Gratitude is the open door to abundance, let us share our abundance with those in need.

We ask that you bring a monetary donation:
Maryland Food Bank—Eastern Shore Branch
which will be shared with community food-banks

28th Annual Harvest Breakfast

Friday, December 1, 2017 — Doors Open 6:45 a.m.
Program promptly — 7:30 a.m.
at the Queen Anne’s County 4-H Park.
RSVP (410) 758.0166 ~ Before Nov. 22nd

Presentation: Agriculture Awareness Day
Agriculture is Maryland’s number one industry. This industry is constantly shrinking, while our population continues to grow. Meaning we have to supply more food on less land. With this in mind agriculture is crucial for our survival; therefore, a coalition of agriculture educators and professionals joined together to have an educational experience for all 7th grade students across Queen Anne’s County.

“The University of Maryland is an Equal Opportunity Employer and Equal Access Programs”

“La Universidad de Maryland es una institución con igualdad de Oportunidades de Empleo y con Igualdad de Acceso a Programas.”
**NOVEMBER 2017**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Location</th>
<th>Registration Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-02</td>
<td>Cover Crop Field Day</td>
<td>11:00 a.m.-1:00 p.m., CMREC,</td>
<td>RSVP <a href="mailto:Hirsh@umd.edu">Hirsh@umd.edu</a></td>
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<tr>
<td></td>
<td></td>
<td>Laurel, MD.</td>
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<tr>
<td>02</td>
<td>Integrated Weed Management Field Day</td>
<td>10:00 a.m.-2:00 p.m., USDA ARS</td>
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<tr>
<td></td>
<td></td>
<td>Beltsville Agricultural Research Center, Beltsville, MD.</td>
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<tr>
<td>02-03-04</td>
<td>UMES Small Farm Conference</td>
<td>Princess Anne, MD.</td>
<td>To register or for more detailed information, visit <a href="http://www.umessmallfarm.com">www.umessmallfarm.com</a> or call 410-651-6693.</td>
</tr>
<tr>
<td>05</td>
<td>Daylight Savings Time Ends</td>
<td></td>
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</tr>
<tr>
<td>07</td>
<td>Food for Profit Workshop</td>
<td>9:00 a.m.-4:30 p.m., Cockeysville, MD.</td>
<td>For more information or to register, visit <a href="http://extension.umd.edu/events/tue-2017-11-07-0000-food-profit-baltimore-county">http://extension.umd.edu/events/tue-2017-11-07-0000-food-profit-baltimore-county</a>.</td>
</tr>
<tr>
<td>07</td>
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<tr>
<td>08</td>
<td>WIA Wednesday Webinar— Crop Insurance Programs for 2018</td>
<td></td>
<td>For information and to register visit <a href="http://www.extension.umd.edu/womeninag/webinars">http://www.extension.umd.edu/womeninag/webinars</a>.</td>
</tr>
<tr>
<td>09</td>
<td>Medical Evaluation/Respirator Fit Test Workshop</td>
<td>9:00 a.m.-1:00 p.m., University of Delaware Carvel Center.</td>
<td>Email <a href="mailto:pesticidesafety@udel.edu">pesticidesafety@udel.edu</a>.</td>
</tr>
<tr>
<td>11</td>
<td>Veterans Day</td>
<td></td>
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<tr>
<td>13-15</td>
<td>Cold Weather Ventilation Webinar 2017</td>
<td>University of Delaware Carvel Research &amp; Education Center in Georgetown, DE.</td>
<td>For more information and to register, please contact Lisa Collins at <a href="mailto:lcollins@udel.edu">lcollins@udel.edu</a>, or call (302) 856-2585 x702.</td>
</tr>
<tr>
<td>14-16</td>
<td>Mid-Atlantic Crop Management School</td>
<td>Ocean City, MD.</td>
<td>Details P5</td>
</tr>
<tr>
<td>15</td>
<td>Private Pesticide Applicator Licensing Exam</td>
<td>6:00-9:00 p.m., Cecil County.</td>
<td>Call 410-996-5280 to register and to purchase core manual.</td>
</tr>
<tr>
<td>17</td>
