

Montgomery County Agricultural Advisory Committee
Meeting Minutes
July 20, 2021

Attendees: Aliza Silver, Adam Darkins, Ben Butler, John Brewer, Doug Lechliden, Jane Evans, Lori Larson, Patrick Jamison, Peter Driscoll, Russ Allnutt, Debra Tropp, Linda Lewis, Jordan Cissel, Eleanor Leak

Guests: Chuck Schuster

Staff: Jeremy Criss

1. **Call the Meeting to Order-Introductions:** 7:03 pm
2. **Approval of the June 15, 2021 AAC meeting minutes.** Approved as corrected (Evans/Driscoll)
3. **COVID-19 Update:**

The Agricultural Activities Center is **NOW** open for agricultural agency employees. We are targeting September 1, 2021 as the date to open the building to the public and volunteers.

68 % of the County’s population have received one dose of the vaccine and 62% are fully vaccinated.

[Data - COVID-19 Information Portal - Montgomery County, Maryland](https://montgomerycountymd.gov/Data-COVID-19-Information-Portal-Montgomery-County-Maryland)
(montgomerycountymd.gov)

This is one of the highest percentages of all the counties in the state.

4. **The Department of Environmental Protection Legislative Proposals**

Individual Water Supply and Sewage Disposal Systems-*County residents that live in areas without public water and sewer were mailed the DEP post card to expand awareness to extend the life of their septic systems by pumping out their septic tanks.* The proposed legislation has still not been introduced. In response to the OAG concerns surrounding the enforcement and penalties language on lines 158-170, the Director of DEP has stated they will delete the language below entirely and he said, “We think we can make significant progress without that provision.”

All county residents who live without public water and sewer should have received a DEP postcard to become more aware of the importance of pumping out their septic system. The legislation has not yet been introduced. The enforcement language was removed from the proposed bill. It will end up being similar to what Howard County passed, which is education to get people to pump their tanks out to extend the life of their septic system. Howard County also didn’t have any enforcement mechanism built into their bill. All agriculture groups are still free to oppose this legislation.

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. *Please see the attached letter from the AAC.* There is a public hearing scheduled on July 20, 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](#)

There was a public hearing today for the building sustainability benchmarks. Several agriculture groups (APAB, AAC, Soil Conservation District) submitted letters to the public record to suggest all existing and new agricultural buildings be exempt from the application of this bill. Craig Rice supports this amendment and said he will support it at the appropriate time.

Electric Lawn Care – The DEP has now proposed a more limited bill that will prohibit the use and sale of gasoline leaf blowers. The Electric Lawn Care bill will be delayed.

Jeremy got a message last week from the staff at DEP that they're going to narrow the prohibition to gasoline leaf blowers. The message says the larger Electric Lawn Care bill will be delayed, they don't know until when, but they're trying to get the gas leaf blower bill introduced before the end of July before the Council goes on summer recess for the month of August. DEP will only limit gas leaf blowers at this time.

5. **Update on the gravel portion of River Road. The DOT test results found asbestos in the gravel along the road. The County Council forwarded the attached letter to the County Executive stating: We are calling on you to direct MCDOT to implement a permanent solution that stops this potentially hazardous material from spreading onto adjacent properties. This section of River Road between Edwards Ferry Road and Whites Ferry Road is an Exceptional Rustic Road, making it important that we act to protect its historic and rural character. However, that preservation cannot take higher priority than health and safety. Ensuring the continued rustic nature of this portion of River Road must be done in a manner that protects residents. We believe the County can find a solution that replaces the gravel while maintaining the “look and feel” of the road.**

DOT was conducting the tests for core samples. There were 12 taken, one of which came back with asbestos. The samples were taken in a similar fashion to those that Linda had collected for the road frontage on her farm. When Linda got her results she reached out to the Council for assistance. In response, all nine councilmembers wrote to the County Executive requesting him to do something to prevent the asbestos from spreading.

Jeremy had a meeting with Marc Elrich and his Special Assistant Dale Tibbitts. Marc concluded that since there was only one core sample with asbestos and the county is planning to dig extensively to remove that gravel, no further action would be necessary. Jeremy replied that there are Washington Post articles dating back to the 1970s about the Travilah Quarry's residual asbestos and that every year the asbestos can resurface. Jeremy proposed the County use millings, which is better than loose gravel; however, it still needs to be maintained and there can be some erosion. Marc does not want to pave the road. DOT is looking into options including millings. Marc said that if we can get the Rustic Road Advisory Committee to support encapsulating the road by tarring and chipping it or using millings, he will consider this.

6. MD Farm Bureau and MCFB Farmside Chats:

Food Resiliency - Tuesday, June 8th at 9:30 AM - Butler's Orchard-Productive conversation and good turnout.

Heather Bruskin from the Montgomery County Food Council and Lindsay Smith from the Council of Governments spoke. The conversation was focused on the Farm to Foodbank program that was expanded in 2020 and 2021 and whether it can be applied statewide to the farm communities in the counties to work with their local food assistance providers. It was a great conversation.

Livestock Processing & Grain Farming - Thursday, July 1st at 9:30 AM - Seneca Ayr Farm-Productive conversation and good turnout.

The Linthicum's presented about their farming methods. Doug Tregoning and Chuck Schuster spoke about using crop protectants and not legislating certain products out, like the bill in Annapolis last year to ban the use of glyphosate (now it's a summer study). Chuck explained that you can't rely on social media as your source of data. Del. Fraser Hidalgo disagreed and wanted to follow up on that discussion. He was surprised that no till was responsible for the resurgence of the Bay.

