




## Maryland Agricultural Certainty

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## Certainty Program - Purpose

- To create a program that provides a "safe harbor" (regulatory relief for any new regulations with regards to nitrogen, phosphorus and sediment) for farmers who meet and exceed their local TMDL reductions at the farm scale.
- The goal of the Certainty Program, is to allow farmers to conduct business in a predictable regulatory setting, while providing certainty that agricultural pollution controls are being implemented.



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## Certainty Program - Background

- In 2012, MDA received a CIG grant from USDA to develop a Certainty Program.
- During the following Legislative session, SB1029 was introduced and passed creating the MD Agricultural Certainty Program.
- Over the next 1½ years the Agricultural Certainty Oversight Committee worked together to develop the regulations of how the program will be run.



The Regulations were finalized in November 2014. Full role out of the Program to begin January 2015.

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 **Certainty Program - Eligibility**



- Must be the operator (farmer) of an operation to be eligible.
- A farmer must enroll at least one farm parcel, but does not have to include all the land in the operation.
- An operation defined as a concentrated animal feeding operation (CAFO) or one that is applying for a CAFO permit is NOT eligible for the Certainty Program.

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 **Certainty Program - Process**

- To become certified, the farm operation has to undergo a thorough review of the operation:
  - A review of the Soil and Water Conservation Farm Plan, which includes an on-farm inspection
  - A full Nutrient Management Plan implementation review
  - An evaluation using the Maryland Nutrient Tracking Tool to establish whether baseline for the local TMDL is being met
- MDE will also take part in the onsite inspections of the farm.



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 **Certainty Program - Approval**

- Once an farming operation is approved in the Certainty Program, an agreement is required outlining operation and maintenance:
  - Need to maintain current conditions protecting water quality
  - Notification requirements if certain management or site conditions change
- Required records will be submitted annually as well as full on farm inspections every 3 years.
- At the end of the 10 year period the operation must be in compliance with all new current requirements.



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 **Certainty Program - Benefits**



A Certainty certified farm has demonstrated at their farm scale that they have met their TMDL requirement. The implementation of new BMPs above and beyond what is needed to achieve baseline, could be eligible to Trade on an Ecosystem Marketplace to help others with Bay restoration goals.

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 **Certainty Program - Challenges**

Although the Certainty Program will provide great recognition of the current conservation work farmers are doing; it may not provide enough incentive to get them to voluntarily commit to 10 years of scrutiny for their operation.



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