<td>Agricultural and Environmental Law Conference</td>
<td>8:00 a.m.-3:00 p.m.</td>
<td>For information and to register, visit <a href="http://extension.umd.edu/events/fri-2017-11-17-0000-agricultural-and-environmental-law-conference">http://extension.umd.edu/events/fri-2017-11-17-0000-agricultural-and-environmental-law-conference</a></td>
</tr>
<tr>
<td>23</td>
<td>Thanksgiving Day</td>
<td></td>
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<tr>
<td>27</td>
<td>Food Safety Training for FSMA Compliance</td>
<td>8:00 a.m.-4:30 p.m., Elkton, MD.</td>
<td>To register visit <a href="https://cecilpsa17.eventbrite.com">https://cecilpsa17.eventbrite.com</a>. For information contact Justine Beaulieu, 301-405-7543, <a href="mailto:JBeaulil@umd.edu">JBeaulil@umd.edu</a>.</td>
</tr>
<tr>
<td>28</td>
<td>Timely Ag Issues/Grain Marketing</td>
<td>7:30 a.m., QA Extension Office, Centreville, MD, coffee, donuts.</td>
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<tr>
<td>28</td>
<td>Farm Succession Workshop—Midshore</td>
<td>8:00 a.m.-3:15 p.m., Caroline County 4-H Park, Denton, MD.</td>
<td>For information contact the Caroline County Extension Office, 410-479-4030.</td>
</tr>
<tr>
<td>29</td>
<td>Farm Succession Workshop—Lower Shore</td>
<td>8:00 a.m.-3:15 p.m., Wicomico County Extension Office, Salisbury, MD. For information call, 410-749-6141.</td>
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</tr>
<tr>
<td>30</td>
<td>Advanced Nursery/Greenhouse/Controlled Environment Nutrient Applicator Training</td>
<td>9:00 a.m.-12:00 p.m., Derwood, MD.</td>
<td>Call 410-827-8056, x115 to register.</td>
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**DECEMBER 2017**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Location</th>
<th>Registration Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-03</td>
<td>Queen Anne’s County Harvest Breakfast</td>
<td>7:30 a.m.</td>
<td>Details P1</td>
</tr>
<tr>
<td>03-05</td>
<td>Maryland Farm Bureau Annual Convention</td>
<td>Ocean City, MD.</td>
<td>For more information, visit <a href="http://mdfarmbureau.com/about/annual-convention/">http://mdfarmbureau.com/about/annual-convention/</a>.</td>
</tr>
<tr>
<td>05</td>
<td>Advanced Nursery/Greenhouse/Controlled Environment Nutrient Applicator Training</td>
<td>9:00 a.m.-12:00 p.m., Queenstown, MD.</td>
<td>Call 410-827-8056, x115 to register.</td>
</tr>
<tr>
<td>06</td>
<td>Private Pesticide Applicator Licensing Training</td>
<td>6:00 p.m.-9:00 p.m. Kent Extension Office.</td>
<td>Call 410-778-1661 to register and purchase core manual.</td>
</tr>
<tr>
<td>06-07</td>
<td>Nutrient Management Update</td>
<td>9:00 a.m.-3:00 p.m., National Wildlife Visitor’s Center, Laurel, MD.</td>
<td>Details soon.</td>
</tr>
<tr>
<td>07</td>
<td>Pearl Harbor Remembrance Day</td>
<td></td>
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<tr>
<td>09</td>
<td>Kent County Harvest Breakfast</td>
<td>7:00 a.m.-9:00 a.m., Chesterstown Fire Hall, Chesterstown, MD.</td>
<td>Details P3</td>
</tr>
<tr>
<td>13</td>
<td><strong>NEW DATE</strong> Viewing Agriculture Through the Lens of Innovation and Technology Symposium</td>
<td>9:30-3:30.</td>
<td>Details P5</td>
</tr>
<tr>
<td>13</td>
<td>WIA Wednesday Webinar— What is Annie’s Project?</td>
<td></td>
<td>For information and to register visit <a href="http://www.extension.umd.edu/womeninag/webinars">http://www.extension.umd.edu/womeninag/webinars</a>.</td>
</tr>
<tr>
<td>18</td>
<td>Private Pesticide Applicator Licensing Exam</td>
<td>6:00 p.m.-9:00 p.m. Kent Extension Office.</td>
<td>Call 410-778-1661 to register.</td>
</tr>
<tr>
<td>21</td>
<td>Winter Begins</td>
<td></td>
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<tr>
<td>25</td>
<td>Christmas Day</td>
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</table>

