



Date: February 23, 2016
Committee: Senate Education, Health and Environmental Affairs
Legislation: Senate Bill 496
Position: SUPPORT
From: Evan Isaacson

Dear Chairwoman Carter Conway:

The agriculture sector is the largest source of nutrient pollution in the Chesapeake Bay watershed, the State of Maryland, and certainly on the Eastern Shore. The Poultry Litter Management Act would make important changes to the way nutrients are handled, accelerating the pace of Bay restoration in an economically sound way.

While the agriculture sector in Maryland has made significant strides in reducing both nitrogen and phosphorus over the last 30 years, significant additional reductions must be achieved to reach the levels that scientists agree are needed to restore the Chesapeake Bay. Nowhere are these reductions needed more than on the Eastern Shore and Delmarva Peninsula, where data show that the over-application of manure is the overwhelming source of such pollution.

The “milestone” goals that Maryland set forth for the agriculture sector in its federally enforceable cleanup plan reveal that important progress is being made. The State has met or exceeded goals for installing or implementing many practices, including planting cover crops. But progress in implementing selected practices only masks the more important story, which is that, as a whole, the agriculture sector is off pace in reducing nutrient pollution overall, jeopardizing the state’s ability to comply with the Bay TMDL and risking federal sanctions. How can it be that the State is succeeding in implementing a number of agricultural best management practices, but remains behind in reducing agricultural pollution overall? The answer is quite simple. Far more nitrogen and phosphorus is being generated in the form of poultry litter than can be safely applied to the row crops on the Eastern Shore. The State cannot meet its Bay restoration goals without resolving this significant regional nutrient imbalance.

One important step in addressing this imbalance was the State’s adoption of the phosphorus management tool, or PMT. However, the PMT is only part of the answer. It is a tool for reducing the amount of nutrients being *applied* to the land, but not for addressing the *source* of those nutrients – poultry litter – or how the litter is handled. The Poultry Litter Management Act is a necessary complement to the PMT.

The bill is designed to ensure that the State takes a streamlined approach to manure management. First, the bill eliminates the current, bifurcated system of manure management. Under this current system, a small fraction (roughly 10% - 20%) of poultry litter is handled through the State subsidized and regulated Manure Transport Program, while the vast majority of litter is handled privately and without proper oversight. Under the bill, all poultry litter would be handled in the same way – unsubsidized, but subject to appropriate rules and transparency. Thus, as the PMT is phased-in and as we approach the first deadline under the Bay TMDL in 2017, we can better manage one of the largest sources of nutrient pollution in Maryland.

In addition to consolidating the systems of poultry litter management, the bill also tightens up how manure is transported and handled by: (1) establishing clear rules; (2) creating transparency; and (3) motivating compliance. New rules in the bill establish the rights and responsibilities of growers and integrators and how the litter must be handled. Equally important, the bill creates transparency for the manure transport system, allowing experts and the public to better understand how much excess litter exists and where it is being taken. Finally, it establishes penalties sufficient to ensure compliance with the bill's requirements and the protections for growers.

This bill is about common sense, good governance, and fiscal prudence. Just one average poultry operation containing two or three poultry houses generates several hundred tons of manure annually, containing thousands pounds of phosphorus. The current costs to haul that manure is roughly \$5,000 to \$10,000. That cost, which would be carried by the company responsible for generating the pollution under this bill, is far less than 1 percent of the \$5 to \$10 million price tag of an average wastewater treatment plant upgrade project funded by the Bay Restoration Fund and designed to eliminate *roughly the same amount* of phosphorus pollution annually. The General Assembly has committed to investing billions of dollars to protect and restore the Bay and the many treasured tributaries, streams, and local waters in Maryland. SB 496 not only serves to protect the Bay, but protects all of the investments of taxpayer dollars that the General Assembly has wisely committed to this worthwhile endeavor.