

**Montgomery County Agricultural Advisory Committee
Meeting Minutes
May 18, 2021**

Attendees: Doug Lechluder, Jane Evans, Amanda Cather, Ben Butler, Aliza Silver, Pete Driscoll, Debra Tropp, Russ Allnutt, Angie McNally, Patrick Jamison, Eleanor Leak, Chuck Schuster, John Brewer

Guests: Ellen Gordon

Staff: Jeremy Criss

1. **Call the Meeting to Order-Introductions:** 7:04 pm
2. **Approval of the April 20, 2021 AAC meeting minutes.** Approved as written.
(Lechluder/Leak)
3. **COVID-19 Update:**

Montgomery County has 46.6% of the population has received the full doses of the vaccine and 58.5 % has received the first dose.

[Data - COVID-19 Information Portal - Montgomery County, Maryland
\(montgomerycountymd.gov\)](https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=35309&Dept=1)

The County Executive wants all County employees vaccinated before opening County buildings.

On Thursday, the County Council and the County Executive released the announcement below.

https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=35309&Dept=1

Once the County achieves 50% of the population being fully vaccinated by June 1, 2021, we can begin to open the Agricultural Activities Center at the Agricultural History Farm Park.

We are researching data that shows progress for vaccinating all employees-UME, OAG, MSCD, NRCS, FSA etc.

The University of MD-Extension is considering the following schedule:

June 1	staff to return to work 1 day per week
July	staff to return to work 3 days per week
August	staff to return to work 4 days per week
September	staff to return to work 5 days per week

Telework policy ends and all employees must verify they have been vaccinated.

Cathy Matthews is responsible for the Upcounty Regional Services Center in Germantown, where we typically meet. The AAC may decide to have a combination of face-to-face meetings and virtual. We do not have to decide this tonight.

OAG is fully vaccinated. Jeremy is checking on the staff of other offices in the building. Jeremy is fine with allowing his staff to work from home if they can get their duties done; he recognizes his employees have kids who are also dependent upon the MCPS schedule.

4. The Department of Environmental Protection Legislative Proposals:

Individual Water Supply and Sewage Disposal Systems-The proposed legislation has not been introduced. The Office of Agriculture is consulting with the DEP on the language on lines 158 to 170 as outlined below. The OAG told DEP that the wording below will result in the agricultural community opposing the legislation. The DEP responded by asking if italic wording could be retained the [bracketed] wording be deleted.

(d) Emergency authority. If the Director or the Director of Environmental Protection finds that the condition of an individual sewage disposal system presents an immediate danger to the public health or safety because of an unsafe condition or poor maintenance, the Director may take any needed action to protect the public and make the system safe, including entering the property to make any needed repair. [The County must assess any cost incurred as a result of the Director's or the Director of Environmental Protection's actions against the owner of the system. The County may collect the costs in the same manner as real property taxes are collected against the property where the individual sewage disposal system is located. In addition, the County may seek reimbursement under any other method legally available to collect debts owed to the County.]

The septic tank legislation has not yet been introduced. OAG has been negotiating with DEP on the language above. Jeremy believes that the language above will lead to the ag community opposing the legislation altogether. DEP is proposing deleting the

bracketed language and keeping the italics, but Jeremy is still concerned how this language will result in the farmers opposing it.

Ben Butler asked who the Director is that would enter one's property to make repairs, to which Jeremy replied the Director of the Department of Environmental Protection-DEP. Chuck Schuster pointed out that DEP may hire a contractor, but this work will be competitively bid before the property owner is stuck with the bill?

Patrick Jamison raised that the septic system repair language and individual water supply was not discussed with us at our meeting with DEP staff two months ago. Ben Butler said it is difficult for us to provide feedback if we do not have access to the full bill.

Eleanor Leak asked what criteria will be used to judge the septic systems. Jeremy explained that if the level of the liquid inside the tank is high, that indicates the liquid may be above the baffle, which is designed to keep the solids on a separate side from the liquid. They will also assess the depth of the solid material to determine when the tank was last serviced.

Doug Lechluder asked about the extent of the inspection and whether DEP staff is getting in the business of inspecting septic tanks. Jeremy believes that DEP will contract with an inspection company and return a report to DEP with their assessment. The contractor would also likely pump out the tank.

Jeremy will take all the above questions to DEP.