The EU has now reviewed glyphosate and found it's not carcinogenic. The law suit in California that challenged the use of glyphosate found the applicators did not follow the use directions on the glyphosate label.

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

7. Thrive 2050 Public Record closed on Friday July 9, 2021.

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/council/2021/20210615/20210615_16D.pdf

Please see the attached letter from the AAC regarding the Planning Board's recommendation to remove the Agricultural Reserve Chapter from the Thrive 2050 Report and move it to an appendix.

As part of the Thrive 2050 plan, community health is a factor that is being addressed.

Please see the attached recruitment flyer from the Department of Health and Human Services.

The County conducts community health needs assessments to determine what different populations need for better health. The County is holding meetings in different areas featuring different demographics to build a list of those community's health needs.

One of these meetings will be held to determine the Agricultural Reserves health needs.

The attached flyer has information on how to sign up for this meeting.

It will be a virtual meeting held on July 20th at 6pm.

Please sign up and let your voice be heard.

This is the update of the 1964 General Plan. It started in the Fall of 2019 and work continued on it through the pandemic. There was a chapter titled profitability and viability of agriculture in Montgomery County that was prepared by the agricultural groups that was included in the staff draft report. It was formatted with goals the planning staff request. The Planning Board decided not to use it and decided to put the whole agriculture chapter into the appendix, which won't even be part of the final report.

Letters from AAC, APAB, MAP, and OAG were sent to the County Council expressing opposition to the Planning Board's recommendation to the Council PHED committee as they take up the Thrive Montgomery 2050 update. We are trying to get the Planning Board's decision reversed.

The Planning Board is also doing a community health needs assessment for residents of the Ag Reserve. Five farmers from the Ag Reserve attended the event, including Linda Lewis. Jeremy was not able to attend.

- 8. The Subdivision Regulation Amendment 21-01 is scheduled on Tuesday July 20, 2021 as a full Council Work Session. The SRA 21-01 will remove commercial buildings from the subdivision process when the buildings are used for agritourism, on-site farm markets and farm alcohol production. The MNCPPC generally supports this SRA 21-01 although they have remitted recommendations that will still require commercial buildings to meet forest conservation, historic preservation, family burial sites, and road dedication.**

There's a lot of interest in ag tourism, new on-site farm markets, and farm alcohol production. When a property owner is fortunate to have existing buildings that they want to retrofit, it's so much easier to realize these uses. But if a property has no improvement and the owner wants to do any of these three uses, they must apply for the subdivision process (even if they're not changing the property boundaries). They would have to spend \$100k-\$150k for the engineering requirements and attorneys to represent them at the MNCPPC. These expenses don't add value to their project. This is another example of Montgomery County not being business friendly. Jeremy is trying to communicate this to the County Council. The County Council had a full day work session today and they almost approved it, but realized that they didn't schedule it to be approved today. It's not scheduled for approval until next Tuesday. Jeremy expects it will be unanimously passed next Tuesday and will level the playing field for people who have properties with existing buildings, and those who have to build new ones. The new process will include a pre-design consultation. The DPS offers these consultations for anyone who needs to build a house or agricultural building on a farm - for free. The property owner sits down with staff representatives from well and septic, electric, the commercial building code division, the fire marshal and discuss what the property owner needs to do to get their proposal approved. OAG attends all the pre-design consultations to help facilitate. OAG showed the Council that they already have a process in place for reviewing and approving very nice buildings.

- 9. Update on Leaf-Gro- The MDA “certifier” changed their determination on the allowance of Leaf-Gro. This happens occasionally as certifiers complete material reviews to determine if the product should be allowed or disallowed. In this case, MDA did a re-review of the (Leaf-Gro) material based on the fact that another certifier removed the (Leaf-Gro) material from its approved list. The MDA “certifier” reviewed the USDA organic regulations and a number of other resources and determined, based on that review, that the (Leaf-Gro) product should not be allowed. Based on the feedback from MDA about their process and decision, The USDA stands by the MDA decision.**

MDA sent Montgomery County a letter saying that they were told by the USDA National Organic Program that Leaf Gro will be de-certified as an organic soil amendment. Debra gave Jeremy the names of the people who work at the NOP to set the record straight. In this week's meeting packet there is a message from Chris Van Hollen saying that MDA is asking USDA to reconsider the de-certification due to the ink on the collection bag. OAG is going to reach out to MDA to ask who the other certifier is and to reconsider due to the miniscule amount of ink on the bags. It's 80 lbs of ink for every 70k tons of material.

Still working on the trucks that would be less than the 40 cubic yards. Still trying to assess how many farmers would prefer to have, if they could collect less than 40 cubic yards, to let OAG know.

- 10. US Senator Ben Cardin would like to schedule a Conversation with Farmers on Friday July 23, 2021 at 10:45 am. The Senator is interested in hearing updates on how the agricultural community is moving past the COVID-19 Pandemic including**

an update on federal programs and initiatives impacting agriculture. *Please see the attached message with the proposed program-agenda of agricultural issues that will be discussed.*

Ten farmers have agreed to participate so far. Linda will share her experience with the H2A seasonal employees this year compared to previous years. Ben Allnutt, John Fendrick, and Robert Butz will participate.

- 11. The next meeting of the Agricultural Advisory Committee- August 17, 2021-Since this meeting falls during the County Agricultural Fair, Jeremy recommends that we could conduct a quick huddle up meeting following the Agricultural Leaders Luncheon on Monday August 16, 2021.**
- 12. Adjournment: 7:55 pm (Larson/Jamison)**