

The Maryland Farm Bureau Hotline

Legislative proposals that impact Maryland's farm community



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No. 6 February 25, 2010

Maryland Farm Bureau Day-In-Annapolis

Tuesday, March 2nd - Maryland Farm Bureau Day in Annapolis

8:30am Briefing for Farm Bureau Members at the Calvert House, 58 State Circle

10:00am – MD General Assembly Session – Senate presentation to Miss Maryland Agriculture

Bring you Photo ID to gain access to the State House and other government buildings.

12 noon lunch at the Calvert House, 58 State Circle, Annapolis

All members of the Maryland General Assembly have been invited to attend – for budget reasons we cannot accommodate staff with or in place of elected-officials.

MFB Members: The bills listed below are schedule to be heard in Committee next week. Please take a few minutes now to contact your legislators to let them know Farm Bureau's position and how these bills will impact your farm.

Monday, March 1, 2010

SB 140 - Budget Bill (Fiscal Year 2011)

Subcommittee on Public Safety, Transportation and Environment, Amoss Room, 4th Floor Miller SOB

The overall budget for Fiscal Year 2011 is \$32.07 billion, compared to \$32.3 billion for FY10 (-0.8% difference). The budget includes: \$20 million 2010 Bay restoration Fund (up from \$8 million in current year); \$99 million increase in K-12 education w/continued state funding of teacher pension programs; 3% increase in state college tuitions – tuition freeze of last 3 years abandoned; up to 10 furlough days for state employees; and the elimination of 200 of 70,000 state jobs (all but 40 are currently vacant).

Specific to the farm community, MDA's Budget is down \$900,000 or 3% from FY10. Nutrient management funding has been reduced by half to about \$500,000, which will result in cutting half of the nutrient management planners working in Maryland Cooperative Extension offices. There are small cuts to the Gypsy Moth program and the Mosquito Control program (\$58K for county programs).

MARBIDCO is cut to \$850,000, down from a high of \$2.7 million (the target funding level is \$4 million).

Maryland Farm Bureau urges the General Assembly to restore the nutrient management budget to meet the state funding mandates of the 1998 Water Quality Improvement Act and to ensure that a sufficient number of planners are available to meet a key component in Maryland's Chesapeake Bay Restoration effort.

Tuesday, March 2, 2010

HB 827 - Biomass and Biofuels - In-State Production Incentives – Delegate Hubbard

House: *Economic Matters, 230 House Office Building at 1:00pm*

In general, this bill looks to enhance the future of next-generation biofuel production and use in the State. *Cellulosic feedstock* would be added to those feedstocks eligible for net energy metering under Maryland law and defined in the bill as plant matter or material comprised of cellulose, hemicellulose, or lignin that is available on a renewable or recurring basis, including: a) agricultural wastes like corn stover and seed

hulls; b) high-yielding agricultural crops; c) wood materials; and d) waste materials including municipal wastes and lawn clippings. The bill would allow any remaining energy generated with cellulosic feedstock by an eligible customer-generator to be recovered by the customer and not revert back to the electric company. *Renewable Diesel* is defined in the bill as a diesel fuel substitute that: a) is derived from nonpetroleum renewable resources; b) is produced from biological sources of oils; c) has an emissions profile at least as environmentally protective as the biodiesel that it replaces; d) is suitable for use as a fuel; and e) is fully registered under federal and state requirements. Furthermore, this bill would create an in-state mandate on the blend requirements for biodiesel and cellulosic fuels sold in Maryland. If the in-State production level of biodiesel produced from feedstocks grown in the USA reaches 12 million gallons/yr, then all diesel sold within the state would have to be at least a 2% biodiesel blend; 30 million gallons triggers a B5 mandate; 55 million gallons triggers a B10 mandate; and 110 million gallons triggers a B20 mandate. Renewable diesel produced in the United States could be used to satisfy up to 25% of the biodiesel requirements described above. Additionally, once in-State production of cellulosic biofuel reaches 100 million gallons annually, gasoline sold in-State must be at least a blend of 5% cellulosic biofuel. The bill would allow a suspension of the blend requirements if they would substantially increase costs to consumers, puts retailers at a competitive disadvantage, or cannot be met as a result of insufficient supplies and lack of infrastructure. Also, the Comptroller would have to report on the status of the biodiesel and cellulosic industries in the state and the implementation of these measures including: the economic impact, names and locations of production facilities, and the level of in-state production of both biodiesel and cellulosic biofuel. Uncodified language in the bill also calls for MDA, the Comptroller, MEA, Chesapeake Bay Commission, MDOT, and DBED to formulate a plan for infrastructure development supporting the requirements of the bill with a the full report due by Jan. 1, 2011. **MARYLAND FARM BUREAU SUPPORTS HB 827.**

