, thereby requiring new expenditures while at the same time artificially reducing their potential yields.
- Crop farmers could see increased effects of drought on their crops as a result of losing poultry litter's organic material that helps build up the soil's moisture retaining capabilities.

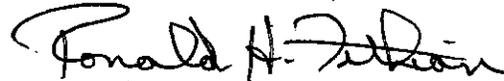
If this regulation were to go into effect as it appears in the Maryland Register, then it will be contrary to the wishes of many in the agricultural community. There will be many negative effects to the farming community in Kent County, on the Eastern Shore, and in the entire state of Maryland without noticeable improvements in water quality. We are requesting that you delay this regular rush to adoption and allow the scientific research to be completed. An orderly, phased-in approach will not only better serve the agricultural community, but also it will better ensure improvement in water quality. Without alternative uses of manure and cost-effective replacements for organic fertilizer, tremendous harm will come to the state of Maryland without improving the environment.

We thank you for your time and consideration and trust that you will take our concerns under advisement.

Secretary Hance
November 12, 2013

Page 3

Very Truly Yours,
THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND


Ronald H. Fithian, President

KCC:am

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NOV 18 2013

11/11/13

Dear Secretary Hance;

OFFICE OF THE SECRETARY

I have been farming on the same farm all my life and have been making planting decisions for around 35 years. Farmers in Maryland have always been on the cutting edge of technology. Always doing more than was mandated or regulated on them. It seems like ~~the~~ the state and the EPA or just big bullies. The more we do, the more things they come up with for us to be in compliance, most of these changes or based on theory not fact. My greatest fear is if these environmentalist tree huggers keep protesting that the poultry companies will pack up and leave. If this happens you will be able to buy any house in any upper class neighborhood for \$50,000 dollars or less. But I guess they will go to Walmart and get all their food like everyone else. ~~Plus~~ Plus they will be able to get to Ocean City without getting stuck behind a slow moving tractor or combine and smell no manure.

So let us do what we do best for the people environment + us, Farm. Back off this regulation before it's too late

Thanks for your time
Sincerely,

John Agnew

7502 Zion Church Road
Parsonsburg, MD 21849
410-726-0810

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NOV 18 2013

OFFICE OF THE SECRETARY

November 13, 2013

Dear Secretary Hance:

Please help the Maryland farmer! He is the one providing the foods and fibers needed for not only the citizens of Maryland but across the nation and around the world.

I attended the Easton session where Mr. Royden and you received much criticism. Some of what was said was not kind or helpful. The direction of MDA at this time is pushing as well as frightening our farmers. It is not fair or sensible!

My family farms 1000+ acres in Talbot county. They work hard to maintain their own land as well as the land that they rent. They (the guys) cooperate to do what is right for the nutrient management plan and other needs. They want nothing more than to keep the land as a safe and healthy resource.

We raise chickens for Mountaire and Perdue. The plans set to be implemented could shut down the farming operations on the shore if they continue on the path that is to be implemented according to what was shared at the meeting. Someone has got to stand up for what makes sense and have our citizens understand that the farmers are not the only ones to blame for polluting the Bay.

I trust that you will make sensible decisions to support what is right and fair and step up to the plate for farmers! That is a charge that Mr. O'Malley has given to you- to serve as our Secretary of Agriculture. I can promise you that former Secretary- Wayne Cawley and Lew Riley would be fighting for us. PLEASE help us!

I am praying for a sensible resolve to this and I trust that you will work hard to help Mr. O'Malley and his supporters understand that these changes will forever impact the economy of Maryland.

I can be reached by email: spahlman@gmail.com and or 410 822-2791. My address is 10139 Cordova Rd., Easton, MD 21601

Sincerely,

Sharon Pahlman
Sharon Pahlman

Pahlman
10139 Cordova Rd
Easton MD 21601

654

October 19, 2013

Jo A. Mercer, Ed.D.
Administrator, Nutrient Management Program
Maryland Department of Agriculture
50 Harry S Truman Pkwy
Annapolis, MD 21401

RECEIVED

NOV 18 2013

OFFICE OF THE SECRETARY

Dear Mrs. Mercer,

I am writing to oppose the upcoming requirement that all Maryland nutrient management plans utilize the new, and untested, Phosphorus Management Tool (PMT). This tool will unfairly burden farm operations in my area by limiting and/or eliminating the option of poultry litter as an organic, slow release fertilizer. The costs associated with replacing poultry litter with an equivalent commercial fertilizer range from approximately \$100 to \$350 per acre. The additional costs associated with replacing litter as a nutrient source will place an unfair burden on Delmarva grain producers. In addition, poultry farmers will suffer as no viable option currently exists to take the manure generated on their farms, thus the costs of reutilization will fall on their shoulders. While MDA argues that the manure transport program will handle the exportation of manure, the reality is the trucking resources and cost recovery processes do not exist. Relocation of poultry litter on the scale required to satisfy the requirements under the PMT are not feasible, period!

Delmarva farmers and MDA through cost share programs have made considerable investments in storage, spreading equipment and manure management tools to minimize the environmental effects of poultry litter while maximizing the benefits to soil health and crop production. The PMT will render these investments useless and require similar and redundant investments wherever the ultimate fate of the manure resource proves to be.

I urge you to delay the implementation of the new PMT to enable thorough testing of the science behind the tool, give time for alternative uses to develop, and for farmers to find suitable and cost effective replacements for organic fertilizer that will be outlawed on most soils.

Sincerely,

Lewis R. Riley

Having more than 50 years +, of grain & poultry, I feel very strong - on this issue.

