
March 6, 2014

Members of the Committee
Budget and Taxation
Senate of Maryland
3 West
Miller Senate Building
Annapolis, MD 21401

RE: Maryland Department of Agriculture Budget Amendment (Phosphorus Management Tool)

Dear Members of the Committee:

We are writing to share with you our strong opposition to the proposed budget amendment restricting the Department of Agriculture’s development and implementation of the Phosphorus Management Tool (PMT). This budget amendment, constraining the use of departmental funds on the promulgation of a regulation essential to restoring the health of the Chesapeake and our local state waters, sets a dangerous precedent not only for this specific matter, but also for other future regulatory actions designed to protect the health, safety and welfare of Maryland citizens.

This amendment seeks to legislate within the budget opposition to the promulgation of the PMT regulation, thereby bypassing the established regulatory process, by layering new requirements (an expansive economic study) on the promulgation of the regulation. This layering distorts Maryland’s established Administrative Procedure Act regulatory process, undercutting the predictable and balanced participatory opportunities for public engagement in the development of a regulation. In providing this avenue for obstruction, the proposed amendment threatens the likelihood of future success with the development of other regulations, whether they be ones for hospital safety or teacher certification or handicapped access or any other new effort to protect human health, public safety, or our natural environment.

Moreover, the amendment is not necessary. There is no need to legislate an economic study on the Phosphorus Management Tool because the Administration is initiating the requested study with Salisbury University on this upcoming Monday, the 10th. Doing the study is not the only concern that the Administration has accommodated in response to the agricultural community’s opposition to the

The Maryland Clean Agriculture Coalition is working to improve Maryland waterways and protect public health by reducing pollution and increasing transparency and accountability from agriculture and other associated sources of water quality degradation.
PMT. The Administration has already agreed to:

- delay implementation for a year by conducting additional in-field testing of the PMT;
- phase-in the PMT over at least a three-year period; and
- provide additional funding for impacts arising out of PMT implementation (e.g., tweak the manure transport program to provide greater ease of access by farmers with excess manure).

This budget amendment is bad policy and unnecessary. We respectfully **request an unfavorable report on it.**

Sincerely yours,

Assateague Coastal Trust  
PO Box 731  
Berlin, MD 21811  
Kathy Phillips, Executive Director (coastkeeper@actforbays.org)

Audubon Naturalist Society  
8940 Jones Mill Road  
Chevy Chase, MD 20815  
Diane Cameron, Conservation Program Director (Diane.Cameron@anshome.org)

Chesapeake Climate Action Network  
6930 Carroll Ave, Suite 720  
Takoma Park, Maryland 20912  
Tommy Landers, Policy Director, Maryland & DC (tommy@chesapeakeclimate.org)

Environment Maryland  
3121 St. Paul St., Suite 26  
Baltimore, MD 21218-3857  
Joanna Diamond, Director (joanna@environmentmaryland.org)

Environmental Integrity Project  
1000 Vermont Avenue NW, Suite 1100  
Washington, DC 20005  
Abel Russ, Attorney (aruss@environmentalintegrity.org)

Food & Water Watch  
1616 P St. NW, Suite 300  
Washington, DC 20036  
Michele Merkel, Co-Director, Food & Water Justice (mmerkel@fwwatch.org)

Gunpowder Riverkeeper  
16928 York Road  
Monkton, MD 21111  
Theaux Le Gardeur, Executive Director (keeper@gunpowderriverkeeper.org)

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League of Women Voters of Maryland
111 Cathedral St.
Annapolis, MD 21401
Susan W. Cochran, President (pres@lwvmd.org)

Maryland League of Conservation Voters
86 Maryland Avenue
Annapolis, MD 21401
Karla Raettig, Executive Director (KRaettig@mdlcv.org)

National Wildlife Federation Mid Atlantic Regional Center
706 Giddings Avenue, Suite 1B
Annapolis, MD 21401
Hilary Harp Falk, Regional Executive Director (FalkH@nwf.org)

Severn Riverkeeper
329 Riverview Trail
Annapolis, Maryland 21401
Fred Kelly, Riverkeeper (flineskelly@gmail.com)

Sierra Club, Maryland Chapter
7338 Baltimore Ave, Suite 102
College Park, MD 20740
Josh Tulkin, State Director (josh.tulkin@sierraclub.org)

Stewards of the Lower Susquehanna, Inc.
2098 Long Level Rd
Wrightsville, PA 17368
Michael R. Helfrich, Lower Susquehanna Riverkeeper (LowSusRiver@hotmail.com)

Waterkeepers Chesapeake
1710 U Street NW, Apt. 1
Washington, DC 20009
Betsy Nicholas, Executive Director (betsy@waterkeeperschesapeake.org)

West/Rhode Riverkeeper, Inc.
4800 Atwell Road
Shady Side, MD 20764
Jeff Holland, Riverkeeper (jeff@westrhoderiverkeeper.org)

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