



Maryland Farm Bureau, Inc.

8930 Liberty Road • Randallstown, MD 21133 • (410) 922-3426

November 12, 2013

The Honorable Earl F. Hance
Secretary of Agriculture
Maryland Department of Agriculture
50 Harry Truman Parkway
Annapolis, MD 21401

Re: Proposed Regulation to Adopt the Phosphorus Management Tool

By unanimous vote of the Board of Directors of the Maryland Farm Bureau, I am writing to oppose the adoption of the new Phosphorus Management Tool (PMT) at this time. If implemented, the PMT restrictions will dramatically limit the use of locally produced organic fertilizer to much of the land on the lower Eastern Shore and in many other areas of the State. This limitation will have far reaching negative economic impacts on individual poultry growers, dairymen, grain operators, support businesses and local communities.

Our members strongly believe that it makes no sense to impose this burden on farmers when at 130% we are the only sector to reach our Bay cleanup goals in the most recent analysis and are, in fact, doing more than our fair share.

The Clean Water Act, under which the TMDL WIP and state proposed pollution restrictions are imposed, intended to protect Agricultural businesses from unreasonable economic harm in any effort to achieve clean water status. This intent is evidenced by the agricultural stormwater exemption in the Act. While the PMT is not related to the stormwater exemption, it is an example of unreasonable economic harm that will arise if implemented as proposed.

We would like to point out that other state agencies have backed off when proposed water quality regulations are expected to have an unreasonable economic impact on businesses. The most recent example is the Accounting for Growth negotiation at the Maryland Department of the Environment. When the development community balked at paying \$30,000 per credit to offset Phosphorus in new development, the agency agreed that they would only have to address Nitrogen. In fact, they reasoned that as long as Nitrogen was addressed (at around \$3000 per credit) Phosphorus would be contained. Shouldn't the farm community, one of the largest economic drivers in the state, get the same consideration?

Additionally, we are concerned that replacing organic slow-release fertilizer with water-soluble chemical Nitrogen will have a much greater impact on the Bay. Chesapeake Bay Foundation agrees with this concern in their October 2013 Pennsylvania Fact Sheet entitled, "Manure: Not the Leading Cause of Nitrogen Pollution to the Chesapeake Bay." In it they emphasize that "in the case of nitrogen pollution, manure is not the leading source; rather, chemical fertilizers applied onto agricultural lands are the leading source of nitrogen pollution..." And since no study has been conducted to analyze the potential impact of switching from organic to chemical fertilizer, it is possible that the effort to address a perceived Phosphorous problem on farms will cause a new Nitrogen concern.

And we say “perceived Phosphorus” problem because we know that the Chesapeake Bay Model does not currently give credit for most of the phosphorus control measures we have already taken on Maryland farms. It is possible that once the model is corrected and the new numbers are run, Maryland farmers will have already met their Phosphorus reduction goals, without the need to implement the onerous PMT.

On behalf of more than 36,000 Farm Bureau families in Maryland, we request the withdrawal of this proposed regulation. The science is simply not ready. The cost-benefit analysis has not been conducted. And the argument that agriculture is at 130% now but needs to do more to stay on track is not acceptable to us.

If, after all the problems with the Bay Model are fixed and a true and accurate assessment shows there is still an agricultural phosphorous issue, we will work cooperatively with the state to address it in a way that does not threaten to destroy the business model of the largest economic sector on the Eastern Shore.

Sincerely,

A handwritten signature in black ink, reading "Patricia A. Langenfelder". The signature is written in a cursive, flowing style.

PATRICIA A. LANGENFELDER
President