SB 420 - Environment - Stormwater Management - New Development and Redevelopment Projects

– Senator Colburn

Senate: *Education Health and Environmental Affairs, 2 West Miller SOB*

This bill provides that new regulations that establish criteria and procedures for stormwater management shall apply to all new development or redevelopment that do not have final approval for erosion and sediment control and stormwater management plans by May 4, 2020. In 2009, the MGA passed legislation to require new stormwater management rules to maintain, after development, as nearly as possible, predevelopment runoff characteristics and to require builders to use environmental site design standards. Builders have raised concerns over implementation of the new rules for developments that are already in the pipeline. The Soil Conservation Districts are concerned about workload issues if erosion and sediment control plans must be redone for developments in the pipeline. Maryland Farm Bureau is concerned that 10 years is too long to wait for stormwater management upgrades in development projects. **MARYLAND FARM BUREAU OPPOSES SB 420.**

SB 686 - Watershed Protection and Restoration Act – Senator Raskin

Senate: *Education Health and Environmental Affairs, 2 West Miller SOB at 1:00pm*

This bill requires counties and municipalities to adopt laws or ordinances to establish a stormwater remediation fee and a local Watershed Protection Fund on or before July 1, 2011. The stormwater management fee shall be the same amount for all residential property owners within the jurisdiction. The fee for commercial property owners shall be based on the amount of impervious surface on each commercial property. The bill exempts any property owner who has already paid a stormwater remediation fee in the same year and any property owned by the state. Impervious surface is defined as structures, buildings, dwelling units, roads parking lots or driveways and areas that are covered with gravel, stone, shell, impermeable decking, pavers or any other impervious material. Impervious surface does not include a fence or wall that is less than 1 foot in width that has not been constructed with a footer, a wood mulch pathway or a deck with gaps to allow water to pass freely. The local Watershed

Protection Fund must be used for capital improvements for stormwater management, operation and maintenance of stormwater management systems and facilities, permitting, inspection and enforcement activities, planning, grants to non profit organizations for up to 100% of projects' costs for watershed restoration and rehab projects relating to urban and suburban stormwater management practices, stream and wetland restoration projects and public education, support and outreach and local administrative costs. Each local jurisdiction must report to MD Department of Planning by April 1, 2011 the amount of impervious surface located in the county or municipality. MDP must report the information to the BayStat Subcabinet. **MARYLAND FARM BUREAU OPPOSES SB 686.**

Wednesday, March 3, 2010

HB 943 - Chesapeake Conservation Corps – Delegate McIntosh

House: *Environmental Matters, 250 House Office Building at 1:00pm*

This bill creates the Chesapeake Conservation Corp to promote, preserve, protect and sustain the environment. The Corps will (1) provide young adults with opportunities to become better citizens, students and workers through meaningful service to their communities and the state; (2) promote energy conservation and mitigate and prevent threats to the environment; (3) provide opportunities for youth and young adults to be trained for careers that will be part of the emerging field of “green collar” jobs; (4) educate and train communities for long-term action need to protect the environment; (5) coordinate public-private partnerships in developing “green collar” job opportunities; and (6) channel available public and private resources to the protection, conservation and preservation of the environment. The Corps will receive \$1 million per year from the Environmental Trust Fund, which is funded through an existing surcharge on electricity bills. The Board of the Corps will include 11 members: 2 members of the Senate, 2 members of the House, one member appointed by the Chancellor of the University System of Maryland, and six members appointed by the Governor, including at least one individual from the not-for-profit sector with a background in education and student service. Of the many permissible projects listed in the bill for the Corps, one is “agricultural and forestry projects may include working with Corps volunteers from rural areas of the State in partnership with the agricultural community in projects to prevent or reduce nutrient runoff.” MASCD believes the Corps may be helpful to the services provided by Soil Conservation Districts. **MARYLAND FARM BUREAU SUPPORTS HB 943.**

