

Title 15
DEPARTMENT OF AGRICULTURE

Subtitle 20 SOIL AND WATER CONSERVATION

Chapter 06 Nutrient and Commercial Fertilizer Application Requirements for Agricultural Land

Authority: Agriculture Article, §§8-801—8-806, Annotated Code of Maryland

.01 Scope.

This chapter requires a person who applies nutrients to more than 10 acres of agricultural land, which that person owns or manages, to:

- A. Have an applicator voucher from the Department;
- B. Be a certified farm operator;
- C. Be a certified nutrient management consultant; or
- D. Hire a certified nutrient management consultant.

.02 Definitions.

A. In this chapter, the following terms have the meaning indicated.

B. Terms Defined.

(1) Agricultural Land.

(a) "Agricultural land" means more than 10 acres of land used to produce food, feed, fiber, sod, animals, plants, trees, or plants in containers, or for out-of-ground production.

(b) "Agricultural land" includes smaller, noncontiguous land parcels that total more than 10 acres.

(2) "Applicator" means a person who applies any type of nutrient, as defined by this chapter, to any crop, plant, or land intended to be planted.

(3) "Applicator voucher" means documentation issued by the Department as proof that an individual has completed a required educational program, as defined by this chapter.

(4) "Certified farm operator" means an individual certified by the Department under this subtitle to prepare a nutrient management plan solely for agricultural land that the individual:

- (a) Owns;
- (b) Operates; or
- (c) Has a legal interest in.

(5) "Certified nutrient management consultant" or "consultant" means an individual certified by the Department, under COMAR 15.20.04, to prepare a nutrient management plan.

(6) "Commercial fertilizer" or "fertilizer" means a substance containing a recognized plant nutrient used for its plant nutrient content and designed for use, or claimed to have value, in promoting plant growth, except unmanipulated animal and vegetable manure, marl, lime, wood ashes, and gypsum.

(7) "Department" means the Maryland Department of Agriculture or its designee.

(8) "Educational program" means a training program created or approved by the Department relating to nutrient application.

(9) "Nutrient" means a fertilizer or any substance used to promote plant growth.

(10) "Nutrient application rate" means the quantity of primary nutrients, as total nitrogen (N), available phosphate (P₂O₅), and soluble potash (K₂O), recommended by a certified nutrient management consultant to:

- (a) Supply crop or plant nutrient needs; and
- (b) Achieve realistic yield goals, as defined by COMAR 15.20.04.

DEPARTMENT OF AGRICULTURE

15.20.06.03

(11) "Nutrient content" means the percentage of any primary nutrient, as total nitrogen (N), available phosphate (P₂O₅), or soluble potash (K₂O), in any type or source of plant nutrients.

(12) "Nutrient management plan" means a plan prepared by a certified nutrient management consultant or a certified farm operator to manage the amount, placement, timing, and application of animal manure, fertilizer, biosolids, or other plant nutrients in order to protect water quality and maintain the productivity of soil in accordance with COMAR 15.20.08.

(13) "Person" means the State, any county, municipal corporation, or other political subdivision of the State, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity, unless otherwise provided.

(14) "Supervision" means that a nutrient management consultant, a certified farm operator, or a person who holds a voucher is responsible for:

- (a) Training and planning employee activities; and
- (b) The application of nutrients.

.03 Application of Nutrients to Agricultural Land.

A. A person who owns or operates agricultural land may not apply any nutrient to more than 10 acres of that land, unless that person:

- (1) Holds an applicator voucher from the Department verifying the completion of the Department's educational requirements;
- (2) Is a certified farm operator; or
- (3) Is a certified nutrient management consultant.

B. A person who satisfactorily completes an approved educational program shall receive an applicator voucher from the Department. At least once every 3 years after obtaining a voucher, each voucher holder shall complete at least 2 hours of a Department-approved educational program in nutrient application or management.

C. The Department shall renew an applicator voucher for an individual who satisfactorily completes the educational requirements of this chapter.

.04 For-Hire Application of Nutrients to Agricultural Land.

A person who for-hire applies nutrients to agricultural land shall:

- A. Be a certified nutrient management consultant or work under the supervision of a consultant;
- B. Make available, upon request of the landowner or operator, documentation in the form of a certificate, work order, or other similar document, that the applicator is:
 - (1) A certified nutrient management consultant, or
 - (2) Working under the supervision of a certified nutrient management consultant;
- C. On or after December 31, 2002, apply nutrients according to a nutrient management plan or have verification by the landowner or operator that the nutrient application complies with a nutrient management plan; and
- D. On or after December 31, 2002, apply nutrients according to the University of Maryland Cooperative Extension recommendation rates when a nutrient management plan is not required.

.05 Record-Keeping and Reporting Requirements.

A person who for-hire applies nutrients to agricultural land shall:

- A. Keep records when applying nutrients, to document that the applicator is:
 - (1) Certified by the Department as a nutrient management consultant;
 - (2) Certified as a nutrient management consultant by an entity with a reciprocal certification program with the Department;or
- (3) Supervised by a person complying with requirements in §A(1)(a) or (b) of this regulation.

SOIL AND WATER CONSERVATION

15.20.06.06

B. Make and keep for at least 3 years a record in a form approved by the Department that includes:

- (1) The type and amount of nutrients applied to the plants or to the land;
- (2) The crop acreage receiving a nutrient application;
- (3) The location of the nutrient application;
- (4) The timing of the application or applications; and
- (5) An analysis of the nutrient content of any fertilizer applied to the plants, the land, or the crop acreage.

C. Make available for inspection, at the Department's request, the records required by §A(1) and (2) of this regulation.

.06 Denial, Suspension, or Revocation of Certificate or Voucher.

A. The Department may deny, suspend, or revoke the certification or applicator voucher of a person who violates any requirement of this chapter, including:

- (1) Providing misleading, false, or fraudulent information;
- (2) Failing to meet the educational or continuing education requirements of this chapter; or
- (3) Failing to apply, or to supervise the application of, nutrients as required by this chapter.

B. A person whose certification or application voucher is denied, suspended, or revoked shall be given an opportunity for a hearing by the Secretary before any denial, suspension, or revocation.

Administrative History

Effective date: May 29, 2000 (27:10 Md. R. 967)

Regulation .01 amended effective October 28, 2013 (40:21 Md. R. 1780)

Regulation .01A amended as an emergency provision effective December 22, 2004 (32:2 Md. R. 144); amended permanently effective April 11, 2005 (32:7 Md. R. 684)

Regulation .01B amended effective April 16, 2001 (28:7 Md. R. 692)

Regulation .02B amended effective April 16, 2001 (28:7 Md. R. 692); October 28, 2013 (40:21 Md. R. 1780)

Regulation .02B amended as an emergency provision effective December 22, 2004 (32:2 Md. R. 144); amended permanently effective April 11, 2005 (32:7 Md. R. 684)

Regulation .03A amended as an emergency provision effective December 22, 2004 (32:2 Md. R. 144); amended permanently effective April 11, 2005 (32:7 Md. R. 684)

Regulation .04 amended effective April 16, 2001 (28:7 Md. R. 692); October 28, 2013 (40:21 Md. R. 1780)

Regulation .05 amended effective October 28, 2013 (40:21 Md. R. 1780)

Regulation .05B amended effective April 16, 2001 (28:7 Md. R. 692)

Regulation .07 repealed effective October 28, 2013 (40:21 Md. R. 1780)

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