

Maryland Farm Bureau's Government Relations Bulletin



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Maryland General Assembly Special Session

The Maryland General Assembly met in a 4-day Special Session this week for the purpose of approving the Governor's Congressional Redistricting map. While several alternative maps were offered by rural legislators, the Senate and House adopted the Governor's proposal without amendment and Governor O'Malley signed it into law mid-day Thursday.

The new Congressional district map dramatically reconfigures the lines in many of the 8 districts. Many accused the Governor and the Redistricting Committee of gerrymandering to eliminate one of Maryland's 2 remaining Republican Congressman. Rep. Roscoe Bartlett's district has been reconfigured to include a large urban section of Montgomery County. The new map can be viewed at:

<http://www.mdp.state.md.us/Redistricting/2010/congDist.shtml>

While there had been rumors that legislation to increase taxes and promote job growth would be considered, in the end, the General Assembly only held hearings on the redistricting maps and deferred all other business until the regular 90-day session that begins in January 2012.

State Issues

Copper Wire Theft Workgroup

Maryland Farm Bureau has been working with the Maryland State Police to set up a workgroup to enhance enforcement and investigation of theft from farm fields. Farm Bureau intends for the workgroup to supplement the work of the State Police investigators using the RAPID program. The MSP launched the Regional Automated Property Information Database (RAPID) after passage of legislation in 2009 and 2010 mandating electronic reporting for pawn, precious metals and scrap metal transactions. RAPID includes data on 2 million transactions and is already credited with 1,149 arrests and the recovery of \$6 million in stolen property.

The farm workgroup will focus initially on the theft of copper wire from irrigation systems that have occurred primarily on the eastern shore over the last 2 years. The workgroup will bring together farmers who have been victimized, farmers who have irrigation but have not had a problem yet and MSP investigators who need to know more about what occurs on farms and what to look for at the scrap yards.

Under the RAPID program all scrap metal dealers are required to collect data about the seller in all transactions and electronically report that information to the MSP within 24 hours. The data includes type of metal sold, a copy of the seller's driver's license, address and phone number, and the type and tag number of the vehicle used to transport the metal.

A "county administrator" for RAPID has been designated by law enforcement in each county. The administrator compares reports of theft with database information. A list of administrators will be published for Maryland Farm Bureau members so we know who to contact in the case of a farm theft (copper wire, tractors or any other farm item) to make sure the information is correctly recorded and law enforcement works to track down the perpetrators. Delaware recently enacted legislation to join Maryland in the RAPID program and will share all data across state lines.

Maryland State Police representatives have agreed to staff an exhibit booth at the Maryland Farm Bureau annual meeting in December and will be on hand to discuss RAPID, copper wire theft and other issues important to farmers.

Food Safety Issues

Food Safety Training for Fruit and Vegetable Producers to be Held November 16 **Introduction to Good Agricultural Practices (GAP)**

ANNAPOLIS, MD (October 17, 2011) On November 16, the Maryland Department of Agriculture (MDA) and the University of Maryland will conduct a food safety training workshop for fruit and vegetable producers. This one-day workshop is important for small- and large- scale producers who want to understand how to meet current and future U.S. Food and Drug Administration food safety requirements and Good Agricultural Practice (GAP) certification. The training will provide assistance in writing and implementing a GAP program for both wholesale and direct marketers.

Topics to be covered include: highlights of the federal Food Safety Modernization Act; review of recent outbreaks; basics of GAP; addressing water quality issues; compost/manure use; wildlife and livestock issues; worker hygiene; and MDA/University of Maryland programs to assist producers in implementing GAP.

Training will be held at the Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, MD 21401, from 9:00 a.m. until 4:00 p.m. on November 16, 2011. The training fee is \$20, which includes lunch and materials. Registration is available online at:

www.mda.state.md.us/pdf/GAP_Registration_111611.docx

MDA offers two GAP certification programs for fruit and vegetable producers. Nationally recognized certification is provided through a cooperative agreement with USDA, Agricultural Marketing Service and meets the requirements of many wholesale buyers. MDA GAP certification is available for direct marketers.