**MARK YOUR CALENDAR!!**

**FEBRUARY 8-9, 2018**

2018 MidAtlantic Women in Ag Conference
Dover Downs, Delaware
Details and registration information available at http://extension.umd.edu/womeninag/annual-conference

**SAVE THE DATE!! - FRIDAY, MARCH 2, 2018**

QUEEN ANNE’S COUNTY AGRONOMY DAY
REGISTER BY CALLING THE QA UME OFFICE, 410-758-0166.
Kent County Harvest Breakfast

Hosted by: University of Maryland Extension

Saturday, December 9th, 2017

Breakfast served from 7 a.m. to 9 a.m.
Program begins at 8:30 a.m.
at the Chestertown Volunteer Fire Company

Program includes

Kent County Agriculture Updates.

$5/person; $15/family
Children 5 & under are free!

Please RSVP to Kent Extension (410) 778-1661 before December 1st.

Sponsored by:

Kent County Farm Bureau
Kent County Soil and Water Conservation District
Kent County Chamber of Commerce
Kent County Young Farmers & Ranchers

If you require reasonable accommodations to participate in this event, please contact the UMD Extension Office no later than December 1st, 2017.

The University of Maryland, College of Agriculture and Natural Resources programs are open to all and will not discriminate against any one because of race, age, sex, color, sexual orientation, physical or mental disability, religion, ancestry, or national origin, marital status, genetic information, or political affiliation, or gender identity and expression.
WHO: Undergraduate and Graduate Students in good academic standing who are interested in applying classroom knowledge in applied research and outreach environments. Junior and Senior standing preferred.

WHAT: 250-400 hours of paid, on-the-job training and experience with Extension Professionals in various outreach education and research environments.

WHERE: 24 County Extension Offices & 4 Research and Education Centers across the State of Maryland. Contact your local Extension office or visit us online at: https://extension.umd.edu/locations.

WHEN: For best consideration, applications for summer internships should be submitted by March 23, 2018. Semester selection based upon availability. Interested students should submit (1) a letter detailing their interest in an internship (How will your experience with University of MD Extension help you to achieve your career goals?) and their preferred work location among our 29 office locations, along with an unofficial college transcript, to ttwitty@umd.edu

University of Maryland Extension (UME) is a statewide, non-formal education system provided by the University of Maryland and the University of Maryland Eastern Shore.

UME educational programs and problem-solving assistance are available to citizens and are based on the research and experience of land grant universities.

The University of Maryland is an Equal Opportunity Employer. Minorities and women are encouraged to apply.
The registration fee $325 if received by November 6. Registration will close on November 6. Payment of registration fee entitles you to participation in 2 ½ days of sessions, materials, 3 continental breakfasts, 2 lunches, and refreshment breaks.

All registrations must be completed online and be paid by credit card at the time of registration. Visit https://go.umd.edu/crop17registration to complete your registration online and make your session selections. Once you complete the online registration, you will receive a confirmation email providing verification of your session schedule and receipt of payment.

