



Maryland Department of Agriculture

Office of the Secretary

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
Joseph Bartenfelder, Secretary
Julianne A. Oberg, Deputy Secretary

The Wayne A. Cawley, Jr. Building
50 Harry S. Truman Parkway
Annapolis, Maryland 21401
www.mda.maryland.gov

Agriculture | Maryland's Leading Industry

410.841.5880 Baltimore/Washington
410.841.5914 Fax
800.492.5590 Toll Free

December 22, 2020

The Honorable Lawrence J. Hogan, Jr.
Governor
100 State Circle
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker
Maryland House of Delegates
State House, H-101
100 State Circle
Annapolis, MD 21401

The Honorable Bill Ferguson
President
Maryland Senate
State House, H-107
100 State Circle
Annapolis, MD 21401

RE: Report Required by AG § 8-1010(e) - MSAR #9852

Dear Governor Hogan, Speaker Jones and President Ferguson:

AG § 8-1010(e) states, "On or before December 31, 2014, and each December 31 thereafter, the Department [of Agriculture] shall submit an annual report to the Governor and, in accordance with § 2-1257 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee on: (1) participation in the [Maryland Agricultural Certainty] Program; and (2) recommendations of the oversight Committee established in § 8-1013 of this subtitle."

I have included 2020 report. I hope you find the information contained in this report useful. Should you have any questions, please do not hesitate to reach out to Cassie Shirk, Director of Legislation and Government Affairs, at cassie.shirk@maryland.gov or 410-841-5889.

Sincerely,

Joseph Bartenfelder
Secretary, Department of Agriculture

Maryland Agricultural Certainty Program

Program Description

Legislation creating the Maryland Agricultural Certainty Program was passed in 2013. Administered by the Maryland Department of Agriculture (MDA) in coordination with the Maryland Department of the Environment, this voluntary program gives farmers a 10-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. Maryland is one of 10 states in the nation that currently 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 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 agricultural and 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 decisions necessary in planning for the future by giving them assurance of regulatory predictability during the 10-year enrollment period.

Implementation Milestones

- Following the enactment, 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 summer and fall 2015.
- During fall 2015, and spring 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 period, a mass mailing was sent to all farmers with Nutrient Management Plans and MDA 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 MDA continues to respond to inquiries, the program has not grown in the last fiscal year. The department has been considering a number of potential regulatory and administrative changes, as well as possible collaboration with the Maryland Farm Stewardship Certification and Assessment Program sponsored by the Maryland Association of Soil Conservation Districts, to generate more interest in the program.

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 has been a lack of interest by the agricultural community. The benefits afforded to Maryland farmers through program participation do not appear to be sufficient to outweigh the additional oversight and scrutiny required under a 10-year commitment.