For an information flyer, see: www.mda.state.md.us/pdf/GAP_Training_Flyer_111011.pdf or visit www.mdfarmbureau.com.

The above is from a Maryland Department of Agriculture press release published 10/17/11.

Trucking & Transportation Issues

Moving Your Farm Equipment?

Several weeks ago a farmer moving a combine up I-795 in Baltimore County during the night in an effort to avoid rush hour traffic was forced to “ground” the machine on the side of the highway and told to come get it in the daytime by Maryland State Police. The combine was equipped with all the required lighting, lamps, reflective tape, and SMV emblem, was being escorted by another farm employee, and was not driving in an unsafe manner. The trooper wrongly asserted that farm equipment is not allowed to be moved on any Maryland road after dark. This is completely false and has been confirmed by State Highway Administration (SHA) officials. Farm equipment may be moved at anytime, including nighttime, provided the machinery is equipped with all required lighting, lamps, etc.

It is not believed to be a widespread issue this harvest season, but in an effort to be proactive and help prevent roadside misunderstandings, the SHA is encouraging farmers to keep a copy of the section of MD Code which describes our exemption in tractors that are moving implements on-road as well as any trucks escorting them. If you are approached by a law enforcement official about this issue, politely show them the section of MD Code and explain to them that you are exempt from such travel restrictions. I have included the Code citation below.

Maryland Code

Transportation Article

§ 24-102. Width of vehicles

(a) How width to be measured. --

(1) Except as provided in paragraph (2) of this subsection, for purposes of this section, the width of a vehicle includes any load that it carries and shall be exclusive of safety and energy conservation devices, such as side mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps and spray suppressant devices, and load-induced tire bulges; providing the equipment or device, other than mirrors, does not extend more than 3 inches on each side of the vehicle beyond the statutory width limitation.

(2) For purposes of this section, the width of a motor home or travel trailer shall be exclusive of retractable awnings installed by the vehicle manufacturer or dealer, provided that the awnings do not extend more than 6 inches from each side of the vehicle.

(b) Exceptions. -- This section does not apply to any:

(1) Farm equipment;

(2) Vehicle transporting farm equipment; or

(3) Vehicle carrying a load of forage crops in connection with harvesting operations, if the distance traveled with the load on the highways in this State is less than 5 miles.

Additionally, please remember that MFB has copies of our Agricultural Trucking Guide available and we encourage you to keep it in your farm office, truck, and even your tractors. Among many other useful references, in it you'll also find the minimum lighting requirements needed to safely and legally move your farm equipment at night. If you would like a copy of the truck guide please call Kurt at 410-922-3426 or email him at kurtf.mdfb@verizon.net.

National Issues Update from AFBF Publications

AFBF Outlines Concerns With Shallow Loss Revenue Program

American Farm Bureau Federation President Bob Stallman wrote to members of the Senate and House Agriculture committees on Monday outlining concerns AFBF has with a shallow loss revenue program.

“There is a great deal of discussion about replacing all or some combination of direct payments, target prices, the Supplemental Revenue Assistance Payments Program (SURE) and the Average Crop Revenue Election (ACRE) program with a ‘shallow loss’ revenue program,” Stallman wrote. “Under such a program, the government would compensate producers for relatively small losses. Generally speaking, proposals range from a coverage level on the high side of either 90 or 95 percent. This means a producer would suffer the first small percentage of losses, but the federal government would begin to pay for losses when actual income falls by just 5 or 10 percent.”

Stallman said a true safety net program—one focused on mitigating the large, systemic risks that are endemic to agriculture to a much greater degree than in any other industry—avoids most of these problems.

On Monday, leaders of the House and Senate Agriculture committees told members of the deficit super committee that farm program spending should be cut by no more than \$23 billion over 10 years. Specific recommendations will be provided by Nov. 1, according to a letter sent the super committee by the chairs and ranking members of both committees.

