

HOUSE BILL 284

M4

4lr0904

By: **Delegates Eckardt, Afzali, Arentz, Cane, Conway, Haddaway–Riccio,
Jacobs, Krebs, McDermott, Otto, and Smigiel**

Introduced and read first time: January 20, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Agriculture – Phosphorus Assessment and Management –**
3 **Study and Economic Impact Analysis**

4 FOR the purpose of requiring the Department of Agriculture to conduct a study of
5 efforts to manage and reduce phosphorus pollution from agricultural sources in
6 the State; requiring the study to include certain information and an economic
7 impact analysis estimating certain costs and economic benefits of the
8 Phosphorus Management Tool to a certain person; requiring the Department to
9 consult with certain persons in the preparation of the study; requiring the
10 Department to report to the General Assembly on or before a certain date;
11 prohibiting the Department from implementing certain regulations until after
12 the adjournment of a certain regular legislative session; defining certain terms;
13 and generally relating to the management of phosphorus from agricultural
14 sources.

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That:

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) “Department” means the Department of Agriculture.

19 (3) “Nutrient management plan” has the meaning stated in § 8–801 of
20 the Agriculture Article.

21 (4) “Phosphorus Management Tool” means the risk assessment tool
22 developed by the Department to replace the Phosphorus Site Index.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) The Department shall conduct a study of efforts to manage and
2 reduce phosphorus pollution from agricultural sources in the State, which shall
3 include:

4 (i) a review of current laws and regulations relating to the use
5 or management of phosphorus on farms;

6 (ii) a review of voluntary initiatives and programs aimed at
7 reducing or managing phosphorus runoff from farms;

8 (iii) an update on the implementation of the Maryland
9 Agricultural Certainty Program and an assessment of whether the Program has
10 helped to reduce the burden of nutrient management regulations on farmers;

11 (iv) a comparison of phosphorus reductions achieved by the
12 agricultural sector with reductions achieved by other sectors under the State's
13 Watershed Implementation Plan; and

14 (v) an economic impact analysis estimating the costs and
15 economic benefits of the Phosphorus Management Tool to a person who is required to
16 have a nutrient management plan for nitrogen and phosphorus under § 8-803.1 of the
17 Agriculture Article, including, as appropriate:

18 1. the cost of implementing a nutrient management plan
19 developed or updated based on the Phosphorus Management Tool;

20 2. efficiency in the production of agricultural products;

21 3. the workforce; and

22 4. capital investment, taxation, competition, and
23 economic development.

24 (2) As appropriate, in preparing the study required under this
25 subsection, the Department shall consult with:

26 (i) other units of State government;

27 (ii) units of local government;

28 (iii) members of the agricultural community; and

29 (iv) representatives of the commercial lawn care, biosolids, and
30 agricultural fertilizer industries.

1 (c) On or before December 1, 2014, the Department shall report to the
2 General Assembly, in accordance with § 2-1246 of the State Government Article, on
3 the results of the study required under subsection (b) of this section.

4 (d) In order for the General Assembly to have time to consider and act on the
5 outcomes of the study required under subsection (b) of this section, the Department
6 may not implement regulations replacing the Phosphorus Site Index with the
7 Phosphorus Management Tool until after the adjournment of the 2015 regular
8 legislative session of the General Assembly.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 June 1, 2014.