Signature

Printed Name

LEWIS R. RILEY

Street Address

7257 PARSONSBURG RD. PO. Box 41

City, State, Zip

PARSONSBURG, MD 21849

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NOV 18 2013

MD DEPARTMENT OF AGRICULTURE
NUTRIENT MANAGEMENT PROGRAM
ANNAPOLIS

NOV 18 2013

655-663

Dear Secretary Hance:

OFFICE OF THE SECRETARY

I am writing to you with concerns over the proposed Phosphorus Management Tool Program.

I am a grain farmer and a poultry farmer, my family farms about 2000 acres in Dorchester County, we use our poultry litter on our fields and we also buy litter from other poultry farms. The implementation of the program will undoubtedly affect our profit and our yields. We are a fourth generation farm family and the fifth generation is waiting in the wings. This is not just a job it is our way of life, we are excellent stewards of the land.

Please slow this process down and allow the proper research to be completed. The state of Maryland again is acting radically and not thinking the entire process through.

Sincerely,

Greenbrier Farms LLC
Daniel Luthy
Jammy Luthy
Garrett Luthy
Kristina Luthy
Verena Luthy
Alison Cherry
Jeff Cherry
Luke Cherry
Beau Cherry

664

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NOV 18 2013

Bryan Smith
7404 Sudlersville Road
Sudlersville MD 21668

OFFICE OF THE SECRETARY

November 14, 2013

Secretary Earl D Hance
Maryland Department of Agriculture
50 Harry S Truman Parkway
Annapolis MD 21401

Secretary Hance:

I am a crop, dairy and poultry farmer in Queen Anne's County and I am extremely frustrated and concerned about the Maryland Department of Agriculture's (MDA) proposed regulation related to the Phosphorus Management Tool (PMT).

My first fear is that the proposed regulation, which will have huge impacts on the State's agricultural community, it is based on incomplete research. The University of Maryland researchers have stated that their work is not yet done, yet the State is moving forward at breakneck speed for what appears to be political reasons. Rather than being focused on how to support and improve the agricultural community and cleanup the Chesapeake Bay watershed, the department seems more concerned with appeasing the U.S. Environmental Protection Agency (EPA). If the farming sector in Maryland was lagging in achieving Chesapeake Bay Watershed Implementation Plan (WIP) goals, then perhaps enhanced efforts would be needed, but as you have stated, agriculture are at 130% of their goal. That's an accomplishment that seems to be lost on Governor O'Malley's awareness along with MDA and EPA.

Allowing an extended orderly phase-in of the implementation date of the PMT will cause no environmental harm. For decades, the scientific and regulatory community told farmers not to worry about application of phosphorus to the soil because unless the soil is moved, the phosphorus would not move out of the soil. Recently, that recommendation has changed and farmers began applying manure and fertilizer based upon their phosphorus recommendations according to soil and manure tests. The phosphorus levels in soils and waters have occurred over decades and will not be corrected for decades. Even if the proposed regulation that changes manure application it would not negatively impact the soil before 2015. Waiting a few more years to allow for an orderly phase-in will not cause any harm to our environment. An orderly phase-in will allow the agricultural community to adjust and make required changes based on their farm operation. Additionally, we saw firsthand how difficult and time consuming it was for Maryland CAFO farmers to obtain a Comprehensive Nutrient Management Plan, implement the requirements, pay for the plan and to anticipate the local Soil Conservation Districts, University of Maryland Extension and/or private consultants can be trained and do enough side-by-side Phosphorus Site Index/PMT comparisons in 2014 to provide valid results do not seem feasible.

Here are some of my concerns about the near-immediate implementation of this regulation:

- How can MDA think about supporting and processing a regulation that could cause such financial hardships of farm families when no meaningful economic impact study has been completed?
- On poultry farms:
 - Denying the ability to utilize my manure, a locally produced “organic” fertilizer on my crops. I thought MDA was very supportive of organic production! I would have to purchase commercial fertilizer to replace my own manure which I don’t have to buy!
 - If I had an excess of poultry manure, transporting is not an option, our farming operation does not have a truck that is legal to be driven on the road to transport the manure which means I would have to take a reduction in sale price because of not delivering my manure to the buyer or hire a truck to transport my manure.
 - There may not be a market for my manure due to the levels of Phosphorus in soils on surrounding farm operations.
 - During the season when manure cannot be applied, storing manure will become a problem because of not being able to use and spread my manure during the time I’m allowed to apply. My manure building will not hold the capacity of manure if I cannot utilize it myself.
- Even if MDA establishes the State storage sites, it will be my responsibility to transport the manure to wherever designated. The site maybe many miles from my poultry houses and I would have to hire a truck to transport it.
- If the value of manure is lost due to the decrease in demand alternative uses for manure may cause companies to charge a fee to accept the manure which is more money out of my pocket!
- Who will monitor the manure at the State storage sites and who would monitor what the manure tests results show the levels are in the manure and who decides who can buy it and it is usable on their soil?
- Grain farmers:
 - Denies the ability to use manure on their crops, grain farmers will have to buy commercial fertilizer to replace chicken manure that they have been using.
 - Grain farmers who have used manure and not commercial fertilizers may have to buy or rent equipment to apply the purchased fertilizer and leave the manure spreader in the barn, thus once again raising equipment costs.
 - Grain farmers may have to hire a fertilizer company to apply the fertilizer instead of doing the work themselves and once again another cost out of my pocket.
 - Commercial fertilizers will help grow a crop; however the micronutrients and organic material in manure will help grow a larger crop. If yields are lessened due to the loss of organic material and micronutrients my income will diminish.
 - Grain farmers and poultry farmers alike will most likely have to alter their business plan in ways that will weaken their ability to borrow and withstand adverse growing conditions and/or markets – requiring new expenditures and

capital purchases such as equipment while at the same time reducing potential yields.

