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Date: February 28, 2025

House Bill 1175 - Nutrient Management – Tidal Buffer – Vegetative Buffers and Restriction on Fertilizer Application

Committee: Environment & Transportation

MGPA Position: OPPOSED

### **Maryland Grain Producers Association (MGPA) Position on House Bill 1175**

The Maryland Grain Producers Association (MGPA) serves as the voice of grain farmers across the state, representing those growing corn, wheat, barley, and sorghum. MGPA opposes House Bill 1175, which would increase the nutrient application setback in the critical area from 35 feet to 100 feet.

As a result of the Water Quality Improvement Act of 1998, every Maryland farmer that derives \$2,500 or more from farm income or has eight or more animal units must have a Nutrient Management Plan (NMP). These NMPs determine on a field-by-field basis the amount of essential nutrients a farmer is allowed to apply to meet the needs of the specific crop being grown. As part of those plans, required buffers are mapped for each field. This bill would require that NMPs renewed after June 1, 2025 include a 100 foot buffer tidal waters and wetlands. This would mean that farmers would not be able to apply nutrients within that 100 foot buffer for the 2026 growing season.

While MGPA understands and appreciates the desire to improve and protect water quality, we have several fundamental disagreements with this legislation.

- 1) One size does not fit all: A 100 foot buffer on a farm in a tidal area in Dorchester County has a much different potential impact on water quality than that same buffer would have in higher elevations such as Queen Anne's or Kent Counties.
- 2) You cannot farm what you cannot fertilize. While this legislation does not say you cannot farm within the delta of the existing setback and the 100 foot setback, it is impractical to suggest you could still farm that land without fertilizing it.
- 3) Without guaranteed funding, this is a taking of land from farmers who are already operating on extremely tight margins. 2024 saw the lowest net farm income since the agricultural depression in the 1980's. The total acreage impact of this bill is unclear, but we have heard approximately 3,000 acres which is not insignificant. While we appreciate the sponsor's attempt to include a funding source, we are concerned about the availability of that funding given the current budget climate.

The recent Department of Legislative Services (DLS) recommendation on the Dept of Natural Resources Budget would sweep funding for the Chesapeake and Atlantic Coastal Bays Trust Fund into the General Fund which would include the tree planting funding as well as funding for other Best Management Practices from the Department of Agriculture. This proposed cut along with Program Open Space funding being zeroed out would represent 22.8% of Maryland Department of Agriculture's total budget.

Our preference would be to focus on targeted, voluntary implementation of buffers that have the greatest positive impact on water quality over a one-size fits all offset that will take productive farmland out of production.

We respectfully request your unfavorable report on HB 1175.