
TESTIMONY

TO: CHAIR MARC KORMAN,
ENVIRONMENT AND TRANSPORTATION COMMITTEE

FROM: TOM CROGHAN
OWNER & EXECUTIVE WINEMAKER, THE VINEYARDS AT DODON
FOUNDING CHAIR, DO YOUR PART INITIATIVE

SUBJECT: SUPPORT WITH AMENDMENT FOR HB506

DATE: FEBRUARY 21, 2025

Situation. HB0506 proposes establishing a Maryland Leaders in Environmentally Engaged Farming (LEEF) Program to incentivize environmentally responsible agricultural practices. This memo describes several reasons why the LEEF program is unlikely to help the State meet its environmental goals or improve Maryland’s residents’ food security and offers suggestions for improving the proposal.

Background. Despite more than forty years of effort, the University of Maryland Center for Environmental Sciences gives the overall ecological health of the Chesapeake Bay a score of only 55%. Agriculture remains the chief source of nutrient (nitrogen and phosphorus) pollution, also known as eutrophication. While the Maryland Department of Agriculture’s cover crop programs lead the nation, participation has dropped by nearly 20% since 2020 to about a third of the state’s eligible cropland.

To address this problem, the Administration proposes the Maryland Leaders in Environmentally Engaged Farming (LEEF) Program and an associated funding mechanism. The program aims to “invigorate strategies” to reduce eutrophication and farm emissions (presumably GHG emissions, but the syntax is unclear whether it refers to all GHGs or just carbon) and increase carbon sequestration. The legislation also proposes new incentives for farmers to adopt “community” and “conservation” best practices. A “tiered” recognition program similar to architecture’s LEED certification will be developed to fulfill this requirement. The proposed legislation also makes “regenerative and traditional” practices eligible for Maryland’s Healthy Soils Program funding.

While not explicitly a purpose of the LEEF program, Maryland agriculture also faces growing food insecurity and other environmental challenges. Although there is regional variation, agriculture and the food system are responsible for 80% of biodiversity loss, 30% of greenhouse gas emissions, and significant chemical and plastic pollution. The practices described in the legislation may have beneficial effects on these problems.

HB0506 would also allow the Department of Natural Resources to lease land for agricultural use to farmers implementing healthy soil and regenerative practices. This provision aims to (1) facilitate access to land for new farmers who lack the capital needed to purchase land and (2) encourage long-term leases that will incentivize investments in desirable farming practices.

Analysis. Climate scientists have clarified that radical agricultural transformation will be necessary to maintain a habitable planet. While the proposed legislation addresses this challenge, it seems unlikely to

significantly impact Maryland's essential contribution to the transition. Thus, while the bill's specified and unspecified objectives are laudable, the legislation should be strengthened considerably.

Over the past fifteen years, MDA has established several programs to incentivize conservation practices. None have been successful.

- Established in 2013, the Agricultural Certainty Program would give certified farmers a 10-year exemption from meeting new environmental regulations. A member of the Oversight Committee recently told me that the committee has never met and that no farms had been certified.
- Maryland adopted a voluntary nutrient trading program in 2011. Administered by Susan Payne in the Department of Agriculture, the program reported in 2019 that no farm-related contracts had been signed. Although she is still identified as the administrator, Ms. Payne retired in 2019.
- In 2017, the legislature passed the Health Soils Act, and in 2022, MDA launched the Healthy Soils Program. The program has two parts: enhanced incentives for cover crops (called cover crops plus) and competitive funds for farmers who wish to adopt advanced soil health practices not included in other subsidy programs.
 - MDA's soil health advisory committee recommended several ways to improve the adoption and effectiveness of soil health practices, including alternative financial measures, enhanced training and education, and better marketing and promotion. [None of these recommendations were adopted.](#)
 - As noted, participation in the State's cover crop programs has declined despite the enhanced subsidies.
 - The competitive fund is now in its third funding cycle. Applications have exceeded available funding, but no eutrophication, soil carbon, biodiversity, or food production results have been released.
- MDA should be required to review its past programs independently and develop recommendations to avoid future failures. The review should consider how MDA has developed past programs (e.g., advisory committee membership and conflicts of interest), program implementation, and accountability. A report should be provided to the legislature by October 1. This report should address why past failures will not be repeated when the proposed legislation is implemented. It should also address the goals of the LEEF program, their feasibility, and the types of new and invigorated strategies that will maximize the probability of successfully achieving them. For example, the report should address the nature and magnitude of incentives required for 90% of Maryland farmers to adopt conservation best practices.

Voluntary recognition programs are weak incentives that may “move the needle” in the right direction. Still, they will not result in transformational changes of the magnitude needed to ensure a stable environment and food security for Marylanders.

- The Maryland Green Registry recognizes businesses that adopt eco-friendly practices. Despite very low entry requirements, only 600 firms have registered. Our experience at Dodon suggests that participation does not result in business benefits, and our participation in the Registry has not incentivized new investments in eco-friendly practices.
- Although LEED certification is the LEEF model, less than 2% of new commercial buildings since 2000 have been certified, and less than 0.01% have platinum certification. Large firms generally carry out commercial construction. In contrast, farming in Maryland is primarily “mom and pop” operations that operate at a loss. They are thus less likely to adopt LEEF than the construction industry is to adopt LEED.
- Given the magnitude of the identified challenges, more substantial incentives will be required.