- Grain farmers could also see increased effects of drought on their crops as a result of losing poultry litter's organic material that helps build up soil's moisture retaining capabilities.

Once this regulation goes into effect, as it appears it will be and contrary to the wishes of many in the agricultural community, there will be many negative effects. For individuals like me, a small farming operation, the financial impact is huge and to realize no significant and noticeable improvement in water quality is just sad.

I have soils tests that have been taken on the same fields for over 20 years and the FIV value has not changed during that time. Where in fact did the FIV value of 150 come from? Is it a number someone inputted into a computer and decided that is the number I should pick or has science been completed to show that 150 FIV is the level to limit the soil to for Phosphorus levels? I have not applied manure nor a P based commercial fertilizer, the Phosphorus that is measured in the soil is staying in the soil and is not moving through groundwater or any other way for that matter. Science has proven that whether it is the University of Maryland science or science from the testing labs where I send my soil samples.

The expense that our farming operation will have to incur will be very detrimental to my bottom line; it will cost between approximately \$8.00 a ton to transport my manure if I had my own truck. Since I don't have a truck to transport my manure, to God knows how many miles away to a State approved site, a loaded mile rate fee is \$3.00 per mile on top of the \$8.00/ton. This will cause a huge reduction in my cash flow and then considering I will have to purchase fertilizer in place of my manure will just kill my bottom line.

There are scientists, MDA employees, environmentalists and the Governor who are telling farmers how to farm when they have never farmed a day in their life. How can someone tell me how to grow a crop when they don't know how to grow a crop themselves! I am a young farmer struggling to make a living and you and the Governor would like nothing more than for me to give up, let me do what I love. MDA has to trust the farmers in this State to make good decisions and to do the right thing without regulating them out of business.

There are so many farmers who do not have off the farm jobs and do not have a steady paycheck to fall back on. Insurance costs, machinery, fertilizer, spray, seed, living expenses, fuel and many other items that you have to have on the farm to run an agricultural business have all risen in prices and my profit margin is growing smaller and smaller each year. Yet, once again there is more and more expected of an already depressed occupation. If farming wasn't such a passion and what my family wants to do for a living I would quit and move to the west to get away from the bureaucratic mess! Farmers have agreed to so many new regulations over the past 20 years and yet no acknowledgment of all of what has been asked, or better yet, regulated to us. We have completed Nutrient Management Plans, Soil and Water Conservation Plans, soil tests, manure tests, annual implementation reports, crops reports, cover crops, Maryland Department of Environment inspections, bio security measures, manure reports and so on and so on, enough! There are so many flaws in the TMDL process, the WIP process and so many modulated

numbers that are not science based but created by a computer that has a person entering data that they "THINK" is appropriate. This process of cleaning up the Bay is all an educated guess! In most instances the people who are providing the computer created data have something to gain from pointing the finger at agriculture and to think that MDA has accepted and supported this mess is very disappointing. My family and every farm family wants the health of the Bay to improve but until you have every person, business and municipality, within the Chesapeake Bay watershed to do what should be done to clean up the Bay, regulating farmers will not do the job.

Slow this down, allow the scientific research to be completed and then allow an orderly phase-in. Without alternative uses of manure and cost effective replacements for this soon-to-be lost commodity, tremendous harm will come to our States largest economic engine, Agriculture and without improving Maryland's environment.

Respectfully



Bryan Smith

Bryan Smith
7404 Sudlersville Rd
Sudlersville MD 21668

Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

I want to oppose PMT Regulation to the Dept. of Ag.
Worcester County, as well as many other Md. Counties, is mainly
agricultural in nature and some people are trying to take out way
of living away. No one is more conservation minded and care more for
the Chesapeake Bay than Farmers of all states on the Bay.
Science has not proved that agriculture is the main contributor to
the ~~Bay~~ Phosphorus in the bay. The bay model has been incorrect from
the beginning and is still incorrect.

I hope you become more enough to do your job and stand up
for production agriculture for a change

I am a Maryland Farmer & Landowner

Sincerely,

Name: L. Bruce Holland
Address: 28321 Holland Lane
New Market, VA. 23415
Phone: 757-894-1623
Email: lbh@msn.com

665

RECEIVED

NOV 13 2013

Our Farms, Our Future

"Secretary of Agriculture Buddy Hance stated that he had received only eight comments about the new Phosphorous Management Tool (PMT) regulation. We wanted to make sure you have the opportunity to make your voice heard." Kevin Anderson - President, Maryland Grain Producers Association



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

I Am a Corn, Livestock and Poultry Farmer in Wicomico County. Corn cost me approximately 170⁰⁰/acre with Commercial nutrients, with Manure at 2 tons/acre 60⁰⁰/acre, besides losing organic matter and micron nutrients in the Manure. I don't use Manure on beans, wheat or Barley and yields have declined but Corn needs the extra nutrient. Remember we are trying to feed the world. The Lower Bay has the best seafood of the Bay even though we have Poultry, so you should see most Runoff comes from west and Northern Cities. I am disappointed we don't have a Dept of Agriculture that stands up for Agriculture.