HB 974 - Nutrient Trading - Voluntary Agricultural Nutrient Credit Certification Program

– at the request of MDA

House: *Environmental Matters, 250 House Office Building at 1:00pm*

This bill gives MDA the authority to implement a nutrient credit trading program by verifying and certifying tradable agricultural nutrient credits, reviewing technical elements and approving those practices subject to additional procedures, and facilitating transactions between participating parties by reviewing contracts and establishing a web-based registry to post, trade and track credits and assist users in the management of their accounts. MDA’s justification: As regulatory requirements for water and air quality continue to tighten and compliance grows more costly, the creation of a viable marketplace for the buying and selling of nutrient credits offers an innovative private sector funding alternative for meeting environmental goals. The program also promotes improved resource conservation practices and generates not only supplemental farm income, but also new business opportunities for providers of services to support this emerging industry. MDA already received a \$512,000 conservation innovation grant from USDA to fund a nutrient program that will be used to build crediting and trading capacity for a comprehensive ecosystem market in MD. Maryland Farm Bureau prefers to have the MD Department of Agriculture, rather than other state or federal agencies, involved in any nutrient trading program involving farm activities. **MARYLAND FARM BUREAU SUPPORTS HB 974.**

HB 1125 - Stormwater Management - Development Projects - Redevelopment and Preliminary Plan Approval - Delegate Holmes House: *Environmental Matters, 250 HOB at 1:00pm*

This bill provides for a grandfathering exception to the new state stormwater management regulations for developments where government has given preliminary plan approval prior to May 4, 2010. Development projects grandfathered under this provision will use stormwater regulations that were in effect at the time of approval. "Preliminary plan approval" means the approval of a development plan, a project plan, a sketch plan, a concept plan or a site plan, or an adequate public facilities approval, or any other equivalent approval under local law. The bill also changes the stormwater management requirements for redevelopment projects. Redevelopment on a site where the existing impervious surface exceeds 30% or the projects is for an affordable housing or transit oriented development, the redesign must reduce existing impervious area within the limit of disturbance, as determined by the Maryland stormwater design manual, by at least 20% and up to 50%, to be determined by a local government after a consideration of: 1. The total square footage of the proposed development project; and 2. The cost and feasibility of the proposed reduction. **FOR INFORMATION ONLY**

HB 721 - State Procurement - Use of Federal E-Verify Program to Prevent Employment of Unauthorized Alien Workers – Delegate Miller

House: *Health and Government Operations, 240 House Office Building at 1:00pm*

This bill requires any agency, department, board, commission, or other entity of the state or a political subdivision of the state that contracts with contractors or issues grants of public money to register and participate in the federal E-Verify Program. The bill is intended to restrict and deter the use of unauthorized alien workers in the performance of public contracts and grants. The E-Verify Program is required of certain federal contractors but is voluntary for other employers, including ag employers. As drafted, the bill could require farmers who receive cost-share funding to install Best Management Practices on farms (such as cover crops, buffers & manure storage facilities) to use the E-Verify Program. Many ag employers have voluntarily used E-Verify and have found significant error rates and have determined that it does not adequately protect against identity fraud. Maryland Farm Bureau members oppose any mandate to use E-Verify. **MARYLAND FARM BUREAU OPPOSES HB 721.**

Thursday, March 4, 2010

SB 359 - Agriculture - Fertilizers and Pesticides - Release Reporting – Senator Lenett

