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#6 February 21, 2019

This week in Annapolis, MFB testified on several bills including the Carbon-Intensive Foods bill. MFB opposes this bill as it looks to target livestock, dairy and poultry products and would have the state procurement offices purchase plant-based products instead. Nothing in the bill would prioritize food being sourced locally. There is only a preference to low carbon-intense foods. The mid-week snow storm didn't prevent MFB from testifying on bills as Parker Welch represented our Harford County members on the bill to allow the use of a rifle to harvest deer under a Deer Management Plan in the county. The week will end with MFB supporting a bill to fix the noxious weed law and allow MDA more flexibility when trying to address invasive weeds around the state. With only a few weeks left to get all the bills introduced at their guaranteed bill hearing, MFB staff will be very busy next week. We encourage any members interested in submitting testimony or coming down to testify on any bills next week, to contact us and we will help with that process .

Here are the bills of interest for next week:

Monday, February 25, 2019

[HB0468](#) - Public Safety - Access to Firearms - Storage Requirements

Delegate Stein, JUD at 10:00am in 100 HOB

This bill would make it illegal to store or leave a loaded or unloaded firearm (pistol, rifle, shotgun) in a place where a child, meaning anyone under 18, could gain access. If not kept in a safe, somewhere to prohibit unintended persons being able to access the firearm or an external safety lock, an individual could face up to no more than 2 years in jail or a \$1,000 fine, or both.

MFB Policy: We believe in and support the Second Amendment to the U.S. Constitution, which protects the right of the people to keep and bear Arms. We oppose any legislation that would further restrict the purchase and ownership by law-abiding citizens of firearms, handgun, long arm, autoloader or manual loader. Furthermore, we are opposed to any unreasonable restrictions or taxation of ammunition.

MARYLAND FARM BUREAU OPPOSES HB 468

Wednesday, February 27, 2019

[HB0511](#) - Maryland Commercial Fertilizer Law - Definition of Soil Conditioner - Alteration

Delegate Cassilly, E&T at 1:00pm in 250 HOB

This bill alters the definition of "soil conditioner" to include the digestate produced by anaerobic digestion for purposes of the Maryland Commercial Fertilizer Law.

FOR INFORMATION ONLY

[HB0518](#) - Public Safety - Agritourism - Permit Exemption

Delegate Szeliga, E&T at 1:00pm in 250 HOB

This bill adds Baltimore County to the list of counties that exempt existing ag structures that are going to be used for agritourism from being required to retrofit the structure with bathrooms, sprinklers and other high occupancy requirements. This exemption allows up to 200 people in the structure. The structure must still adhere to the structural integrity standards as well as entrance & exit requirements. The counties already exempt are: Carroll County, Cecil County, Garrett County, and Howard County.

MFB Policy: Agritourism is defined as activities conducted on a farm and offered to the public or to invited groups for the purpose of education, recreation, or active involvement in the farm operation. Directly related to this bill, MFB policy reads: We further support the inclusion of specific language in the building code to permit public access to existing, structurally sound, nonresidential buildings without mandated upgrades to the full current codes.

MARYLAND FARM BUREAU SUPPORTS HB 518

[HB0527](#) - Public Health - Cottage Food Products – Definition

Delegate Charkoudian, HGO in 1:00pm in 240 HOB

This bill adds the ability for someone that produces non-potentially hazardous foods that fall under the Cottage Food product definition to sell their products in a retail food store, including a grocery store and a food cooperative. Current law allows the sale of the cottage foods to a consumer from a residence, at a farmer's market, at a public event, by personal delivery, or by mail delivery.

MFB Policy: We encourage and support the passage of legislation to help resource-based industries and alternative or value-added enterprises.