Sincerely,
Name: L. Quint R. By
Address: 33002 Daysboro Rd
Parrasburg Md. 21849
Phone: 410-430-4129
Email: quintroy@yahoo.com

666

Our Farms, Our Future

"Secretary of Agriculture Buddy Hance stated that he had received only eight comments about the new Phosphorous Management Tool (PMT) regulation. We wanted to make sure you have the opportunity to make your voice heard." Kevin Anderson - President, Maryland Grain Producers Association



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

As a beginning young farmer use of
poultry litter - it is Not Free - Trucking, Piling,
loading, Spreading, Incorporation - has made
it possible to purchase equipment and rent cropland.
Total use of commercial fertilizer will reduce
of farm debt payments etc.

Name: Patricia Moore ^{Sincerely,}
Address: 23141 Schooner R.D.
Chestertown M.D. 21620
Phone: 410 - 778 - 5854
Email: _____

667

Our Farms, Our Future

"Secretary of Agriculture Earl Hance stated that he had received only eight comments about the new Pesticide Management Plan (PMT) regulations. He wanted to make sure you have the opportunity to make your voice heard." Steve Anderson, President, Maryland Grain Producers Association



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

I have a farming operation with my son that started after he finished high school. In the past five years more cropland has been added and use of "Poultry Litter" has been in our plans to improve soils which have improved our yields. With crop prices moving down, cost will be a big factor in our operation and plans for further expansion. As a farmer we don't want any nutrients moving so crops cannot use them, but we also need to use rates that will not hurt yields.

Sincerely,
Name: William A. Clark Jr
Address: 2341 Schooner Rd
Chestertown MD 21620
Phone: 410-708-1875
Email: _____

668

Our Farms, Our Future

"Secretary of Agriculture Buddy Hance stated that he had received only eight comments about the new Phosphorous Management Tool (PMT) regulation. We wanted to make sure you have the opportunity to make your voice heard." Kevin Anderson - President, Maryland Grain Producers Association



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

In my opinion, I feel the (PMT) regulation will cause more of a burden on farmers than help. Each & every farmer do the best they can do with their paper work & I feel this is an added burden. I feel regulation after regulation is just like the Health Care Act, people are doing the best they can do & when farmers start going out of business then our country will have to depend on foreign nations for food like we are doing depending on foreign nations for oil. The government, with the new Health Care will eventually control whether a person lives or dies or is worthy of surgery. The same will happen if we at state level keep allowing regulations imposed on the people that grow the food to feed this country then there will be no food. You will regulate yourself right out of dinner.

Sincerely,

I respect you folks & I know you will make the right decision. I will continue to pray for each of you & our country.
Our Farms, Our Future

Name: Cheryl Stutsman
Address: 4107 Stockton Rd.
Pocomoke City, Md. 21851
Phone: 410-957-1320
Email: _____

669

"Secretary of Agriculture Buddy Hance stated that he had received only eight comments about the new Phosphorous Management Tool (PMT) regulation. We wanted to make sure you have the opportunity to make your voice heard." Kevin Anderson - President, Maryland Grain Producers Association



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

I am deeply concerned about the proposed new Phosphorus Management Tool, limiting the amount that can be spread on our fields. Gov. O'Malley pledged, just a few years ago that he wouldn't ask Md. farmers to do more until surrounding states had caught up with what we have done in Md. They haven't done their part. If farmers can't apply poultry litter on crops, we would ^{have} to buy fertilizer, a huge added expense. Also we chicken growers would have to hire someone to remove manure to haul other places. Farmers are doing their part with Nutrient Management Plans. I believe this regulation would threaten all agriculture in Md.

Rob-Joy Farm Sincerely,
Name: Joyce W. Cohen
Address: 5290 Harmony Rd.
Preston, Md 21655
Phone: 410-673-7275
Email: Joyce@gg.Easton.net

670

Our Farms, Our Future

Secretary of Agriculture Earl Hance stated that he had received only eight comments about the new
Pesticide Management Tool (PMT) regulation. He wanted to make sure you had the opportunity
to make your voice heard. *Yvonne Anderson - President, Maryland Grain Producers Association



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

Over the 40 years I have been farming we have gone from using 70 + 80 lbs phosphorous as a starter on corn to grow 80 to 140 bu of corn to 30 to 45 lbs to grow 150 to 175 bu irrigated corn to now only using 15 to 25 lbs to grow 200 to 250 bu irrigated corn. We need time to see the results of this cut back that we done on our own do to cost and our own tests before they make new rules. More irrigation lets us use our fert. more efficiently. As far chicken manure goes we use to put 5 Tons on with 5 ft. push spreader out the back in paths. Now we use spinner spreaders to evenly put on 2 to 3 Ton. Economics have changed what we are doing let have time to work

Clearview Farms Inc
Sincerely,

Name: David S. Andrews
Address: 4330 Cabin Creek Hurlock Rd.
Hurlock, Md 21643
Phone: _____
Email: eviewfarmsinc@gmail.com

(67)

Our Farms, Our Future

Secretary of Agriculture Earl Hance noted that he had received only eight comments about the new Phosphorus Management Tool (PMT) regulation. He wanted to make sure you have the opportunity to make your voice heard. *Karen Anderson - President, Maryland Farm Producers Association*



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

Why can't we wait until an updated Bay Model is run. I think we have made big strides in reducing nutrients leaving farms but not receiving the credit (Bay Model)!

Sincerely,

Name: William H. Langenfelder
Address: 11491 Still Pond Rd
Worton MD 21678
Phone: 410 708 3222
Email: _____

672

Our Farms, Our Future

Secretary of Agriculture Buddy Hance stated, "But he had received many great comments about the new Phosphorous Management Tool (PMT) regulation. We wanted to make sure you have the opportunity to make your voice heard." Kevin Anderson, President, Maryland Grain Producers Association.



