

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 already meet Chesapeake Bay 2025 water quality protection goals. Maryland is one of ten states in the nation that have a certainty program of some type or are in the process of developing one.

To become a certified participant in Maryland's program, the farm operation has to undergo a thorough review, including a farm inspection, an examination of the farm's Nutrient Management and Soil Conservation and Water Quality Plans, and an evaluation using the Maryland Nutrient Tracking Tool to determine baseline compliance with the applicable watershed segment loading rates for nitrogen, phosphorus, and sediment. 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 enrollment period.

Implementation Milestones (have they been met?)

- Following the enactment of the Certainty legislation, the Agricultural Certainty Oversight Committee, also established by the legislation, spent the next year and a half working 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, MDA continues to respond to inquiries and assess farms. The Department is evaluating potential regulatory changes to not only allow both owners and operators to participate in the program, but also reduce the paperwork burden on applicants. As soon as the vacancies which have arisen on the Oversight Committee are filled, the Committee will be asked address these concerns.

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 challenge for the program is that the incentives do not appear to be sufficient to make farmers willingly submit their operations to ten years of scrutiny.