



# 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  
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www.mda.maryland.gov

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March 28, 2019

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

The Honorable Michael E. Busch  
Speaker  
Maryland House of Delegates  
State House, H-101  
100 State Circle  
Annapolis, MD 21401

The Honorable Thomas V. Mike Miller, Jr.  
President  
Maryland Senate  
State House, H-107  
100 State Circle  
Annapolis, MD 21401

**RE: Report Required by Agriculture Article § 8-807 - MSAR # 806**

Dear Governor Hogan, Speaker Busch and President Miller:

Agriculture Article § 8-807 states "On or before December 31 of each year, the Department of Agriculture shall report to the Governor, and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on the farm acreage covered by nutrient management plans and the implementation and evaluation of those plans."

I have included the annual reports from calendar years 2015, 2016, 2017 and 2018. I hope you find the information contained in these reports useful. Should you have any questions, please do not hesitate to reach out to Cassie Shirk, Director of Legislation and Governmental Affairs, at [cassie.shirk@maryland.gov](mailto:cassie.shirk@maryland.gov) or 410-841-5886.

Sincerely,

Joseph Bartenfelder  
Secretary, Department of Agriculture



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## Nutrient Management Planning in Maryland - 2015

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 in calendar year 2015.

### **Background**

The Water Quality Improvement Act of 1998 requires all farmers grossing \$2,500 per 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 which 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's nine nutrient management specialists work to ensure that farmers are complying with the law and that environmental objectives are being met. These specialists review nutrient management plans submitted by farmers, analyze annual reports describing how farmers implemented 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 calendar year 2015, MDA issued \$39,750.00 in fines to 57 individuals.

### **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 MDA to develop a plan solely for his or her operation. As of December 2015, following ramped up enforcement efforts, nutrient management plans have been submitted for 5,489 farm operations. This represents a total farm acreage of 1,294,979 that are required to be protected by these plans.

## **Annual Implementation Reports**

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 calendar year 2015, MDA issued 919 warning letters to farmers who failed to file a required AIR by the deadline, followed by 395 notifications of pending fines. By December 2015, 5,451 farm operations had submitted AIRs to MDA. A total of 123 farmers remain out of compliance at the end of the calendar year, resulting in \$30,750.00 of fines. The implementation reports cover 1,294,979 acres of land.

## **On-Farm Plan Implementation Reviews and Inspections**

MDA conducted 887 on-farm plan implementation reviews and inspections in calendar year 2015 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 63 percent of those inspected were fully in compliance, 31 percent were determined to be out of compliance due to having no plan, an expired plan or incomplete plan. A total of 3 percent failed their inspections due to over application of nutrients and 2 percent failed due to inadequate records or nutrient application setback violations. MDA is working to bring these farmers into compliance.



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## Nutrient Management Planning in Maryland - 2016

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 in calendar year 2016.

### **Background**

The Water Quality Improvement Act of 1998 requires all farmers grossing \$2,500 per 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 which 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's nine nutrient management specialists work to ensure that farmers are complying with the law and that environmental objectives are being met. These specialists review nutrient management plans submitted by farmers, analyze annual reports describing how farmers implemented 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 calendar year 2016, MDA issued \$23,900.00 in fines to 40 individuals.

### **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 MDA to develop a plan solely for his or her operation. As of December 2016, following ramped up enforcement efforts, nutrient management plans have been submitted for 5,448 farm operations. This represents a total farm acreage of 1,282,192 that are required to be protected by these plans.

## **Annual Implementation Reports**

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 calendar year 2016, MDA issued 801 warning letters to farmers who failed to file a required AIR by the deadline, followed by 333 notifications of pending fines. By December 2016, 5,330 farm operations had submitted AIRs to MDA. A total of 131 farmers remain out of compliance at the end of the calendar year, resulting in \$32,750.00 of fines. The implementation reports cover 1,282,192 acres of land.

## **On-Farm Plan Implementation Reviews and Inspections**

MDA conducted 1,059 on-farm plan implementation reviews and inspections in calendar year 2016 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 58 percent of those inspected were fully in compliance, 38 percent were determined to be out of compliance due to having no plan, an expired plan or incomplete plan. A total of 2 percent failed their inspections due to over application of nutrients and 2 percent failed due to inadequate records or nutrient application setback violations. MDA is working to bring these farmers into compliance.



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## Nutrient Management Planning in Maryland - 2017

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 in calendar year 2017.

### **Background**

The Water Quality Improvement Act of 1998 requires all farmers grossing \$2,500 per 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 which 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's nine nutrient management specialists work to ensure that farmers are complying with the law and that environmental objectives are being met. These specialists review nutrient management plans submitted by farmers, analyze annual reports describing how farmers implemented 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 calendar year 2017, MDA issued \$44,250.00 in fines to 51 individuals.

### **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 MDA to develop a plan solely for his or her operation. As of December 2017, following ramped up enforcement efforts, nutrient management plans have been submitted for 5,496 farm operations. This represents a total farm acreage of 1,280,061 that are required to be protected by these plans.

## **Annual Implementation Reports**

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 calendar year 2017, MDA issued 772 warning letters to farmers who failed to file a required AIR by the deadline, followed by 373 notifications of pending fines. By December 2017, 5,349 farm operations had submitted AIRs to MDA. A total of 118 farmers remain out of compliance at the end of the calendar year, resulting in \$29,500.00 of fines. The implementation reports cover 1,280,061 acres of land.

## **On-Farm Plan Implementation Reviews and Inspections**

MDA conducted 922 on-farm plan implementation reviews and inspections in calendar year 2017 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 61 percent of those inspected were fully in compliance, 33 percent were determined to be out of compliance due to having no plan, an expired plan or incomplete plan. A total of 3 percent failed their inspections due to over application of nutrients and 2 percent failed due to inadequate records or nutrient application setback violations. MDA is working to bring these farmers into compliance.



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## Nutrient Management Planning in Maryland – 2018

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 in calendar year 2018.

### **Background**

The Water Quality Improvement Act of 1998 requires all farmers grossing \$2,500 per 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 which 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 law and that environmental objectives are being met. In 2018, the program had vacancies and averaged eight for the year. These specialists review nutrient management plans submitted by farmers, analyze annual reports describing how farmers implemented 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 calendar year 2018, MDA issued \$38,250.00 in fines to 48 individuals.

### **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 MDA to develop a plan solely for his or her operation. As of December 2018, following ramped up enforcement efforts, nutrient management plans have been submitted for 5,483 farm operations. This represents a total farm acreage of 1,277,930 that are required to be protected by these plans.



## **Annual Implementation Reports**

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 calendar year 2018, MDA issued 857 warning letters to farmers who failed to file a required AIR by the deadline, followed by 455 notifications of pending fines. By December 2018, 5,311 farm operations had submitted AIRs to MDA. A total of 166 farmers remained out of compliance at the end of the calendar year, resulting in \$41,500.00 of fines. The implementation reports cover 1,277,930 acres of land.

## **On-Farm Plan Implementation Reviews and Inspections**

MDA conducted 847 on-farm plan implementation reviews and inspections in calendar year 2018 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 percent of those inspected were fully in compliance, 30 percent were determined to be out of compliance due to having no plan, an expired plan or incomplete plan. A total of 2 percent failed their inspections due to over application of nutrients and 3 percent failed due to inadequate records or nutrient application setback violations. MDA is working to bring these farmers into compliance.