Please use the space below to send comments regarding the PMT regulations to the Department of Agriculture. Comments should be received before November 18th. Alternatively, comments can be emailed to: Earl.Hance@maryland.gov.

Dear Secretary Hance:

I thought the agriculture sector has reached 130% of the TMDL goal. Why push this PMT regulation? Have the other Bay States adopted this measure or ready to adopt it? I say wait for the rest of the area to catch up. Wait for the new Bay Model then determine if this is required.

Sincerely,

Name: Conrad J. Langenfelder
Address: 11974 Blacks Station Rd
Kennedyville MD 21645
Phone: _____
Email: _____

673

Our Farms, Our Future

674

410 - 841 5914

November 16, 2013

Secretary Earl D. Hance
Maryland Department of Agriculture
50 Harry S Truman Parkway
Annapolis, Maryland 21841

Dear Secretary Hance:

WE / I am a chicken grower, who has a poultry farm in Wicomico County, MD and I am extremely concerned about the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool.

My first fear is that the proposed regulation, which will have huge impacts on the state's agricultural community, is based on incomplete research. The University of Maryland researchers have stated that their work is not done, yet the state is moving forward at breakneck speed for what appears to be political reasons. Rather than being focused on how to support and improve the agricultural community, the department seems more concerned with appeasing the U.S. Environmental Protection Agency. If the farming sector in Maryland was lagging in achieving Chesapeake Bay Watershed Implementation Plan goals, then perhaps enhanced efforts would be needed, but as you have stated, we are at 130 of the goal. That's an accomplishment that seems to be lost on Governor O'Malley, the Maryland Department of Agriculture, and the EPA.

Allowing an extended and orderly phase-in of the implementation date of the Phosphorous Management Tool will cause no environmental harm. For decades, the scientific and regulatory community told farmers not to worry about applications of phosphorus to the soil because unless the soil moved, the phosphorus would not move. Recently, that thinking changed and farmers began applying manures based upon their phosphorus content. The phosphorus levels in soils and waters were achieved over decades and will not be corrected for decades, even if this new regulation changes manure application procedures in 2015. Waiting a few more years to allow for an orderly phase-in will not cause any harm to our environment. An orderly phase-in will allow the agricultural community to adjust and make required changes. Additionally, we saw firsthand how difficult and time consuming it was for Maryland CAFO farmers to obtain a Comprehensive Nutrient Management Plan and to think the conservation districts, the University of Maryland Extension, and/or private consultants can do enough side-by-side Phosphorus Site Index/Phosphorus Management Tool comparisons in 2014 to provide valid results does not seem feasible.

Here are some of my concerns about the near-immediate implementation of this regulation. First and foremost, how can the Department of Agriculture even think about proposing a regulation that could cause such financial hardships on farm families when no meaningful economic impact analysis has been done?

Chicken Farms

- Denied the ability to use manure, a locally produced organic fertilizer, on their own crops, some chicken farmers will have to buy commercial fertilizer to replace chicken manure they already own. That will have a negative economic impact on the chicken growers.
- Chicken growers who have had their chicken houses cleaned with manure removed from the farm without charge may now have to pay somebody to clean the houses and transport the manure since the cleaning/transporting company may not be able to sell the manure to make a profit and cover the costs of cleaning/transporting.

- Even if the MDA establishes the state storage sites, it will be the chicken growers' responsibility to transport the manure to the site, a huge cost for the chicken growers.
- If the value of manure is lost, then alternative use companies might start charging a fee to accept manure, much like a landfill charges for disposal.

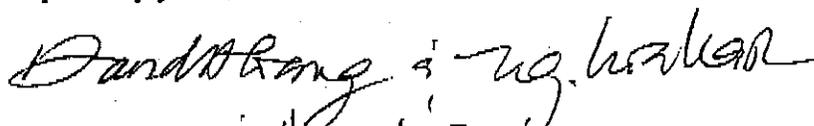
Crop Farmers

- Denied the ability to use manure on their crops, crop farmers will have to buy commercial fertilizer to replace chicken manure that they have been using.
- Crop farmers who have used manure and not commercial fertilizers may have to buy or rent commercial fertilizer application equipment, thus raising their costs of doing business.
- Crop farmers wanting to hire a fertilizer applicator might find that there are not enough applicators or equipment in the short fertilizer application period to allow timely fertilizer applications. Increased demand in services will allow these applicators to raise their fees, thus higher costs for crop farmers.
- While commercial fertilizer will help a crop grow, the micronutrients and organic material in animal manure will help grow a larger crop. If yields are lessened due to the loss of organic material and micro nutrients, then farmer income will diminish.
- Crop farmers and chicken farmers alike will most likely have to alter their business plans in ways that weaken their ability to withstand adverse growing conditions and/or markets - requiring new expenditures/capital purchases while at the same time artificially reducing their potential yields.
- Crop farmers could see increased effects of drought on their crops as a result of losing poultry litter's organic material that helps build up the soil's moisture retaining capabilities.

Once this regulation is in effect, as it appears it will be and contrary to the wishes of many in the agricultural community, there will be many negative effects to the farming community, individuals like me, and the entire state of Maryland without noticeable improvements in water quality.

Please, slow this down. Allow the scientific research to be completed and then allow an orderly phase in much as the game-changing Water Quality Improvement Act of 1998 allowed a phase-in period. Without alternative uses of manure and cost effective replacements for this soon-to-be lost organic fertilizer, tremendous harm will come to the state of Maryland without improving the environment.