Introduction of Bill 16-21-Environmental Sustainability – Building Energy Use Benchmarking and Performance Standards – Amendments to Chapter 18 Environmental Sustainability. The Office of Agriculture recommends that all existing and new agricultural buildings be added to Section 18A-38B Applicability and exempt from the bill. *There is a public hearing scheduled on June 15, 2021 and the agricultural organizations should provide a letter outlining that all existing and new agricultural buildings should be exempt from this Bill 16-21.* [2707 1 14390 Bill 16-2021 Introduction 20210504.pdf](#)

This bill has been introduced as Bill 16-21. The public hearing is on June 15, 2021. The AAC needs to submit a letter along with the other agricultural organizations expressing that existing and new ag buildings should be exempt. The bill would require that any building larger than 25,000 sq ft would be subject to these sustainability benchmarks. Jeremy has explained that electricity in buildings this size in the ag community is just used for lighting and not mechanical heating and air conditioning. We do not support a cumulative measure of all buildings, which would mean that farmers would be impacted if the total cumulative square footage exceeds more than 25,000 sq feet. The legislation does not say this explicitly, but there is precedent in the County Code that measures cumulative square footage of buildings in the county.

Motion passed to ask Doug and Jeremy to write a letter on behalf of AAC to be remitted to the council for the public meeting on June 15. (Butler/Eleanor). *Please note the public hearing was moved to July 20, 2021.*

Electric Lawn Care – The proposed legislation has not been introduced. The Office of Agriculture is consulting with the DEP on the scope of the legislation. The legislation proposes a Sale Prohibition and Use Prohibition starting in 2025 for residential gasoline lawn mowers with a deck less than 30 inches including gas trimmers and blowers. The legislation excludes gasoline chain saws. The legislation proposes the commercial sale and use of gasoline lawn mowers with decks less than 100 inches starting in 2027.

This legislation has not yet been introduced. The bill is intended to address climate change by reducing small internal combustion engines. The OAG has consulted with DEP on the scope of the legislation. OAG has not seen a copy of it yet, but we understand it will have a sale and use prohibition for residential gasoline lawn mowers, including gas trimmers and gas blowers with a deck less than 100 inches. The legislation does not include gas chain saws (there are few electric alternatives to a chain saw). Chuck raised that battery powered chain saws do exist. Jeremy said that the DEP does not believe the battery powered chainsaws have the torque of the gasoline powered ones, which becomes important for commercial and residential purposes.

DEP is proposing a prohibition of commercial sales of the mowers with less than 100-inch decks with a start date of 2027. We have a huge horticultural industry in the county including many landscape businesses. The cost of these mowers and the replacement cost of the batteries would be extremely high.

Doug Lechluder commented that most mowers in use have 60-inch decks. Chuck Schuster said that most commercial landscapers do not use more than 70-inch decks, and with rolling topography, it helps to have 60-inch decks.

Chuck Schuster raised that if we are concerned about carbon emissions why are we not considering the carbon emissions of creating a lithium battery. Internal combustion engines have been refined in the past 10 years. The longevity of the batteries is terrible for what they cost.

Jeremy Criss said the batteries should be recycled and exchanged as a discount on buying the new battery.

Chuck Schuster said this County legislation is like DC's legislation on electric lawn care. What we are doing is passing the buck to another country that mines the lithium. The true carbon footprint makes this ineffective.

- 5. There was a meeting on Thursday May 6, 2021 for River Road residents that own property along the gravel portion of the road. Representatives from the DOT, OAG, and Rustic Roads Advisory Committee attended this meeting. The list of people that attended the meeting is attached along with the New Study that was provided. The study shows the improvements that are proposed for drainage pipes and maintenance of the gravel surface between Elmer School Road and River Road. This meeting was a follow up to the August 21, 2018 meeting that Linda Lewis hosted at her farm market that 19 River Road residents attended.**

The gravel portion of the road is identified as an exceptional rustic road. Linda Lewis acquired 400 acres off this road, where they grow a lot of their food. Linda and Robert realized it is hard to rinse all the produce and get all the grit from the dust off the produce. Linda hosted a meeting at her farm when Ike Leggett was still CE and Al Roshdieh was the Director DOT. Al said he was going to do a study to determine the improvements needed to River Road. There was a change of guard and Marc Elrich is a big fan of rustic roads.

There was a meeting on May 6, 2021 at the driveway of Linda's farm where it exits to River Road. A large group of people who met and Jeremy is still editing the minutes to share with us. *Please note the minutes from this May 6, 2021 River Road meeting are attached as part of the June 15, 2021 AAC meeting.* A study was presented at this meeting, that shows the cost of replacing many drainage pipes that have rotted and collapsed. They will all be replaced and then the DOT will regrade the gravel and ditches to clean out debris. The DOT will apply calcium chloride to suppress dust. As the road is now, the ditches are 3 feet deep on each side in places, the road has a washboard effect from the rain. DOT is going to abide by the wishes of the CE who wants the exceptional rustic road features maintained on the road. The DOT will not tar and chip the road. The DOT will explore the application of Asphalt- Millings that can be more compact than gravel.