[Bloomberg article](#)

[Senate and House Agriculture committees' letter](#)

Higher Fertilizer Prices Expected Next Year

The University of Illinois estimates that 2012 fertilizer budgets for high-productivity corn farms could run 35 percent more than two years ago. DTN reports that estimates showing the U.S. will need to plant a record 94.3 million acres of corn next spring to meet world demand, are fueling the price spikes.

“Since June, urea has added \$100 per ton to its average retail price in DTN's national surveys,” DTN reporter Russ Quinn wrote. “At \$620 per ton, it even surpasses its 2008 Mount Everest-sized peak. Domestically produced ammonia and UAN [urea and ammonium nitrate] offer slightly more price stability, but even their average retail prices have jumped 23 percent to 34 percent in the last year.”

[DTN article](#)

Environmentalists to Sue EPA to Create Louisiana TMDL

On Thursday, Oct. 6th, the Environmental Protection Agency (EPA) published a Federal Register notice announcing that it would take action to list three segments of Louisiana's Gulf Coast on its 303(d) list. The EPA claims the impairment of the waters is due to dissolved oxygen but that it needs more data to justify a Total Maximum Daily Load (TMDL) for phosphorus and nitrogen. The Federal Register notice is located [here](#).

Environmental groups are considering suing the EPA under the Clean Water Act (CWA) to compel the agency to create a TMDL for the newly impaired waters. As the notice currently stands, EPA is only forcing Louisiana to list the coastal sections on its 303(d) list, leaving the state the opportunity to create its own (rather than a federally written) TMDL.

This has a significant impact on environmentalists' attempts to make nutrients and the Mississippi River basin the next large-scale regulatory initiative. InsideEPA published an article that outlines how this affects more than just Louisiana's impaired waters. The following is an excerpt from that article:

“EPA's interest in listing the three areas off the Louisiana coast as impaired was seen by many environmentalists as a possible precursor to managing nutrient pollution from point sources upstream on the Mississippi River. This hope was especially strong for some environmentalists after the agency in July denied a three-year old environmentalist petition calling for the establishment of a TMDL for nutrients throughout the Mississippi River basin, which covers most of the continental United States, But the hope that the impairment could lead to upstream nutrient limits would be stalled if the agency is able to pass the responsibility of developing the TMDL to LDEQ [Louisiana Department of Environmental Quality], because the state cannot compel dischargers outside Louisiana to limit their pollution loads.

The environmental source says giving LDEQ the responsibility for developing the TMDL could have been an attempt to avoid the kind of protracted legal and political battle that has developed over EPA development of nutrient controls in Florida. In that case, EPA settled a lawsuit with environmentalists in 2009 that led to the agency developing statewide numeric nutrient criteria for the state's waterbodies.”

Update on CWA Permits for Pesticide Application

Two weeks ago, Sen. Pat Roberts (R-Kan.) filed the text of H.R. 872 as an amendment to S. 1619, the Currency Exchange Rate Oversight Reform Act. The amendment was not called up for a vote. That decision was based on factors related to the underlying bill, not on the merits or level of support for H.R. 872. H.R. 872 likely will be offered as a rider to other bills that will come before the Senate. Thus, it is an important time to continue to ask for support from all senators. H.R. 872 is a top priority for AFBF.

H.R. 872 would eliminate the burdensome and overlapping permit requirements resulting from the National Cotton Council v. EPA (6th Cir. 2009) case. H.R. 872 would amend the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the Clean Water Act (CWA) to clarify that CWA permits are not needed when a pesticide is applied in accordance with a FIFRA-approved label.

Farm Bureau members are asked to contact their senators to ask that they support H.R. 872 should it come up for a vote. The remainder of the year will be especially unpredictable, so confirming support in order to be ready for a vote with very little advance notice is very important. You can reach Senator Barbara Mikulski at (202)224-4654 or www.mikulski.senate.gov and Senator Cardin at (202)224-4524 or www.cardin.senate.gov .