



Maryland Department of Agriculture

Office of the Secretary

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

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March 3, 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 § 8-807 - MSAR # 11904

Dear Governor Hogan, Speaker Jones and President Ferguson:

AG § 8-807 states, “(a) On or before December 31 of each year, the Department of Agriculture shall report to the Governor, and, in accordance with § 2-1257 of the State Government Article, the General Assembly, on: (1) The farm acreage covered by nutrient management plans and the implementation and evaluation of those plans; and (2) In consultation with the Nutrient Management Advisory Committee, the implementation of the requirements of the Water Quality Improvement Act of 1998. (b) The report required under subsection (a) (2) of this section shall include information regarding: (1) The level of participation in the nutrient management plan program; (2) Additional resources that may be needed to meet the requirements of § 8–803.1 of this subtitle; (3) The effectiveness of nutrient application education programs; and (4) The effectiveness of the Manure Transportation Project set forth in § 8–704.2 of this title. (c) (1) Beginning in 2020, the report required under this section shall include information on the production and use of animal manure by farm operations covered by nutrient management plans during the previous year, including: (i) The amount of animal manure exported by farm operations to alternative use facilities or other farm operations in the State; (ii) The amount of animal manure exported out of the State by farm operations; and (iii) The amount of animal manure land applied by farm operations in the State and the source of that manure. (2) The information required under this subsection shall be reported: (i) By geographic area, including by county or local watershed; and (ii) In a manner that protects the identity of individual farm operation.”

I have included the 2019 annual 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,

A handwritten signature in black ink that reads "Joseph Bartenfelder". The signature is written in a cursive style with a light blue shadow effect behind the text.

Joseph Bartenfelder
Secretary, Department of Agriculture



Nutrient Management Planning in Maryland

2019 Annual Report

Maryland Department of Agriculture

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Governor

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Pursuant to §8-807 of the Annotated Code of Maryland, the Maryland Department of Agriculture (MDA) is reporting on the coverage, implementation and evaluation of nutrient management plans being used on Maryland farms.

Background

The Water Quality Improvement Act of 1998 requires all farmers grossing \$2,500 a year or more or livestock producers with 8,000 pounds or more of live animal weight to run their operations using a nutrient management plan. Nutrient management plans help farmers manage fertilizers, animal waste, and other nutrient sources more efficiently in order to meet crop needs while protecting water quality in streams, rivers and the Chesapeake Bay. Plans that address both nitrogen and phosphorus inputs are required for all agricultural operations that produce plants, food, feed, fiber, animals or other agricultural products.

Farmers are required to keep their nutrient management plans current, take new soil samples a minimum of once every three years and file annual reports with MDA describing how they implemented their nutrient management plans during the previous year.

Farmers who own or manage 10 or more acres of agricultural land and apply their own nutrients, are required to attend a two-hour MDA-sponsored education program on nutrient application once every three years. Professionals and farmers certified to prepare nutrient management plans are required to take continuing education courses in order to keep abreast of the latest nutrient management technologies and regulations.

Enforcement Activities

MDA strives to maintain a staff of nine nutrient management specialists to ensure that farmers are complying with the Nutrient Management Law and that environmental objectives are being met. In 2019, the program had a vacancy resulting in eight specialists last year.

These specialists review nutrient management plans submitted by farmers, analyze annual reports describing how farmers implement their plans during the previous year, and perform on-farm inspections to make certain that plans are up-to-date and being followed properly. MDA is authorized to issue fines and penalties, take administrative actions and pursue judicial actions, including civil and criminal proceedings. In CY19, MDA issued \$2,700 in fines to three farmers compared to \$38,250 in fines to 48 individuals in 2018. The reason for the decline was due in part to farmer challenges and the complexity of the policy. The Attorney General placed a moratorium on financial penalties until the issue was resolved. MDA believes the issues have been resolved in 2020.

Nutrient Management Plan Submissions

Maryland farmers are required by law to submit nutrient management plans to MDA that have been developed by an MDA-certified consultant or farm operator who is trained and certified by the department to develop a plan solely for his or her operation. As of December 2019, nutrient management plans have been submitted for 5,263 farm operations in the state. This represents a total farm acreage of 1,245,523 acres required to be protected by these plans.

Annual Implementation Reports

Maryland farmers are required to maintain an updated nutrient management plan at the farm level to reflect changes in their operation.

Annual Implementation Reports (AIRs) are required to be filed with MDA by March 1 of each year describing how nutrients were used on their operations. In CY19, MDA issued 1,056 warning letters to farmers who failed to file a required AIR by the March 1 deadline, followed by 487 notifications of pending fines. By December 2019, 5,329 farm operations had submitted AIRs. Eighty farmers remain out of compliance at the end of the calendar year, resulting in \$20,000 of fines.

On-Farm Plan Implementation Reviews and Inspections

MDA conducted 920 on-farm plan implementation reviews and inspections in CY19 to verify that farmers' nutrient application records and receipts were in line with their nutrient management plans. These inspections targeted a risk-based sampling of farms and included a visual spot check of the farming operation.

Approximately 64% of inspected farms were fully in compliance, 30% were determined to be out of compliance (no plan, expired/incomplete plan), 2% failed their inspections due to the overapplication of nutrients, and 3% failed due to inadequate records or nutrient application setback violations. MDA is working with those who were considered out of compliance.