

The Maryland Farm Bureau Hotline

Legislative proposals that impact Maryland's farm community



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National Update

Senator Cardin's Chesapeake Bay Bill is Scheduled for a Hearing on Monday

S. 1816, The Chesapeake Clean Water and Ecosystem Restoration Act, legislation that would give EPA ultimate authority to put Maryland farms out of business over time, is scheduled for a hearing in the U.S. Senate Subcommittee on Water and Wildlife on Monday, November 9th.

Maryland Farm Bureau submitted the following letter in opposition to the bill:

November 6, 2009

The Honorable Benjamin Cardin
Chairman
Subcommittee on Water and Wildlife
509 Hart Senate Office Building
Washington, D.C. 20515

Re: S. 1816, The Chesapeake Clean Water and Ecosystem Restoration Act

Dear Senator Cardin:

On behalf of 32,000 Farm Bureau families across the state of Maryland, I would like to thank you for the ongoing dialogue between your office and our organization concerning the Chesapeake Bay restoration effort. As you know, Maryland farmers have been longstanding partners in the effort to protect the Bay. In fact, our farmers lead the nation in the use of conservation best management practices and have committed more personal funds to this effort than any sector in the watershed.

Over the last two weeks we have had the opportunity to review your legislation, S. 1816, The Chesapeake Clean Water and Ecosystem Restoration Act. It is with sincere concern that I inform you that the bill as drafted threatens the very existence of family farms in Maryland.

S. 1816 sets an unlevel playing field for farms in the Chesapeake Bay region by establishing a higher level of EPA Clean Water Act regulation than is required of farmers in the rest of the country. Maryland farmers are competing against producers in other states and around the world, with minimal opportunity to add additional costs into the price we are paid for our products. Your bill gives EPA unprecedented authority to take any and all action the agency deems necessary to reach Bay restoration goals. This includes requiring all livestock operations, regardless of size, and possibly any producer that fertilizes a

field to operate under a Clean Water Act permit. This will be cost prohibitive for small and medium size farm operations, particularly since the bill authorizes citizen suits against all permittees.

Your bill also puts into law specific caps for the Total Maximum Daily Load for the Chesapeake Bay and gives EPA ultimate authority to implement the program. EPA may promulgate any regulation and issue any permit necessary, notwithstanding any other provision of the Clean Water Act – effectively repealing the stormwater exemption for farms in the watershed. Unfortunately, Maryland farmers still have very little information on the TMDL, what it means at the farm level and how they are expected to measure the non-point sources attributed to their farms. If the Tributary Strategy program is any indication, Maryland farms could be required to install every conservation practice available on every acre of farmland, regardless of the economic or agronomic value. We believe your bill is premature in this area and should not mandate a program and establish onerous penalties before we have a chance to consider the actual farm implications.

We applaud the general goal of the bill to engage all nutrient contributors in all six watershed states – particularly those in the urban and suburban areas that are sliding backwards in the effort to reduce nitrogen, phosphorus and sediment pollution. However, we oppose penalty provisions that allow EPA to force only permitted businesses to make further reductions in the event that the rest of society misses the mark every two years.

As we read it, EPA would have authority to order all permitted entities to reduce discharges - meaning livestock and poultry operations could be told to reduce herd sizes. Through the permit, EPA could dictate farming practices such as fertilization, harvest and cover crop planting dates. The agency would also have the authority to deny permits – meaning new or young farmers may be denied the opportunity to farm in Maryland.

We appreciate the provisions in your bill to set aside federal funds for technical support in NRCS and Soil Conservation District offices to help farmers develop conservation plans and install BMPs. We continue to believe that the best way to protect the Chesapeake Bay from a farm perspective is to encourage farmers to use the BMPs that fit their specific operations and economic circumstances. Technical assistance by planners in local offices is critical to implementing BMPs.

Unfortunately, there can be no assurance that new funding authorized in your bill will be appropriated annually, even though the expensive mandates will continue to exist. It appears that most of the new funding authorized is targeted to local governments. While we agree that stormwater management and waste water treatment upgrades are necessary and will require federal assistance, we are concerned that if Congress fails to make the annual appropriation, farmers will bear the brunt of nutrient reduction when local governments cannot afford the investment.

Finally, your bill mandates an offset program that proponents believe will facilitate the purchase of BMPs on farms in exchange for development activities in other areas of the state. Under the bill, any development or redevelopment activity in the watershed must restore the land to the pre-development hydrology. This applies to the building of schools, hospitals and roads as well as homes and businesses. If the restoration cannot be accomplished on site, an offset must be purchased and a nutrient reducing BMP must be installed elsewhere in the state. Proponents believe that the offsets will be supplied by farmers.