MARYLAND FARM BUREAU SUPPORTS HB 527

[SB0471 / HB0652](#) - Agriculture - Use of Antimicrobial Drugs - Limitations and Reporting Requirements

Senator Pinsky, EHEA at 1:00pm in 2 West Miller

Delegate Love, E&T at 1:00pm in 250 HOB

This bill amends a law that was passed in 2017 by expanding the ban on the use of medically important antibiotics for disease prevention while mandating on-farm data reporting. This bill bans dairy dry cow treatment as well as defines “Elevated Risk” when it comes to what would be allowed as a disease prevention treatment due to elevated risk. The bill requires a vet to verify a risk that is significantly higher than that present under normal or standard operating conditions before a VFD or prescription can be written for disease prevention. The bill limits the length of time a medically important antimicrobial drug can be used to 21 consecutive days. Only after an on-site vet inspection determining the need for an additional dosage, can the VFD be extended. This bill does add to the small farm livestock exemption by adding dairy herds of 10 cows or less. Lastly, this bill would require all producers to submit all veterinarian prescriptions and veterinary feed directives (VFD) for medically important antimicrobial drugs to MDA annually starting in February 2021.

The 2017 bill was passed prior to the federal rule that was enacted on January 1, 2018 as an assurance that Maryland would enact the federal rule if for some reason FDA didn’t follow through with the rule. The FDA rule was enacted and as expected, the federal rule has removed the overuse and misuse of medically important antibiotics by removing the over-the-counter purchases and now requires a VFD for any use of a medically important antibiotic on livestock and poultry, while removing the use for growth promotion.

This bill goes beyond these federal restrictions and looks to make Maryland the first state to remove the farmer’s ability to prevent disease in their livestock and poultry. Preventing a disease outbreak is critical to herd/flock health. Having to wait until animals are sick and then a vet to confirm before you can treat the herd/flock will increase disease outbreaks, animal death loss and ultimately more instances of drug resistant bacteria because of so many treated sick animals. The federal rule removed the overuse and misuse of medically important antimicrobials and requires a vet’s prescription/VFD before a farmer can use a medically important antimicrobial. Making it nearly impossible to practice good animal husbandry and keep a healthy herd/flock is not the way to address drug resistant bacteria and, in many cases, would increase the problem with more previously sick animals entering food market.

Lastly, the FDA is already working on an on-farm data collection program to gather on-farm antibiotic use data for the entire country. This information will be protected under federal law unlike the data that would be collected under this bill. The on-farm usage data collected by this bill will be incomplete when trying to determine if antibiotic usage is causing antibiotic resistance as there is no carcass testing being done at the state level to look for antibiotic resistant bacteria. However, the federal program is a three-pronged approach where they will review on-farm usage data, federal meat inspector carcass data and grocery store meat testing data. The state usage data reporting doesn’t help and would allow the targeting of certain farms and types of livestock.

MARYLAND FARM BUREAU OPPOSES SB 471 & HB 652

[HB0841](#) - Aquaculture - SAV - Placement of Shellfish, Bags, Nets, and Structures

Delegate Clark, E&T at 1:00pm in 250 HOB

This bill is designed to address a conflict between oyster aquaculture and Submerged Aquatic Vegetation (SAV) in current law. Under current law, if SAV encroaches into an aquaculture lease, that lease holder must cease from farming in that encroached area. This is for both water-column and bottom leases. This bill would give

DNR the authority to determine what restrictions should be done on an SAV encroached lease. There is a 5-year sunset on this authority and the bill does require DNR to submit a report annually to the general assembly on what has been allowed and effects of those allowances.

Shellfish aquaculture is one of the Bay's primary water quality improvement practices. In most cases, it's because of the oyster aquaculture practice going on that encourages SAV revitalization and the two practices have a symbiotic relationship. There are several examples in the Chesapeake Bay with Shoreline restoration has naturally occurred because of a water-column oyster operation being location just off shore. The water-columns serve as a barrier and reduce wave action which allows grasses like SAV to germinate. The natural fertilizer produced by the oysters fertilize the SAV and the nutrient filtering ability of the oyster improves the clarity of the water which improves sunlight penetration and encourages SAV growth. So having oyster aquaculture removed because of SAV growth in the area would be counter intuitive to the symbiotic relationship between the two.

There is real concern that the dredging of bottom leased oysters and the large blocks of water column projects could and most likely would hurt SAV growth, so there does need to be some restrictions within these encroached areas. However, an all-out ban is not realistic and not productive to improving the Bay.