Respectfully yours,



David T. Hoang : H2A N. TRAD
 31093 Old Fruitland Rd.,
 Salisbury, MD 21804

675

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NOV 18 2013

Secretary Earl D. Hance
Maryland Department of Agriculture
50 Harry S Truman Parkway
Annapolis, Maryland 21401

OFFICE OF THE SECRETARY

Dear Secretary Hance:

I am extremely concerned about the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool

My first fear is that the proposed regulation, which will have huge impacts on the state's agricultural community, is based on incomplete research. The University of Maryland researchers have stated that their work is not done, yet the state is moving forward at breakneck speed for what appears to be political reasons. Rather than being focused on how to support and improve the agricultural community, the department seems more concerned with appeasing the U.S. Environmental Protection Agency. If the farming sector in Maryland was lagging in achieving Chesapeake Bay Watershed Implementation Plan goals, then perhaps enhanced efforts would be needed, but as you have stated, we are at 130% of the goal. That's an accomplishment that seems to be lost on Governor O'Malley, the Maryland Department of Agriculture, and the EPA.

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- Even if the MDA establishes the state storage sites, it will be the chicken growers' responsibility to transport the manure to the site, possibly creating a cost for the chicken growers.
- If the value of manure is lost, then alternative use companies might start charging a fee to accept manure, much like a landfill charges for disposal. If any alternative use companies start operating, and nothing of any magnitude appears to be on the horizon, they might charge a disposal fee instead of buying manure or accepting it for free.

Crop Farmers

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Respectfully yours,



Patricia Layfield
3425 Saint Lukes Rd.
Salisbury, MD 21804-1380

676

Lewis Farm
6787 Powellville Rd.
Willards, MD 21874

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NOV 18 2013

November 11, 2013

OFFICE OF THE SECRETARY

Secretary Earl D. Hance
Maryland Department of Agriculture
50 Harry S Truman Parkway
Annapolis, Maryland 21841

Dear Secretary Hance:

I am a chicken grower who lives in Wicomico County and I am extremely concerned about the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool.

My first fear is that the proposed regulation, which will have huge impacts on the state's agricultural community, is based on incomplete research. The University of Maryland researchers have stated that their work is not yet done, yet the state is moving forward at breakneck speed for what appears to be political reasons. Rather than being focused on how to support and improve the agricultural community, the department seems more concerned with appeasing the U.S. Environmental Protection Agency. If the farming sector in Maryland was lagging in achieving Chesapeake Bay Watershed Implementation Plan goals, then perhaps enhanced efforts would be needed, but as you have stated, we are at 130% of the goal. That's an accomplishment that seems to be lost on Governor O'Malley, the Maryland Department of Agriculture, and the EPA.

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Respectfully yours,

A handwritten signature in black ink, appearing to read "Winfred Lewis". The signature is fluid and cursive, with a large loop at the end.

Winfred Lewis
Willards, MD

477

RECEIVED

NOV 18 2013

MD DEPARTMENT OF AGRICULTURE
NUTRIENT MANAGEMENT PROGRAM
ANNAPOLIS

Jo A. Mercer, Ed.D.
Administrator, Nutrient Management Program
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

Dear Dr. Mercer:

I am extremely concerned about the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool

My first fear is that the proposed regulation, which will have huge impacts on the state's agricultural community, is based on incomplete research. The University of Maryland researchers have stated that their work is not done, yet the state is moving forward at breakneck speed for what appears to be political reasons. Rather than being focused on how to support and improve the agricultural community, the department seems more concerned with appeasing the U.S. Environmental Protection Agency. If the farming sector in Maryland was lagging in achieving Chesapeake Bay Watershed Implementation Plan goals, then perhaps enhanced efforts would be needed, but as Secretary of Agriculture Earl Hance has stated, we are at 130% of the goal. That's an accomplishment that seems to be lost on Governor O'Malley, the Maryland Department of Agriculture, and the EPA.

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Respectfully yours,



678

November 13, 2013

Jo A. Mercer, Ed.D.
Administrator, Nutrient Management Program
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

Dear Dr. Mercer:

I am a farmer who lives in Worcester County and I am extremely concerned about the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool.

My first fear is that the proposed regulation, which will have huge impacts on the state's agricultural community, is based on incomplete research. The University of Maryland researchers have stated that their work is not done, yet the state is moving forward at breakneck speed for what appears to be political reasons. Rather than being focused on how to support and improve the agricultural community, the department seems more concerned with appeasing the U.S. Environmental Protection Agency. If the farming sector in Maryland was lagging in achieving Chesapeake Bay Watershed Implementation Plan goals, then perhaps enhanced efforts would be needed, but as Secretary of Agriculture Hance has stated, we are at 130% of the goal. That's an accomplishment that seems to be lost on Governor O'Malley, the Maryland Department of Agriculture, and the EPA.

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MD DEPARTMENT OF AGRICULTURE
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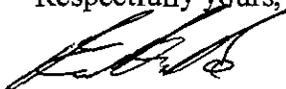
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Respectfully yours,

A handwritten signature in black ink, appearing to read 'R. Blevins', written over a horizontal line.

Robert Blevins
1132 Snow Hill Rd
Stockton, MD 21864

6A
November 13, 2013

Jo A. Mercer, Ed.D.

Administrator, Nutrient Management Program

Maryland Department of Agriculture

50 Harry S. Truman Parkway

Annapolis, Maryland 21401

Dear Dr. Mercer:

I am a farmer who lives in Worcester County and I am extremely concerned about the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool.

