

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 1438

(Delegate Jacobs)

Environment and Transportation

Education, Health, and Environmental Affairs

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Agriculture – Processing of Poultry Litter for Alternative Use

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This bill establishes requirements for the processing of poultry litter for an “alternative use” and for the product that results from the processing. **The bill takes effect July 1, 2020.**

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Fiscal Summary

**State Effect:** The bill is not expected to materially affect State finances or operations.

**Local Effect:** The bill does not materially affect local government finances or operations.

**Small Business Effect:** Minimal.

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Analysis

**Bill Summary:** “Alternative use” is the use of poultry litter or other animal manure in an environmentally acceptable way, other than by direct land application in an unprocessed form, as determined by the Maryland Department of Agriculture (MDA).

The processing of poultry litter for an alternative use or the product that results from the processing must, as appropriate, must (1) convert the phosphorus content of unprocessed poultry litter to a form that is not soluble in water, as specified, but retain the phosphorus in a form that may be converted by the natural activity of soil-resident microorganisms to be available to plants; (2) contain a community of natural soil microorganisms that enhances or replenishes farm soil microbiology, as specified; and (3) retain the high nutrient value of poultry litter. Additionally, the processing must eliminate any noxious odor from poultry litter early in the process.

In order to avoid or minimize any disruption of longstanding farming or growing regimes, an alternative use product resulting from the processing of poultry litter must be able to be procured in the same manner, at relatively similar cost, and handled or applied in the same manner as unprocessed poultry litter. An alternative use product resulting from the processing of poultry litter may be transported off the Delmarva Peninsula (1) to established, identified markets and (2) using a distribution apparatus that is in place and does not require any transportation cost-sharing assistance.

## **Current Law:**

### *Nutrient Management Program*

MDA's Nutrient Management Program protects water quality in the Chesapeake Bay and its tributaries by ensuring that farmers and urban land managers apply fertilizers, animal manure, and other nutrient sources in an effective and environmentally sound manner. Farmers are required to follow nutrient management plans when fertilizing crops and managing animal waste. These plans specify how much fertilizer, manure, or other nutrient sources may be safely applied to crops to achieve yields and prevent excess nutrients from impacting waterways. Nutrient management plans generally are required for all agricultural land used to produce plants, food, feed, fiber, animals, or other agricultural products.

### *Manure Transport Program*

MDA's manure transport program, which was founded in 1999, provides funds for farmers to transport poultry litter and livestock manure to other farms or facilities where it can be used in accordance with an approved nutrient management plan. Poultry companies voluntarily pay part of the cost of transporting poultry litter generated by their growers. This amount is based on the square footage of their poultry houses in Maryland. Livestock manure transport (nonpoultry manure) is funded entirely by the State.

### *State Chemist*

The State Chemist regulates the sale and distribution of pesticides, feeds, pet foods, fertilizers, compost, soil conditioners, and agricultural liming materials in order to enhance and promote agricultural production, protect consumers and the environment from unsafe products, ensure the sale of effective products, and provide the regulated industry with a competitive marketplace. Regulation is accomplished by product registration, laboratory analysis, inspection, voluntary compliance, and enforcement actions such as stop sale orders.

## Additional Information

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Worcester County; Maryland Department of Agriculture;  
Department of Legislative Services

**Fiscal Note History:** First Reader - March 3, 2020  
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