MFB believes this bill falls just short of giving the assurance to oyster farmers that they will be able to continue to farm in these SAV encroached areas. We are asking for an amendment to the bill to ensure that the farmer will be able to continue to farm in that area and be able to harvest oysters that they planted in that newly encroached area. The amendment would limit DNR's restrictions on SAV encroached leases to no less than 5% coverage of the restricted area for water-column leases and would allow oyster harvesting through diving on bottom leases. This amendment would not prevent DNR from allowing a higher threshold of coverage or harvesting if they believe the practice will not adversely affect the SAV in that area. However, it does give the farmer the assurance that they will be able to continue to farm that lease even if it is at this proposed restricted amount.

MARYLAND FARM BUREAU SUPPORTS HB 841 WITH AMENDMENT

[HB0935](#) - Agricultural Land Preservation Easements - Use of Land - Signs Forbidding Trespassing, Hunting, or the Destruction of Property

Delegate Stein, E&T at 1:00pm in 250 HOB

This bill requires a landowner that has land in an agriculture land preservation easement to place signs forbidding trespassing, hunting, or the destruction of property at least 500 feet apart. The purpose of this bill is that there are two landowners in Delegate Stein's district that have a major conflict on where the one landowner has placed his no trespassing signs. They are right by the other landowner's house and he is plastering almost every tree with them out of spite. Both landowners have met with MDA's land preservation mediation group and neither will back down. Delegate Stein has put this bill in to prevent the one landowner from being able to put the signs any closer together than 500 feet. After talking to MDA, this could affect many landowners under land preservation easements. To meet the notice requirements under the criminal no trespassing law, a landowner must mark private property with either no trespassing signs or blue paint to make sure any potential trespasser can see that the property is visually marked as no trespassing. This 500-foot limitation could be an issue in some cases.

MARYLAND FARM BUREAU OPPOSES HB 935

HB0954 - Agriculture - Commercial Compost - Prohibition on Per Ton Inspection Fee

Delegate Cassilly, E&T at 1:00pm in 250 HOB

This bill prohibits the Maryland Department of Agriculture from adopting regulations to establish or impose a per ton inspection fee on commercial compost distributed by a private entity in the state. This would allow farmers and other private compost producers the ability to sell their compost without having to pay an inspection fee for their compost.

FOR INFORMATION ONLY

SB0270 - Pesticides - Use of Chlorpyrifos - Prohibition

Senator Nathan-Pulliam, EHEA at 1:00pm in 2 West Miller

This bill bans the use of Chlorpyrifos in Maryland starting January 1, 2020. This includes insecticides that include Chlorpyrifos and seeds treated with Chlorpyrifos.

Chlorpyrifos is used on non-GMO corn, but since there is not much non-GMO corn grown in Maryland, the main use in the state is on orchards. Orchard growers are already restricted to use Chlorpyrifos once-a-year and only during the tree's dormant stage. One alternative to using Chlorpyrifos in orchards is to use more Neonicotinoids. The use of this pest management tool is restricted and very specifically and judiciously used by approved farmers. Maryland Farm Bureau opposes state and local restrictions of pesticides beyond those that are currently approved by the federal government.

MARYLAND FARM BUREAU OPPOSES SB 270

SB0542 - Community Healthy Air Act

Senator Lam, EHEA at 1:00pm in 2 West Miller

This is the same bill that was introduced in 2018 but failed to get out of committee. This bill creates a committee on air quality. The 8-member committee would consist of: one expert in regulatory compliance appointed by the Attorney General; the following members would be appointed by the Dean of the University of Maryland School of Public Health and the Dean of the Johns Hopkins Bloomberg School of Public Health: 1. one expert in air pollution sampling and monitoring; 2. one expert in spatial statistics and monitoring; 3. one expert in exposure science; 4. one expert in environmental epidemiology; 5. one expert in toxicology; 6. one expert in human health risk assessment; and 7. one preventive medicine physician. The Maryland Department of the Environment will provide the staffing for this committee.