The problem with this concept is that there will be no offsets available on Maryland farms. The bill mandates that offsets may only be sold after a farm reaches its individual nutrient reduction obligation. Under the TMDL program mandated in the bill, the expectation is that every farm will have to install

every BMP available on every acre just to reach the goal. Experts in this area agree that there will be no offsets left to sell on farms. Unfortunately, most farms will not be able to install the plethora of costly BMPs needed to meet the TMDL without financial assistance. We believe the offset provision will leave local governments and developers with no other option than to purchase whole farms and take them out of production in order to achieve the offset. The alternative is all economic development in the watershed must end.

We know that efforts to improve the condition of the Chesapeake Bay must be a priority as the watershed states move towards the 2025 goals. This will be a substantial challenge in light of exploding population expectations in the region. We know that all citizens in Maryland treasure the Chesapeake Bay. We also know that Marylanders want family farms to remain economically viable in order to provide fresh, locally produced farm products. Unfortunately, S. 1816 takes the decision making authority on critical lifestyle issues away from state and local governments and the citizens they represent and gives the federal Environmental Protection Agency ultimate control over our communities.

For the sake of our family farmers and the hope for a future generation of producers in Maryland, we request that you not to pass S. 1816 in its current form.

Sincerely,

W. MICHAEL PHIPPS
President

On Thursday, Ken Cook of the Environmental Working Group in Washington sent a mass email to all potential supports of the bill asking them to contact the Senator Cardin and Senator Mikulski (an original cosponsor of the bill) immediately to let them know how important it is to pass this bill and clean up the Bay. His email says that for 26 years no progress has been made.

Action Request: Maryland Farm Bureau members are asked to call Senator Cardin and Senator Mikulski to let them know that we have made monumental progress on Maryland farms in the effort to protect the Chesapeake Bay. Tell the Senators the following:

1. We oppose S. 1816 because of the unprecedented authority it gives EPA
2. Maryland farmers have done more than any other sector to reduce nutrients that could harm the Bay
3. Finally – Ask both Senators why they are trying to put your farm out of business?

Contact Senator Ben Cardin at: (202) 224-4524 in Washington, D.
(410) 546-4250 in Salisbury (301) 777-2957 in Hagerstown
(301) 860-0414 in Bowie (410) 962-4436 in Baltimore

Or you can email him by logging onto his website at:

<http://cardin.senate.gov/contact/>

Contact Senator Barbara Mikulski at: (202) 224-4654 in Washington, D.C.
(410) 546-7711 in Salisbury (301) 797-2826 in Hagerstown
(301) 345-5517 in Greenbelt (410) 263-1805 in Annapolis
(410) 962-4510 in Baltimore

Or you can email Senator Mikulski at:

<http://mikulski.senate.gov/Contact/contact.cfm>

Ohio Voters Approve Livestock Care Board

Ohio voters overwhelmingly approved a ballot initiative Tuesday that will establish a board on livestock care standards. The Ohio Farm Bureau Federation actively supported the measure. The measure establishes a 13-member Ohio Livestock Care Standards Board that will set standards for the care, treatment and welfare of livestock and poultry raised in Ohio based on ethics and science. The measure takes the form of an amendment to the Ohio State Constitution.

American Farm Bureau Federation President Bob Stallman praised members of the Ohio Farm Bureau Federation for their hard work in supporting Issue 2. “Voters made a solid statement that acknowledged the role farmers play in caring for farm animals and providing a safe and quality food supply in the Buckeye State. Clearly, Ohio has blazed a bold new trail for other states to follow on the issue of livestock care and well-being. It is clear that voters in that state know farmers and ranchers share their values regarding the care of farm animals,” Stallman said.

The board is intended to head off efforts by activist groups that want to impose their agendas on the state’s livestock and poultry producers. Wayne Pacelle, president and CEO of the Humane Society of the United States, implied that his group may seek to counter the new livestock board with its own ballot initiative in Ohio elections next year in the form of a constitutional amendment that would contain language similar to California’s Proposition 2. “We haven’t made a final decision, but it’s very likely,” Pacelle said. *(Courtesy of AFBF Executive Newswatch)*

State Update

Clarification - Cover Crop Extended Deadline Does Not Include Barley

Last week we printed the MDA announcement on the extension of the cover crop deadline, which is now November 16th. Part of MDA’s press release on the extension explained the overall goals of the cover crop program. In that section Barley was mentioned as an example of the types of crops planted by farmers to protect the Bay. Unfortunately, some folks thought that the extended deadline also applied to Barley. It does not. MDA confirmed this week the Barley deadline had already passed before the extension and thus was not included.