

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 511

(Delegate Cassilly)

Environment and Transportation

Education, Health, and Environmental Affairs

**Maryland Commercial Fertilizer Law - Definition of Soil Conditioner -
Alteration**

This bill includes digestate produced by anaerobic digestion that is incorporated into the soil under the definition of “soil conditioner” under the Maryland Commercial Fertilizer Law.

Fiscal Summary

State Effect: None. The bill does not affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Under the Maryland Commercial Fertilizer Law, “soil conditioner” means any substance or mixture of substances intended for sale, offered for sale, or distributed for (1) manurial, soil enriching, or soil corrective purposes; (2) promoting or stimulating the growth of plants; (3) increasing the productivity of plants; (4) improving the quality of crops; or (5) producing any chemical or physical change in the soil, except a commercial fertilizer, unmanipulated animal and vegetable manures, agricultural liming material, and gypsum. “Soil conditioner” includes but is not limited to materials such as compost, peat, vermiculite, or perlite that are incorporated into the soil.

Soil conditioners are regulated along with commercial fertilizers under the Maryland Commercial Fertilizer Law and are subject to registration and labeling requirements and other specified regulatory authority of the Secretary of Agriculture.

Background: The U.S. Environmental Protection Agency (EPA) indicates that anaerobic digestion is the natural process in which microorganisms break down organic materials. Materials that are generally considered “organic” and can be processed in a digester include (1) animal manures; (2) food scraps; (3) fats, oils, and greases; (4) industrial organic residuals; and (5) sewage sludge (biosolids). “Digestate” is the material that is left after the anaerobic digestion process and can be made into products including soil amendments and fertilizers. According to EPA, digestate can be directly land applied and incorporated into soils to improve soil characteristics and facilitate plant growth and can also be further processed into products that are bagged and sold in stores.

The State Chemist’s Office within the Maryland Department of Agriculture, which administers the Maryland Commercial Fertilizer Law, indicates that it already considers digestate to be included under the definition of “soil conditioner.”

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Agriculture; U.S. Environmental Protection Agency; Department of Legislative Services

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