

Governor's
Intergovernmental Commission
for Agriculture

Report to
Governor Martin O'Malley

December, 2008

Roger Richardson – Secretary
Earl F. Hance – Deputy Secretary

Maryland Department of Agriculture

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INTRODUCTION

The Governor's Intergovernmental Commission for Agriculture (GICA) was established on June 29, 2006, to “promote the economic profitability of agriculture in the State by ensuring that all appropriate State agencies work in a cooperative, coordinated manner with local government and industry groups in planning, implementing, overseeing and evaluating intergovernmental initiatives related to agricultural affairs of the State.”

The Commission currently has 25 duly appointed members (APPENDIX A). As stated in the 2007 report, Commission decided to pursue the following goals for 2007-2008:

1. Request that the Governor support the need for federal and state solutions to current labor shortages and immigration questions.
2. Identify an agricultural ombudsman at each agency to be the initial point of contact for questions concerning agricultural matters.
3. Develop informative materials with clear, positive information about agricultural issues.
4. Establish a federally-approved “Food Process Authority” in Maryland to further expand economic opportunities for value-added agricultural products.

In addition to the four items that the Commission agreed to focus on, it received a letter from the chair of the Implementation Committee for the strategic plan for agriculture (APPENDIX B). In 2008 meetings were held on May 13 and October 16 (APPENDIX C and D), of which the focus was the 2007-2008 goals set in September, 2007.

During the May 13 meeting, the Commission decided to create a smaller planning subcommittee for the purpose of making policy recommendations to the GICA on issues in line with the request from the Implementation Committee of the Statewide Strategic Plan for Agriculture. Since the meeting, the Maryland Department of Planning has begun working on the State Development Plan, which is required by law. The planning subcommittee met on September 5 and agreed to focus on making recommendations on behalf of GICA on the upcoming draft State Development Plan, being produced by the Maryland Department of Planning. This information was presented at the October 16 full GICA meeting. The request regarding the Plan for Agriculture will serve as a guideline for input into the State Development Plan.

GOALS

1. Request that the Governor support the need for federal and state solutions to current labor shortages and immigration questions.

At the May meeting, Merlin Williams from the Maryland Department of Labor, Licensing and Regulation presented on the H2A Visa Program, and tenant housing issues. The H2A temporary agricultural worker program establishes a means for agricultural employers, who anticipate a shortage of domestic workers, to bring nonimmigrant foreign workers to the U.S. to perform agricultural labor or services of a temporary or seasonal nature. The employer must provide free housing to all workers who are not reasonably able to return to their residences the next day. Housing must be inspected and approved according to appropriate standards. Employer housing for agricultural workers must meet the full set of DOL OSHA standards. There are two sets of regulations with regards to migrant housing rules. The first

is the federal standard as required by OSHA. The second is the Maryland Department of Health and Mental Hygiene's requirement, which defers to local counties and their zoning requirements, as well as the State Fire Marshall, who is responsible for the state fire code. Baltimore County is the largest user of H2A visas. Many of the GICA members believe that State Fire Marshall representatives, depending on the county, use different interpretations and look at the varying sections of the law for those interpretations. The general view was that too many agencies are involved in the process. The GICA requested that a representative from the State Fire Marshall's office come to the next meeting to discuss their regulations.

At the October meeting, Harry Bradley, Senior Fire Protection Engineer from the Maryland State Fire Marshall's Office, informed the group that there is a lot of confusion and a lack of information for the provider. Maryland follows the federal fire code. The State Fire Commission is responsible for adopting national standards. There is no reference to migrant workers or temporary workers anywhere in the Code. There are different thresholds in the building code. Residential category one and two "families" is not defined. The code says that there is no requirement for single family dwellings (defined in the code as five or less people). With migrant workers there are different issues. The local health department has to look at livability issues. This is part of the process, including how many people are living in the house. If there are six or more it then becomes a lodging and rooming house. The house is required to have a sprinkler system installed. Mr. Bradley's advice to farmers who are in this situation is when the process begins, provider should clarify up front what he or she wants to do. The group requested that Mr. Bradley become the agricultural ombudsman for the State Fire Marshall. He agreed to do so. GICA also recognizes that providing clear, precise information to farmers might be helpful as well.

2. Identify an agricultural ombudsman at each agency to be the initial point of contact for questions concerning agricultural matters.

In November, 2007, Secretary Roger Richardson sent a letter to every agency in the state requesting that an ombudsman be appointed from each agency as a point person for farmers. As of today, there are fifteen ombudsmen. A list can be found in APPENDIX D.

Develop informative materials with clear, positive information about agricultural issues. During the May meeting, Sue Dupont, director of communications for the Maryland Department of Agriculture gave a presentation on ideas for a communications strategy.