The committee will create an air quality sampling and monitoring protocol for the collection of air quality and public health data associated with large animal feeding operations as defined by the protocol will quantify the amount of the air pollutants that are emitted from large animal feeding operations including emissions of: ammonia; fine particulate matter; coarse particulate matter; volatile organic compounds; and other air pollutants subject to state or federal laws and regulations related to air pollutant emissions from large animal feeding operations. The protocol will also identify the potential public health risks associated with air pollutants emitted from large animal-feeding operations in the state. The committee will submit the completed protocol for public comment and peer review with a panel composed of experts in the following fields, as selected by the Department of the Environment in consultation with the committee: air pollution monitoring; spatial statistics and modeling; exposure science; environmental epidemiology; toxicology; human health risk assessment; or

preventive medicine. The Department of the Environment will be required to assess, evaluate and implement the protocol. The committee has 6 months to develop the protocol. Last year's bill had a fiscal note of more than \$7 million to implement these mandates on all the CAFO's in the state.

For a better solution to this concern, the Delmarva Poultry Industry, Inc. (DPI) and The Keith Campbell Foundation for the Environment are partnering on a first-of-its-kind project to monitor ambient air quality, including levels of ammonia and particulate matter, on Maryland's Eastern Shore and in central Maryland. Working with the Maryland Department of the Environment, DPI and the Campbell Foundation have jointly committed more than \$500,000 to this effort. Because of it, residents of Maryland's Eastern Shore will know more about the quality of the air we all breathe.

Maryland Farm Bureau supports the poultry industry in this project and believes this is a much better approach to air quality monitoring than the extremely expensive project proposed by this bill.

MARYLAND FARM BUREAU OPPOSES SB 542

SB0546 - Agriculture - Nutrient Management - Monitoring and Enforcement

Senator Pinsky, EHEA at 1:00pm in 2 West Miller

This bill amends three different titles of the law - Agriculture, Environment and Natural Resources - to address non-compliance with nutrient management laws and monitor nutrient movement. In the ag article, the bill establishes fines of up to \$250 for certified NM planners who fail to submit soil test samples or otherwise implement provisions of the Phosphorus Management Tool (PMT). The bill establishes mandatory fines for farmers who do not have NM plans (or current updates) of at least \$100 and up to \$250. Fines for violations of plans are also mandatory at \$100-\$500 per violations, up to \$5000 per year. Current law allows for fines, at the discretion of MDA, up to \$2500 per year. The bill requires a fine of \$250 for the use of phosphorus on a site where the PMT prohibits the use of phosphorus. The bill also requires MDA to prioritize enforcement efforts on farms for which PMT soils samples have not been submitted.

The bill establishes a new certification for "commercial manure haulers or brokers." The bill requires CAFOs (Confined Animal Feeding Operation) and MAFOs (Maryland Animal Feeding Operations) to only use "certified commercial manure haulers" to remove manure generated at the operation. The bill directs MDA to set certification eligibility, training, BMPs for hauling and record keeping and data submission requirements for haulers. A fee of \$100 is established for a hauler's certificate. The bill requires haulers to employ MDA established BMPs when transporting, storing or land-applying manure. The bill also requires certified haulers to maintain, for a minimum of 3 years, transport and inventory records that show the name of each producing farm, the amount of manure obtained, the name of each receiving farm or alternative use facility, and the amount of manure received. Records must be available for MDA to review. An annual report sufficient to track quantity and location of manure hauled or brokered must be submitted to MDA. CAFOs and MAFOs are subject to a fine of \$1000 for failure to use a certified commercial hauler. Haulers are subject to a fine of \$500 per violation.

The bill amends the environment article to require that a person must have a discharge permit from MDE before any construction, clearing or grading begins to construct a new CAFO. The bill prohibits MDE from issuing the permit to anyone who violates this provision. The bill requires MDE to charge a fee of at least \$5000 for a proposed CAFO that will house 200,000 or more animals or have a house capacity of greater or equal to 200,000 square feet. The bill requires MDE to charge an annual permit fee of \$1500 to all existing CAFOs of similar size and capacity. The bill provides that MDE may not waive the fees. Current regulations set a fee range of \$120-

\$1200 for a 5-year permit. The fee has been waived for poultry CAFOs & MAFOs filing under the General Permit for more than 10 years. This bill mandates the fee with a substantial increase.