The Administration has failed to offer specific, actionable, attainable goals to monitor progress, make mid-course corrections, and hold leadership accountable.

- The purpose of the LEEF program is to “invigorate” strategies without specifying what this means. The common-use definition of invigorate, however, implies revitalization or strengthening. In other words, the Administration will offer no new strategy (e.g., new promotion, education, or technical assistance) to improve or enhance adoption of its conservation best practices, and it will not develop a strategy to facilitate adoption of community best practices, which is a new concept.
- While the proposed legislation specifies nutrient reduction and carbon sequestration as goals, it fails to quantify the amount needed to meet Maryland’s Climate Pollution Reduction Plan.
 - Reducing eutrophication is not part of the Climate Pollution Reduction Plan, and only decarbonization of the agricultural sector, not atmospheric carbon removal or sequestration, is mentioned in it.
 - According to the Climate Pollution Reduction Plan, MDA’s current conservation measures are sufficient to meet the Plan’s goals.
 - Regrettably, the plan's goals are likely inadequate to meet the needs of Maryland’s future residents for atmospheric carbon removal and storage. Plant-based photosynthesis is a 400,000,000 year old, cost-effective mechanism for carbon removal. Maryland currently relies on direct carbon capture, an unproven technology that is not available at the scale needed to meet the state’s goals.
- The proposed legislation hints at food production and reducing food insecurity as goals, but these are not explicit objectives. For instance, Community Best Practices are defined by the production, distribution, and sale of all Maryland Agricultural products, not just food or healthy food products. Nor does the legislation offer specific goals for food production.
- The proposed legislation does not mention biodiversity, ecosystem function, or chemical pollution as goals.

The definition of regenerative agriculture is incomprehensible and betrays the Administration’s fundamental misunderstanding of ecological farming and the regenerative movement.

- California recently defined [regenerative](#) agriculture as “an integrated approach to farming and ranching rooted in principles of soil health, biodiversity, and ecosystem resiliency.” Rather than a set of practices, it is defined by systems of continuous improvement and adaptation.
- While rooted in indigenous knowledge and tradition, it does not rely explicitly on these traditional practices.

The proposed legislation includes an annual appropriation of up to \$2 million.

- Maryland faces an extraordinary budget deficit and is appropriately examining spending reductions and new revenue sources. For example, the Administration’s budget proposal includes \$250,000 annual appropriation reductions until it is eliminated in 2028 for the Southern Maryland Agricultural Development Commission, which provides crucial infrastructure for farms.
- The Administration also proposes eliminating Program Open Space and Agricultural Land Preservation funds for several years, potentially harming ecological and farming goals.
- Funds proposed for LEEF must be carefully weighed against these alternative uses.

Leasing land owned by DNR would assist new farmers.

- Farmland in Maryland is too expensive for new farmers who frequently lack the capital needed to purchase land and equipment.

- Most landowners are unwilling to lease land for extended periods. Even when they do, they often terminate the lease for higher-yielding opportunities, such as residential, commercial, or solar development.
- The lack of long-term leases disincentivizes investments in healthy soils and other desirable land use and agricultural practices, such as agroforestry and tree fruit production, which take many years to pay off.
- Agricultural commons in the Scottish Highlands offer an alternative example to the 10-year minimum lease provision in the proposed legislation. In this case, leases are made in perpetuity with inheritance rights as long as the lessee farmer continues producing *food for human consumption and adopts sound ecological principles*.
- The legislature should consider favorable lease terms for new or beginning farmers, especially those who have demonstrated farming competence or completed agricultural training programs, such as Future Harvest's Beginning Farmer Training Program.

Recommendations. Maryland is inching ever closer to climate catastrophe and food system collapse. As I mentioned in the background, HB0506's unclear yet apparent goals are crucial to averting this potential cataclysm. For this reason alone, I support HB0506. As it is currently written, however, the proposed legislation will fall well short of its intended objectives and should be considerably strengthened before it becomes law.

1. HB0506 should require MDA to thoroughly review its past programmatic failures and suggest ways to avoid them in its LEEF program.
2. The proposed legislation should include quantitative objectives for the LEEF program, such as pounds of TMDL reduction, tons of GHG emissions reductions and carbon sequestration, pounds of food produced, etc.
3. The proposed legislation should include clear lines of accountability to ensure progress toward the state's goals.
4. The legislation should consider more substantial incentives, such as tax reductions and credits, subsidies, and mandates.
5. The legislation should consider the crucial role of education and technical assistance in program implementation. A significant budget line, possibly for the University of Maryland Extension and/or Soil Conservation Districts, will be required.
6. The legislation should include food production and security, enhanced biodiversity, reduced chemical pollution, and restored ecosystem functions as program objectives.
7. The sections defining and adding regenerative practices to the soil health program should be removed.
8. The legislation should adopt provisions to allow the leasing of state-owned land in perpetuity, with inheritance rights and favorable lease terms for new farmers.