Date: February 25, 2015
Bill: HB-381 - Agriculture - Nutrient Management - Phosphorus Management Tool
Committee: House Environment & Transportation
Position: Support

Filed on behalf of Maryland Clean Agriculture Coalition (MCAC) partners:

Anacostia Riverkeeper; Audubon Naturalist Society; Assateague Coastal Trust; Blue Water Baltimore; Chesapeake Climate Action Network; Clean Water Action; Environment Maryland; Environmental Integrity Project; Gunpowder Riverkeeper; League of Women Voters of Maryland; Lower Susquehanna Riverkeeper; Maryland League of Conservation Voters; Maryland Pesticide Education Network; National Wildlife Federation, Mid-Atlantic Regional Center; Potomac Riverkeeper; Sierra Club, Maryland Chapter; South River Federation; Waterkeepers Chesapeake; and West/Rhode Riverkeeper.

OVERARCHING POSITION

The partner organizations of MCAC support the passage of HB 381. Maryland is well past the time to move forward and begin implementation of the Phosphorus Management Tool (PMT). The continued over-application of manure on farm fields across Maryland must cease if the state is to both restore local water quality and reach the state’s Chesapeake Bay Total Maximum Daily Load commitments.

HB 381 reflects nearly three years of proposals, negotiations and compromises that resulted in a 6-year implementation timeframe and exemptions for some farms. Our organizations are concerned about these delays and exemptions; however, we support HB 381 as written because implementing this state-of-the-art tool is critical to cleaning up Maryland waters and the Bay.

MCAC urges the passage of HB 381.

THE PHASE-IN

HB 381 establishes an end date of 2021 by which full implementation of, and compliance with, the PMT will occur. Having a definitive end date is an essential element of implementation. While MCAC organizations have for some time supported a shorter time frame for full implementation, the legislation’s stepwise approach to implementing the PMT, with increasingly stricter phosphorus application requirements over time via the use of the “Phosphorus Transition Management Phase I” and a “Phosphorus Transition Management Phase II” makes incremental implementation reasonable.
FIELDS WITH ‘VERY HIGH’ PSI SCORES

Under the legislation, some farmers who cannot currently apply manure due to a “very high” score per the Phosphorus Site Index (PSI) -- the existing tool being used by farmers for managing phosphorus -- will under the PMT be allowed to apply phosphorus according to crop removal rates until full implementation of the PMT in 2021. This is because 1) the Phase I and Phase II implementation schemes, being farm-based and not field-based, do not require any farm to immediately cease the use of phosphorus or manure on a field, and 2) do not specify that existing PSI “very high” fields still cannot receive phosphorus or manure.

According to the proposed timeframe for implementation, farmers with fields that the PSI would score as “very high” could apply manure under the Phase I or Phase II plans for up to six years, thereby allowing for the continued use of polluting levels of phosphorus during this timeframe on fields where manure had previously not been allowed. MCAC does not support this contradictory aspect of the legislation.

THE EXCEPTIONS

The legislation allows for a number of permanent exceptions to the PMT even at the end of the six-year implementation period. The legislature should direct MDA to revisit the appropriateness of the permanency of these exceptions after Maryland reaches the 2021 deadline.

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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 degradation.

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