Senate: *Education Health and Environmental Affairs, 2 West Miller SOB at 1:00pm*

This bill requires any farm operator, certified private pesticide applicator, commercially licensed business, public agency and other responsible entities identified by MDA who release or apply fertilizers or pesticides in other than an enclosed environment to annually report the quantities and locations of the products released or applied. MDA is required to establish regulations that include: outdoor agricultural uses, wood destroying insect control treatments, lawn care and landscaping services, golf courses, cemeteries, highway, utility and railroad rights of way, forest pest control and mosquito control. Annual reports shall contain the name of the pesticide or fertilizer, the watershed, the intended purpose (including the name of the crop it is intended to protect or enhance), and shall include monthly or seasonal details. Reports must be filed beginning March 1, 2012 through an online electronic reporting system that MDA will have to develop. The bill also establishes a Fertilizer and Pesticide Use Fund. The bill instructs MDA to place a surcharge on registration fees for fertilizers and pesticides in an amount sufficient to generate funds to meet the annual revenue target for the program. Non-compliance with provisions of the bill will result in monetary penalties ranging from \$100 - \$20,000 and liens against property. The bill gives MDA the right-of-entry to inspect with not less than 1 week advance notice. The bill instructs MDA to promulgate policies and regulations necessary to ensure that the publicly distributed data would not result in the association of any data with a responsible party. The bill also allows access to

responsible party identifying information to government agencies and research organizations that have a “regulatory or academic interest in the promotion of environmental practices that will lead to reduced occurrence of contaminants that could ...damage human health or the environment.” Entities that claim their data to be confidential business information for the purposes of withholding such data from the general public shall be required to submit justification for the confidential nature of their submitted data. The bill takes effect on July 1, 2010.

Maryland Farm Bureau opposes this bill because of the significant cost that farmers will pay both in the pass-through of fees for necessary fertilizers and pesticides and in the labor cost to keep and file the records required by the bill. Farmers already file annual reports with MDA concerning fertilizer use in nutrient management plans. Pesticide regulations are already significant. This bill requires electronic filing, which will be impossible for farmers who do not use computers and for those that do not have high speed internet access. This bill establishes a reverse burden of proof with regard to the confidentiality of private farm plans and turns the farm-level data over to any organization that is conducting research. We also oppose the grant of a right-of-entry onto private property for the Secretary of Agriculture. Maryland farmers are working with state agencies to address one of the Governor’s highest priorities – Chesapeake Bay restoration. We are working to collect data from farmers who have voluntarily installed BMPs with no cost-share from state or federal governments. This is will help perfect Bay Stat, the Bay model and other measurement tools. Farmers simply cannot afford the additional costs and mandates proposed in this bill. ***The House companion bill, HB 930, was given an Unfavorable Report by the Environmental Matters Committee when the sponsor withdrew the bill.***
MARYLAND FARM BUREAU OPPOSES SB 359.

Friday, March 5, 2010

HB 953 - Agriculture - Commercial Feed - Arsenic Prohibition – Delegate Hucker

House: *Environmental Matters, 250 House Office Building at 1:00pm*

This bill would prohibit a person from using, selling or distributing for use or sale within the state any commercial feed intended for use as poultry feed that contains Roxarsone or any other additive that contains arsenic. Maryland Farm Bureau opposes this bill because it is not supported by science and because food additives and livestock feed additives should continue to be regulated at the national level. It is our understanding that the U.S. Food and Drug Administration does not support premise of this bill.

MARYLAND FARM BUREAU OPPOSES HB 953.

