



# Maryland Department of Agriculture

*Office of Resource Conservation*

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January 8, 2018

The Honorable Larry Hogan  
Governor of the State of Maryland  
State House  
100 State Circle  
Annapolis, MD 21401

The Honorable Joan Carter Conway  
Chair  
Education, Health, and Environmental  
Affairs Committee  
2 West  
Miller Senate Office Building  
Annapolis, MD 21401

The Honorable Kumar P. Barve  
Chair  
Environment and Transportation Committee  
Room 251  
House Office Building  
Annapolis, MD 21401

Re: Report required by Agriculture Article § 8-1010(e) SB 1029/Chapter 339, 2013 (MSAR # 9852)

Dear Sirs and Madam:

The Maryland Department of Agriculture is pleased to submit the 2017 Annual Report for the Maryland Agricultural Certainty Program. The report includes program implementation milestones, participation during 2017, as well as opportunities for improvement that will be forwarded to the Oversight Committee for input and recommendations.

Sincerely,

  
Joseph Bartenfelder  
Secretary

Enclosure

cc: Sarah Albert, Department of Legislative Services (5 copies)

# **2017 Report on the Maryland Agricultural Certainty Program**

## **Program Description**

Legislation creating the Maryland Agricultural Certainty Program was passed during the 2013 General Assembly session. Administered by the Department of Agriculture in coordination with the Maryland Department of the Environment, this voluntary program gives farmers a ten-year exemption from new state and local environmental regulation in return for the installation or adoption of best management practices that enable their farms to meet Chesapeake Bay 2025 water quality protection goals early. Maryland is one of only nine states in the nation that have a certainty program or are in the process of developing one.

To become a certified participant in the program, the farm operation has to undergo a thorough review by certified verifiers, which includes a farm inspection, an examination of the farm's Nutrient Management Plan and Soil Conservation and Water Quality Plan, and an evaluation using the Maryland Nutrient Tracking Tool to determine if current conservation measures mitigate sufficient nitrogen, phosphorus, and sediment losses consistent with appropriate water quality standards. Farms that satisfy the requirements of the Maryland Certainty Program are also pre-qualified for nutrient and sediment trading.

## **Program Objectives**

The Maryland Agricultural Certainty Program was established to accelerate the implementation of conservation practices to meet local, state, and Chesapeake Bay pollution reduction targets while rewarding farmers for being environmental stewards and showing leadership in preventing and controlling soil erosion and nutrient runoff. In addition, it allows farmers to make the long-term commitments and business decisions necessary in planning for the future by giving them assurance of regulatory predictability during the ten-year certification period.

## **Implementation Milestones**

- Following the enactment of the Certainty legislation, the Agricultural Certainty Oversight Committee, also established by the legislation, worked with state agency personnel to draft regulations governing the program.
- Regulations were finalized in November 2014 and adopted in January 2015.
- Marketing materials and training modules for the required certified verifiers were developed and a large pop-up display was designed in anticipation of the rollout of the program in the summer and fall of 2015.
- During the fall of 2015 and the spring of 2016, training sessions were held for those interested in becoming certified verifiers. As a result of these efforts, six individuals passed the qualifying tests and were certified.
- During this same time, a mass mailing was sent to all farmers with Nutrient Management Plans and Department staff participated in a variety of agricultural events and meetings to promote the program.

- The first Certainty farm was enrolled in Prince George's County in September 2016, followed by a second in Frederick County in May 2017.
- A successful media event was held in Frederick County in mid-December 2017 to publicize the program and stimulate additional interest.

### **Enhancement Opportunities**

Although the program's growth has been slow, approximately 25-30 farms have been assessed and several are currently awaiting inspection. A major issue that has arisen in enrolling farmers is the requirement that the applicant be the farm operator. A number of farm owners who own but do not also operate their farms have attempted to apply but have been ineligible due to the restriction. The Department is exploring remedies to this problem, including revising the regulations to make owners eligible for the program and streamlining the application process since some documents seem repetitive and unnecessarily burdensome. The Department will be making recommendations to the Oversight Committee regarding these changes.

### **Funding**

The development and initial stages of the Maryland Agricultural Certainty Program were funded by a U.S. Department of Agriculture Natural Resources Conservation Service Conservation Innovation Grant. With the expiration of that grant in September 2016, support for the program comes from state General Funds.

### **Challenges**

The primary challenges for the program are the need to revisit the regulatory framework and to streamline the application process, both of which the Department is in the process of addressing.