The bill further amends the environment article to require CAFO discharge permits issued for operations that house 200,000 or more animals or have a capacity of 200,000 square feet to install, use and maintain on-site monitoring equipment. Monitoring results must be submitted to MDE.

The bill amends the natural resource article to allow the 2010 Chesapeake Bay Trust Fund to be used for continuous water quality monitoring at sites on the lower Eastern Shore. The bill requires DNR to deploy continuous water quality monitoring stations in tributaries located on the Lower Eastern Shore as part of the Chesapeake Bay Shallow Water Quality Monitoring Program. The bill identifies 9 specific locations that must be included in the program, including the Transquaking, Chicamacomico, Nanticoke, Wicomico, Manokin and Pocomoke Rivers and Sound. The intent expressed in the bill is to locate the monitoring stations at locations where they previously existed to provide long-term trend data.

MARYLAND FARM BUREAU OPPOSES SB 546

SB0760 - Natural Resources - Whistleblower Program – Establishment

Senator Klausmeier, EHEA at 1:00pm in 2 West Miller

This bill creates a Natural Resources Whistleblower Program to assist DNR in enforcing criminal laws related to the theft of commercially grown oysters, striped bass in the public fishery and deer poaching. The program will provide rewards of financial compensation to individuals or nonprofit organizations that report violations of Natural Resources or Conservation laws that lead to a conviction. The bill does not define the amount of the award but requires DNR to issue regulations to set up the program. Monies in the fund would come from 25% of fines and restitution imposed by the District or Circuit Court for violations of laws concerning commercial fishing, poaching deer and oyster theft. DNR would file an annual report to the Governor and General Assembly detailing revenue collected, rewards distributed, reports of violations, and reports that led to rewards.

MFB has issues with the deer poaching segment and is asking for this to be amended out of the bill to keep this a fisheries bill where there is real concern with the stealing of oysters from private leases.

MARYLAND FARM BUREAU SUPPORTS SB 760 WITH AMENDMENT

Thursday, February 28, 2019

SB0290 - Public Health - Cottage Food Products - Definition

Senator Smith, FIN at 1:00pm in 3 East Miller

See bill summary for HB 527 that's being heard on Wednesday.

MARYLAND FARM BUREAU SUPPORTS SB 290

[SB0483](#) - Maryland Farms and Families Fund - Purpose, Use, Funding, and Grant Qualifications

Senator Guzzone, FIN at 1:00pm in 3 East Miller

This bill amends the Maryland Farms and Families Fund that was established during the 2017 legislative session. This bill expands the eligible nonprofit organizations to include nonprofit farmers markets and local nonprofit organizations along with the already eligible nonprofit organizations that match purchases made with FMNP, SNAP, and WIC benefits at participating farmers markets. The bill also requires the Governor to allocate \$500,000 a year to the fund. In the current law, the Governor is authorized to fund the program at \$500,000 a year, subject to the limitations of the state budget.

Maryland Farm Bureau supported creating the fund back in 2017 and has policy that strongly encourages the continuance of all farmers markets in Maryland. This type of fund would help encourage more low-income household involvement. However, just like the bill back in 2017, this bill does not identify a new source of revenue for the funding mandate. There is still a concern that if MDA must fund this program with existing general funds, current marketing programs will be eliminated.

MFB offered an amendment to the 2017 bill to remove the unfunded mandate which was accepted by the committee and incorporated into the final passage of the bill. MFB still has the same funding concerns.

MARYLAND FARM BUREAU SUPPORTS SB 483 WITH AMENDMENT

Friday, March 1, 2019

[HB0815](#) - Agriculture - Milk and Milk-Based Products - Labeling

Delegate Jacobs, E&T at 1:00pm in 250 HOB

This bill would prohibit anyone from selling, offering for sale, or advertising a product labeled as milk or milk-based if the product doesn't come from a cow or another type of animal. The premise behind this request is that at the federal level, the Food & Drug Administration (FDA) has a definition of milk yet doesn't enforce this definition when reviewing product labels. FDA defines milk as: the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy hooved mammals. North Carolina passed a similar bill in 2018.

