



# Maryland Department of Agriculture

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## MARYLAND DEPARTMENT OF AGRICULTURE

### LEGISLATIVE COMMENT

**DATE: February 27, 2019**

**BILL NUMBER:** SENATE BILL 546

**SHORT TITLE:** AGRICULTURE- NUTRIENT MANAGEMENT- MONITORING AND ENFORCEMENT

**MDA POSITION:** INFORMATION

#### **EXPLANATION:**

This bill would clarify and revise certain financial penalties to farmers for non-compliance, prioritize the collection of certain soils data from farmers, and establish a certification program for haulers/brokers of manure and litter. The certification program would also include expanded tracking of manure movement within and outside of the State, and other record keeping responsibilities to be placed on the haulers and brokers. The bill would also charge an annual fee to CAFO operations with no waivers and establish on-farm monitoring. There is also a requirement to conduct stream monitoring at nine sites on the Lower Eastern Shore with funding provided by the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.

#### **BACKGROUND INFORMATION:**

The Maryland Department of Agriculture's Nutrient Management Program (Program) is responsible for administering the state's nutrient management law that applies to all farms in the state that generate at least \$2,500 in gross income or have 8,000 pounds or more of live animal weight on-farm. All qualifying farms must develop and maintain a current Nutrient Management Plan that matches nutrient applications to crop nutrient needs. There are approximately 5,300 regulated farm operations in the state, which cover about 1.3 million acres.

The Maryland Department of Agriculture (MDA) is currently targeting farms that have not yet submitted soils data. MDA believes around 10 percent of the missing soils data is a result of misunderstanding by nutrient management consultants submitting only high phosphorous soil data. The data collection process is currently under review as we prepare for the next round of required reporting in 2021.

The Program's currently policy regarding administrative penalties for outstanding soils data, is to begin with a \$250 fine and advance to the \$2,000 maximum annual charge. The Program has never charged less than \$250. MDA is suggesting a provision to allow the penalty for non-submittal of the Annual Implementation Report (AIR)--referred to as the End of Season Cropping Report--be increased to a maximum of \$2,000 as added incentive for farmers to comply.

The establishment of a voluntary certification program for commercial manure haulers and brokers would be a new responsibility for the Program. A simple additional requirement by non-CAFOs to report organic fertilizer sources on the Annual Implementation Report (AIR) is possible for data collection. Current CAFOs are required to report where and who receives manure on an annual basis through the AIR. Currently, SB546 addresses poultry litter and manure but does not mention other organics such as biosolids, food waste materials, and compost.

MDA is suggesting the terminology of manure be changed to "Natural Organic Fertilizer" to be consistent with state law and regulation. This will then include all sources of organic fertilizer including biosolids, compost, and organic residuals.

Manure transport is a key component in moving organic fertilizers from areas with high phosphorus levels to acres that are able to receive and spread these nutrients. There is some concern that additional regulation of these haulers and brokers may cause the industry to leave the area altogether.

Currently all farmers are required to carry a Nutrient Management Voucher Card for spreading nutrients on their own farm operations. MDA is recommending manure haulers and brokers, haulers of other organic sources, and custom applicators be required to carry a certification obtained through proper training requirements as established by the Program. MDA will also expand the tracking and record keeping requirements when manure is transported to or from an operation, and suggest that this should apply to all farm operations and not just CAFOs.

MDA has concerns that the \$1,500 annual fee charged to CAFO operations may cause economic burden on poultry farmers. In addition, there is a provision that CAFOs must submit monitoring results to the Maryland Department of the Environment (MDE) from monitoring equipment installed and maintained by the farmer, but the type of monitoring is not specified.

The Department of Natural Resources (DNR) has indicated that water-quality monitoring would require \$35,000-\$50,000 per site per year. MDA, MDE, and DNR depend on 2010 Trust Fund for program work and best management practices implementations. MDA has concerns about anything that would lead to a reduction in the Trust funding we receive.

If you have additional questions, please contact Cassie Shirk, Director of Legislation and Governmental Affairs, at [cassie.shirk@maryland.gov](mailto:cassie.shirk@maryland.gov) or 410-841-5886.