My first fear is that the proposed regulation, which will have huge impacts on the state's agricultural community, is based on incomplete research. The University of Maryland researchers have stated that their work is not done, yet the state is moving forward at breakneck speed for what appears to be political reasons. Rather than being focused on how to support and improve the agricultural community, the department seems more concerned with appeasing the U.S. Environmental Protection Agency. If the farming sector in Maryland was lagging in achieving Chesapeake Bay Watershed Implementation Plan goals, then perhaps enhanced efforts would be needed, but as Secretary of Agriculture Hance has stated, we are at 130% of the goal. That's an accomplishment that seems to be lost on Governor O'Malley, the Maryland Department of Agriculture, and the EPA.

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NUTRIENT MANAGEMENT PROGRAM
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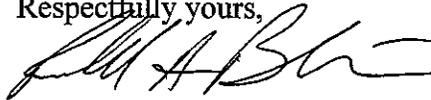
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Respectfully yours,

A handwritten signature in black ink, appearing to read 'Randall Blevins', written in a cursive style.

Randall Blevins
1128 Snow Hill Rd
Stockton, MD 21864

680

RECEIVED

November 13, 2013

NOV 18 2013

Earl Hance, Secretary of Agriculture
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

OFFICE OF THE SECRETARY

Dear Secretary Hance,

I am a poultry farm owner who lives in Worcester County and I am extremely concerned about the Maryland Department of Agriculture's proposed regulation related to the Phosphorus Management Tool.

My main fear is that the proposed regulation will have huge impacts on the state's agricultural community, and the overall economy of the entire state of Maryland. This regulation will put Maryland farmers at an unfair disadvantage when competing with farmers in neighboring states. The regulation is based on incomplete research. The main researchers working on this from the University of Maryland have stated that their work is not done, yet the state is moving forward at breakneck speed for what appears to be political reasons. Research by the University of Delaware has shown that numbers being used by EPA to determine the amount of manure coming from poultry houses is inaccurate. This morning a study by the U.S. Geological Survey conducted on the Delmarva Peninsula, indicates it may take several decades for many water-quality management practices aimed at reducing population to the Bay to achieve their full benefit due to the influence of groundwater. It would seem that the state should be focusing on using real science to make a real difference and not bowing down to politics. Rather than being focused on how to support and improve the agricultural community, the department seems more concerned with appeasing the U.S. Environmental Protection Agency. If the farming sector in Maryland was lagging in achieving Chesapeake Bay Watershed Implementation Plan goals, then perhaps enhanced efforts would be needed, but as you (Secretary of Agriculture Hance) have stated, we are at 130% of the goal. That's an accomplishment that seems to be lost on Governor O'Malley, the Maryland Department of Agriculture, and the EPA.

Allowing an extended and orderly phase-in of the implementation date of the Phosphorous Management Tool will cause no environmental harm as shown by the research released today. For decades, the scientific and regulatory community told farmers not to worry about applications of phosphorus to the soil because unless the soil moved, the phosphorus would not move. Recently, that thinking changed and farmers began applying manures based upon their phosphorus content. The phosphorus levels in soils and waters were achieved over decades and will not be corrected for decades, even if this new regulation changes manure application procedures in 2015. Waiting a few more years to allow for an orderly phase-in will not cause any harm to our environment. An orderly phase-in will allow the agricultural community to adjust and make required changes. Additionally, we saw firsthand how difficult and time consuming it was for Maryland CAFO farmers to obtain a Comprehensive Nutrient Management Plan and to think the conservation districts, the University of Maryland Extension,

and/or private consultants can do enough side-by-side Phosphorus Site Index/Phosphorus Management Tool comparisons in 2014 to provide valid results does not seem feasible.

Here are some of my concerns about the near-immediate implementation of this regulation. First and foremost, how can the Department of Agriculture even think about proposing a regulation that could cause such financial hardships on farm families when **no meaningful economic impact analysis** has been done?

Chicken Farms

- Denied the ability to use manure, a locally produced organic fertilizer, on their own crops, some chicken farmers will have to buy commercial fertilizer to replace chicken manure they already own. That will have a negative economic impact on the chicken growers.
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- Crop farmers could see increased effects of drought on their crops as a result of losing poultry litter's organic material that helps build up the soil's moisture retaining capabilities.
- Organic farmers are not allowed to use commercial fertilizer but can use poultry manure to fertilize their crops based on USDA regulations. With the push to "Buy Local" and for small farmers to have direct sales to consumers this regulation will put many of the small local and organic farmers out of business.

Once this regulation is in effect, as it appears it will be and contrary to the wishes of many in the agricultural community, there will be many negative effects to the farming community, individuals like me, and the entire state of Maryland without noticeable improvements in water quality.

Please, slow this down. Allow the scientific research to be completed and then allow an orderly phase-in much as the game-changing Water Quality Improvement Act of 1998 allowed a phase-in period. Without alternative uses of manure and cost effective replacements for this soon-to-be lost organic fertilizer, tremendous harm will come to the state of Maryland without improving the environment.

Respectfully yours,



Richard E. Blevins
Twin Oak Farms
1128 Snow Hill Rd
Stockton, Maryland 21864

681
November 13, 2013

Jo A. Mercer, Ed.D.
Administrator, Nutrient Management Program
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

RECEIVED

NOV 18 2013

OFFICE OF THE SECRETARY

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Respectfully yours,

A handwritten signature in black ink, appearing to read 'Ryan Blevins', with a stylized flourish at the end.