Linda Lewis did tests on the gravel that shows the gravel has asbestos in it. The DOT has documentation from their vendor they buy gravel from that there is no asbestos in the gravel. Chuck Schuster said that there could be legacy of asbestos from applications of gravel years ago. The County paved many gravel roads Down County in the 1970's due to the asbestos from the Travilah quarry. The residents that live along this road are concerned that the county does not want to do the right thing to address the public health and safety of the residents and the farmers who are producing food. There's evidence that within hours of application, calcium chloride dries up and the dust returns.

- 6. Follow up from the May 10, 2021 County Council Work Session on the Office of Agriculture FY22 Operating Budget. The Council recommended to restore the Maryland Matching Money-MMM program that expands the purchasing power of customers at our farmers markets; The Departments of Finance and OMB need to develop a way to address how the Matching Grant Cost Share program reimbursements from MARBIDCO uses the OAG appropriation and when MARBIDCO reimbursements are deposited into the**

General Fund, this funding does not come back to the OAG; And to explore a new FTE full time position assigned to the OAG be discussed during the summer.

OAG met with the full County Council and recommended restoring the MMM money which increases purchasing power of customers at farmers markets. The MARBIDCO provides the county \$25,000/year in state cost share assistance that goes to the farmers, which ultimately reduces the amount of OAG's budget.

Jeremy has shared with the council that he wants to reclassify a part-time administrative position into a new professional level position that will help to address the additional responsibilities of farm alcohol production businesses and agritourism venues etc.

- 7. Discussion on Leaf-gro that is provided by Maryland Environmental Service that many farmers use annually as a soil amendment. The Maryland Department of Agriculture removed Leaf-gro from their approved list of organic soil amendments for organic certification because of the ink in the bags that are provided to residents for gathering leaves and grass clippings. In accordance with an agreement between the County Government and the Sugarloaf Citizens Association, the MES can only provide Leaf-gro to be delivered in 40-yard tractor trailer trucks that small scale farms cannot accommodate.**

MDA was instructed by USDA-National Organic Program-NOP that due to the colored ink used for instructions on the bags the residents use for gathering leaves and grass clippings, Leaf-gro was removed as organic soil amendment. The OAG reached out to Senator Chris Van Hollen's office for assistance on this federal issue. For every 60,000 tons/year of yard trim and grass clippings, approximately 80 pounds of colored ink is used in the bags. The OAG and DEP are hoping they can get USDA-NOP to reconsider their recommendation and get Leaf-gro back on the list for organic certification as a soil amendment.

Aliza asked if there are other inks we could use. Alternatively, there is soy ink, but it is difficult to keep ink from dissolving when the bags get wet. This should not be a huge deal if the ink is only needed for directions to residents on proper use of the bags.

The SCA only allow 40-yard tractor trailer trucks to pick up Leaf-gro. At last meeting we voted to send SCA a letter asking for this to change. Jeremy put the letter on hold until he can finish a survey of farmers asking if they can accommodate the 40 cubic yard truck or if they would be better off with a 20 cubic yard-dump truck.

- 8. Stepped up Basis for American Family Farms:**
<https://www.fb.org/advocacy/action-alerts/protect-stepped-up-basis-for-American-family-farms>

Chris Van Hollen is interested in making sure we have a stepped-up basis for farms because there's concern that with the Democratic controlled White House and Congress that we may see changes in these policies that may have negative impact on farmers and

farms. Jeremy is encouraged that Senator Van Hollen is interested in protecting this for farmers who are getting older and doing their estate planning which takes into consideration the value of their properties.

9. MD Farm Bureau and MCFB Farmside Chats:

The MD and County Farm Bureau proposed the topics to discuss based on the agricultural bills from the 2021 MD legislative session. The Farmside Chats are designed for smaller group meetings for the County Council and the County Delegation and the County Executive. The farmers will be the hosts and professionals from the ag agencies will attend for background resources etc.

Food Resiliency - Tuesday, June 8th at 9:30 AM - Butler's Orchard

Livestock Processing & Grain Farming - Thursday, July 1st at 9:30 AM - Seneca Ayr Farm

Deer Damage - Thursday, August 5th at 7 PM - Jamison Farm

Forest Banking - Wednesday, September 8th at 9:30 AM - Willard Family Farm

Ag Reserve Solar - Wednesday, October 6th at 9 AM - Rockhill Orchard

10. Adjournment: (Butler/Cather) 8:21