SB 858 - Maryland Winery Modernization Act – Senator Conway

Senate: *Education, Health and Environmental Affairs, 2 West Miller SOB at 1:00pm*

This bill alters the scope and definition of the Class 4 Limited Winery License to improve the framework under which they are regulated. It would remove requirements that a mandatory guided tour be conducted prior to offering any samples or selling any wine or pomace brandy. It would also allow the winery to sell/serve a number of specified foods in addition to utilizing the services of a licensed caterer. Provisions also allow for various avenues for off-premises sale and consumption and a specific provision for Garrett County on Sundays. It also would allow the licensee to operate 7 days a week and hold planned promotional events upon prior notice to the Comptroller and allows for certain storage and production activities to take place at a separate location. The bill would also create a farmers market permit to allow for the sale of wine by a Class 4 Limited Winery licensee at farmers market located in the jurisdiction in which the winery is currently licensed. The Comptroller would issue the license and allow for only one such permit per market. Under the provisions of the permit, the holder may sell wine for off-premise consumption and offer samples (1 oz per brand). Only Class 4 Limited Winery products may be offered under the permit. **MARYLAND FARM BUREAU SUPPORTS SB 858.**

HB 716 - Alcoholic Beverages - Direct Wine Shipper's License – Delegate Krysiak

House: *Economic Matters, 250 House Office Building at 1:00pm*

This bill would create a direct wine shipper's license enabling the shipment of wine to persons in Maryland and to be issued by the office of the Comptroller. The bill would allow certain qualifying out-of-state entities to ship wine in addition to in-state businesses which would include holders of Class 3 and Class 4 Wine manufacturer's licenses. The permit fee is \$100 and a shipper must file with the Comptroller on a monthly basis. The bill establishes reporting requirements and sets a limit of 24 nine-liter cases of wine annually shipped by a permit holder to any given individual.

MARYLAND FARM BUREAU SUPPORTS HB 716.

Additional Information

State Agriculture Officials Announce Record Conservation Efforts by Farmers in

2009 - ANNAPOLIS, MD (February 23, 2010) –The Maryland Department of Agriculture (MDA) has released its 2009 annual report highlighting the 25th anniversary of the Maryland Agricultural Water Quality Cost-Share (MACS) Program in helping Maryland farmers do their part to protect water quality in the streams and rivers that feed the Chesapeake Bay. Funded through a mix of capital resources and user fee-based programs—including the Chesapeake Bay Restoration Fund and Chesapeake Bay 2010 Trust Fund, MACS provides grants to farmers who install best management practices (BMPs) on their property to protect natural resources on their property.

According to the report, during its fledgling year in 1984, MACS provided Maryland farmers with \$434,000 in grants to install roughly 130 conservation projects on their farms. Twenty-five years later in 2009, MACS provided Maryland farmers with a record \$19 million in conservation grants to install 2,370 capital and special projects on their farms to control soil erosion, manage nutrients and protect water quality in streams, rivers and the Chesapeake Bay. "Farmers who received MACS grants over the last 25 years invested more than \$14 million of their own money into these conservation projects and agree to shoulder additional maintenance and upkeep expenses for a minimum of 10 years," said Maryland Agriculture Secretary Earl F. Hance. "Such action on the part of Maryland farmers dispels the notion that conservation takes a back seat—even in tough economic times."

According to the report, in FY 2009, \$10.7 million in MACS grants were used to help Maryland farmers plant 239,000 acres of cover crops statewide. MACS also helped Maryland poultry farmers transport 52,000 tons of poultry litter out of the Bay Watershed, exceeding the milestone goal by 168 percent. To learn more about the progress and accomplishments of the Maryland Agricultural Water Quality Cost-Share Program and download copy of the 2009 annual report, visit MDA's web site at www.mda.state.md.us/pdf/macsar09.pdf

Total Maximum Daily Load (TMDL) Development Proceeds for Basins in Maryland

The Maryland Department of the Environment has begun to send notices to inform interested parties of specific Basin-level TMDLs that are being developed. The notices indicate that MDE will hold an informational briefing to provide an overview of the process and answer your questions - if requested. Maryland Farm Bureau will forward TMDL notices to county Farm Bureau Presidents as they are received in our office. We encourage each county Farm Bureau to contact MDE and request a briefing so local farmers can fully understand the impact of a proposed TMDL on their farm operations. If you have not received notice of the TMDL in your area, but would like to contact MDE to request a briefing, please contact Tony Allred at 410-537-3582 or tallred@mde.state.md.us.