Ryan Blevins
1132 Snow Hill Rd
Stockton, MD 21864

682

October 19, 2013

Jo A. Mercer, Ed.D.
Administrator, Nutrient Management Program
Maryland Department of Agriculture
50 Harry S Truman Pkwy
Annapolis, MD 21401

RECEIVED

NOV 18 2013

OFFICE OF THE SECRETARY

Dear Mrs. Mercer,

I am writing to oppose the upcoming requirement that all Maryland nutrient management plans utilize the new, and untested, Phosphorus Management Tool (PMT). This tool will unfairly burden farm operations in my area by limiting and/or eliminating the option of poultry litter as an organic, slow release fertilizer. The costs associated with replacing poultry litter with an equivalent commercial fertilizer range from approximately \$100 to \$350 per acre. The additional costs associated with replacing litter as a nutrient source will place an unfair burden on Delmarva grain producers. In addition, poultry farmers will suffer as no viable option currently exists to take the manure generated on their farms, thus the costs of reutilization will fall on their shoulders. While MDA argues that the manure transport program will handle the exportation of manure, the reality is the trucking resources and cost recovery processes do not exist. Relocation of poultry litter on the scale required to satisfy the requirements under the PMT are not feasible, period!

Delmarva farmers and MDA through cost share programs have made considerable investments in storage, spreading equipment and manure management tools to minimize the environmental effects of poultry litter while maximizing the benefits to soil health and crop production. The PMT will render these investments useless and require similar and redundant investments wherever the ultimate fate of the manure resource proves to be.

I urge you to delay the implementation of the new PMT to enable thorough testing of the science behind the tool, give time for alternative uses to develop, and for farmers to find suitable and cost effective replacements for organic fertilizer that will be outlawed on most soils.

Sincerely,

Signature Keenan E Wright
Printed Name Keenan E. Wright
Street Address 26091 Delmar Road
City, State, Zip Delmar MD 21875

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MD DEPARTMENT OF AGRICULTURE
NUTRIENT MANAGEMENT PROGRAM
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Administrator, Nutrient Management Program
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Sincerely,



Signature

Printed Name Kimberly S Jones

Street Address 35085 Six Chix Lane

City, State, Zip Pittsville, MD 21850

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Sincerely,

Carol Littleton

Signature

Printed Name CAROL LITTLETON

Street Address 8270 LIBERTYTOWN ROAD

City, State, Zip BERLIN, MD 21811

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NUTRIENT MANAGEMENT PROGRAM
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Sincerely,



Signature

Printed Name Ryan Powell

Street Address 8185 Libertytown RD

City, State, Zip Berlin MD 21811

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MD DEPARTMENT OF AGRICULTURE
NUTRIENT MANAGEMENT PROGRAM
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Sincerely,

Signature *Kenny Littleton*
Printed Name Kenny Littleton OR
Street Address 8270 LibertyTown RD.
City, State, Zip Berlin, Maryland 21811

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NOV 18 2013

MD DEPARTMENT OF AGRICULTURE
NUTRIENT MANAGEMENT PROGRAM
ANNAPOLIS

687

October 19, 2013

Jo A. Mercer, Ed.D.
Administrator, Nutrient Management Program
Maryland Department of Agriculture
50 Harry S Truman Pkwy
Annapolis, MD 21401

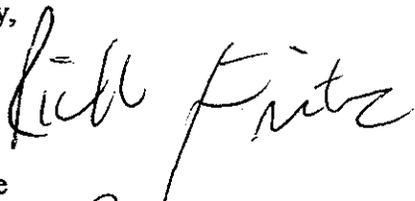
Dear Mrs. Mercer,

I am writing to oppose the upcoming requirement that all Maryland nutrient management plans utilize the new, and untested, Phosphorus Management Tool (PMT). This tool will unfairly burden farm operations in my area by limiting and/or eliminating the option of poultry litter as an organic, slow release fertilizer. The costs associated with replacing poultry litter with an equivalent commercial fertilizer range from approximately \$100 to \$350 per acre. The additional costs associated with replacing litter as a nutrient source will place an unfair burden on Delmarva grain producers. In addition, poultry farmers will suffer as no viable option currently exists to take the manure generated on their farms, thus the costs of reutilization will fall on their shoulders. While MDA argues that the manure transport program will handle the exportation of manure, the reality is the trucking resources and cost recovery processes do not exist. Relocation of poultry litter on the scale required to satisfy the requirements under the PMT are not feasible, period!

Delmarva farmers and MDA through cost share programs have made considerable investments in storage, spreading equipment and manure management tools to minimize the environmental effects of poultry litter while maximizing the benefits to soil health and crop production. The PMT will render these investments useless and require similar and redundant investments wherever the ultimate fate of the manure resource proves to be.

I urge you to delay the implementation of the new PMT to enable thorough testing of the science behind the tool, give time for alternative uses to develop, and for farmers to find suitable and cost effective replacements for organic fertilizer that will be outlawed on most soils.

Sincerely,



Signature

Printed Name

Rick Fritz

Street Address

6536 Libertytown RD

City, State, Zip

Berlin MD 21811

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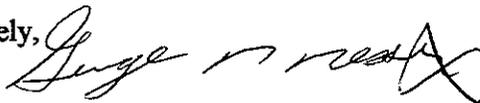
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Sincerely,



Signature

Printed Name

George M. Messix

Street Address

35085 Six Chix Lane

City, State, Zip

Pittsville MD 21850

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Sincerely,

Signature

Printed Name William Calloway
Street Address 8381 Athol RD
City, State, Zip Mardela Springs, MD 21837

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OFFICE OF THE SECRETARY

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Administrator, Nutrient Management Program
Maryland Department of Agriculture
50 Harry S Truman Pkwy
Annapolis, MD 21401

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Sincerely,

Signature Edward C. Wright
Printed Name EDWARD C. WRIGHT
Street Address 26091 DELMAR ROAD
City, State, Zip DELMAR, MD, 21875