MFB Policy: Milk is a liquid produced by the mammary glands of mammals, and only products meeting this definition should be permitted to be labeled, advertised and sold in Maryland as milk.

MARYLAND FARM BUREAU SUPPORTS HB 815

[HB1050](#) - Agriculture - Cost-Sharing Program - Sale of Harvested Cover Crops

Delegate Kerr, E&T at 1:00pm in 250 HOB

This bill would add the commodity crop payment back into the cover crop program for barley, rye, or wheat, but only if these crops are harvested and sold to the brewery or distillery industries.

MFB doesn't have specific policy on cash crop payments but does ask that MDA's annual calculation of cover crop acreage planted should include all fall cash grain crops and hay acreage. MDA has the ability through

regulation to add the cash crop payment back into the cover crop program, and doesn't need legislation to add it back in. We would like to see the entire cash crop program added back in, not just crops intended for the alcohol industry. This would give a farmer more flexibility with markets if the crop, due to weather issues, doesn't meet the specifications for the alcohol industry.

FOR INFORMATION ONLY

[HB1123](#) - Agriculture - Hemp Research and Production

Delegate Fraser-Hidalgo, E&T at 1:00pm in 250 HOB

This bill amends the current industrial hemp state law to incorporate the changes to the industry that came from the passage of the 2018 Farm Bill. This bill adds the new provisions to the already approved industrial hemp pilot program. The bill creates the Hemp Farming Program and authorizes the Maryland Department of Agriculture to set up the program including marketing and promotion of hemp. This new program allows a farmer to grow, harvest, process and sell hemp & hemp products in Maryland, as well as across state lines. This bill authorizes MDA to promulgate regulations based on the new USDA rules that will be created due to the new Farm Bill. Until these regulations are completed, only the pilot program is allowed in the state.

MFB Policy: We support the right of Maryland farmers to grow industrial hemp as an agricultural crop.

MARYLAND FARM BUREAU SUPPORTS HB 1123

Maryland Farm Bureau members are urged to contact their legislators and members of the relevant committees in support of Farm Bureau's positions on the bills listed above. To contact legislators, log on to the Maryland General Assembly website at: <http://mgaleg.maryland.gov> and select the "Legislators" Tab at the top.

Committees & Room Numbers:

Senate: Budget & Taxation (B&T), 3 West Miller; Education, Health & Environmental Affairs (EHEA), 2 West Miller; Finance (FIN), 3 East Miller; Judicial Proceedings (JPR), 2 East Miller

House: Appropriations (APP), 120 HOB; Economic Matters (ECM), 230 HOB; Environment & Transportation (E&T), 250 HOB; Health & Government Operations (HGO), 240 HOB; Judiciary (JUD), 100 HOB; Ways & Means (W&M) 130 HOB

In Other Ag News

Miss Maryland Agriculture Basket and Bag Bingo

The Miss Maryland Agriculture Committee is holding their 4th Annual Basket and Bag Bingo to benefit the Miss Maryland Agriculture Program on March 16th, 2019 at the Maryland State Fairgrounds in the Mosner Miller Building. The doors open at 12 noon and the bingo begins at 1:00pm. For more information on the event, visit <https://www.facebook.com/events/2244562359149687/>.

Farmers May Apply Commercial Fertilizer to Small Grains

The Maryland Department of Agriculture announced that farmers who planted small grains for harvest last fall may “top dress” these crops with commercial fertilizer beginning February 15, as long as ground conditions remain favorable and in accordance with their nutrient management plans. For additional information on Maryland’s nutrient application requirements, contact the department’s Nutrient Management Program at 410-841-5959.



Take a Stand for Clean Water and Clear Rules

The official release of a new proposed Clean Water Rule is a major step toward fair and understandable water regulation on America’s farms and ranches and other working lands. The previous rule would have treated much of the landscape as though it were water itself. That wasn’t just confusing, but also illegal, which is why so many federal courts blocked its implementation. Send your comments to EPA today. Take action here: <https://www.fb.org/advocacy/action-alerts/>.

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