- Get a positive message out. The goal is to keep farming sustainable.
- Promote agriculture and farmers themselves, fairness in the marketplace. Agriculture is a strong economic force.
- Create uniform talking points.
- Develop farmer profiles; focus on buying local.
- Highlight regulatory actions.
- Educate the public on farmer best management –practice.
- Refer to www.iwantmarylandsbest.com for more information.

All of these issues are ongoing. In addition, one of the recommendations in the statewide strategic plan for agriculture is to develop positive images of agriculture. Some of the remaining funding available for the implementation of the state agriculture plan is being used for those purposes. The GICA will continue to monitor this issue and determine if any additional action is needed in 2009.

4. Establish a federally-approved "Food Process Authority" in Maryland to further expand economic opportunities for value-added agricultural products.

During the May meeting, Jody Menikheim from the Department of Health and Mental Hygiene (DHMH) and Deanna Baldwin from MDA talked about ongoing on-farm processing issues. The main concern right now is acidified foods, such as pickles, beets, etc. The College of Southern Maryland has offered a training session through a third party. Also, FDA offers one course on low acid foods in West Virginia, which is administered by Virginia Tech University. The FDA kit is expensive as are the registration and certification fees. Other issues include farmers markets and testing for potable water. DHMH is trying to provide more direction to local health departments. More consistency in training and developing a better retail program is necessary. Deanna Baldwin briefed GICA on food processing on smaller farms as well as on-farm processing for poultry. Both Ms. Baldwin and Mr. Menikheim said that Ginger Myers with the University of Maryland had received a grant from the Harry Hughes Agroecology Center. The grant will be directed towards an analysis of various health regulations with regards to on-farm processing and will develop recommendations with input from various group. GICA will continue to support this effort and will receive an update at its next meeting in May 2009.

Request from the Implementation Committee of the Strategic Plan for Agriculture

In November, GICA received a request from the chair of the Committee asking GICA to review various issues involving zoning/planning, health regulations and agriculture land preservation. The requests concerning zoning/planning are the following:

- Develop a technical assistance toolbox for local officials on zoning and regulations that both support traditional agriculture and allow for alternative agricultural uses.
- Develop a state guide to planning for agriculture that includes mechanisms, such as reverse setbacks, for reducing land use conflicts, and a model right-to-farm ordinance with guidelines for county officials.
- Convene an ongoing statewide working group to discuss zoning issues related to agriculture and develop tangible action items.
- Encourage modification of local regulations so they honor the intent of existing regulations while developing alternative approaches that scale to farm-based and community-based processing systems.
- Create model “agricultural enterprise zone” incentives that jurisdictions can use to attract value-added and processing businesses.

At the May meeting, a planning/zoning subcommittee was formed to review these issues and make recommendations in the future. In the meantime, the Maryland Department of Planning is now in the process of developing a draft state development plan, as referenced above. GICA’s subcommittee will be developing recommendations for this plan, in concert with the request from the Implementation Committee.

In addition, to the state development plan, there are two emerging issues that GICA believes it should continue to monitor. The first is water resources. At the May meeting GICA members discussed House Bill 1141 (Land Use – Local Government Planning). HB 1141 was passed during the 2006 General Assembly session. It requires, among other things, local governments to include a water resources element in their local comprehensive plans. During the October 2008 meeting, Herb Sachs from the Maryland Department of Agriculture and a member of the GICA, presented the findings of the water supply report, or the Wollman report, which has been a five-year process. It was released in July, 2008. Mr. Sachs said that water supply issues have not been addressed as they should.

Another emerging issue is the growing number of Maryland wineries, and creating a regulatory environment that recognizes this industry. During the October meeting, Karen Lambrecht, owner of Serpent Ridge Winery, a new, small Maryland winery that will officially open in March 2009, presented the recent report produced by the Governor’s Commission on Wines and Grapes. Currently there are 33

wineries in Maryland, with more to come in the next five years. Ms. Lambrecht discussed the regulatory barriers that wineries faced because they do not fit into any defined category at this time. County members of the GICA agreed to take the report to their MACO planning committee for review. The GICA also agreed to send a letter to MACO requesting that during its Summer Conference, it host a seminar on regulatory requirements for value added agricultural products. GICA will continue to monitor this issue, and provide assistance where needed.

Goals for 2008-2009

1. Provide recommendations for the State Development Plan and work on implementing the issues raised by the Statewide Plan for Agriculture.
2. Follow up with the State Fire Marshall if any additional information is needed.
3. Host a seminar on value-added agriculture products during the MACO Summer Conference.
4. Assist Maryland wineries with navigation of state and local requirements.
5. Monitor water resource issues.