Questions about registration or payment should be addressed to University of Maryland Conferences & Visitor Services at 301-405-9471 or cropregistration@umd.edu.

The school offers a 2 ½-day format with a variety of breakout sessions. Individuals needing training in soil and water, nutrient management, crop management and pest management can create their own schedule by choosing from 5 program options offered each hour. Emphasis is placed on new and advanced information with group discussion and interaction encouraged.

The 2017 Mid-Atlantic Crop Management School will offer CCA continuing education units (CEU’s) approved by the Certified Crop Adviser Program in the following categories:
- Crop Management
- Nutrient Management
- Pest Management
- Professional
- Soil & Water Management Development

Total CEU’s earned will depend on course selection. This school also provides Pesticide Recertification Credits for DE, MD, NJ, PA, WV, and VA and continuing education for Nutrient Management Consultants in DE, MD, VA and WV.

The University of Maryland Soil Judging Team had a successful trip to the 2017 Northeast Regional Soil Judging contest, qualifying for the national competition by placing 2nd overall. The contest was hosted by the University of Rhode Island.

Nationals will be hosted in the spring of 2018 by the University of Tennessee-Martin. The team enjoyed seeing a diverse array of soils found in the glaciated geology of Rhode Island, including cemented Spodosols, dense till, buried soils, wind-blown loess, and human-transported materials.

The team was co-coached by Dr. Brian Needelman and Sara Mack from the Department of Environmental Science and Technology.

Good luck at Nationals!!!
In 2015, you may remember Ashley or me posting about the Cow Palace dairy in Washington state. Cow Palace, along with two other dairies, entered into consent agreements to clean up and change how their dairies operated to prevent manure leaking into groundwater supplies. The previous posts are available here, here, here, and here.

The Cow Palace dairy attempted to get its insurer to indemnify the dairy. The insurer informed the dairy there was no duty to defend or indemnify due to the absolute pollution exclusions in the dairy’s insurance coverage. Cow Palace brought suit in federal court claiming the insurer had a duty to defend and indemnify the dairy. The federal district court agreed with the insurer, Bedivere Insurance Company, that the dairy’s coverage excluded pollution damage from the policy. The insurer according to the court had no duty to indemnify or defend Cow Palace due to the absolute pollution exclusion.

**Duty to Indemnify**

An insurer must indemnify the insured (person with insurance coverage) when the insurance policy provides coverage for the loss. In reviewing Washington law on this issue, the court had to determine if the coverage excluded the losses due to the absolute pollution exclusion in the policy. Then the court had to determine if the losses were the proximate cause of an event which would be covered by the insurance policy.

In looking at the absolute pollution exclusion, the exclusion applies when the cause of the losses in the insured, who is acting as a pollutant. As the court points out, absolute pollution exclusions are in general liability policies to prevent insurance companies from being on the hook for massive cleanups caused by pollution.

The policy defined a pollutant as “any solid, liquid, gaseous or thermal irritant or contaminant, including smoke vapor, soot, fumes, acids, alkalis, chemicals, and waste. Waste includes materials to be recycled, reconditioned or reclaimed” (Dolson Cos., *4). The court rejected the dairy’s arguments that for manure to fall under “waste” in the definition, the insurer should have stated “animal waste” or “agricultural waste.” To the court, waste is waste regardless of the word in front of it. The court also rejected the dairy’s claims that manure should be excluded from “waste” since it can be used as a fertilizer, because the policy includes the pollution definition materials that can be recycled, reconditioned, or reclaimed (Dolson Cos., *4).

The dairy argued that manure should be excluded from waste because a reasonable person buying agricultural insurance coverage would not view manure as a waste. The court disagreed with this argument as well. The court found the standard should be whether a reasonable person would find manure to be labeled a pollutant when entering drinking water as a contaminant. No reasonable person could deny that manure would be a pollutant when the manure enters and contaminates drinking water.

**Is a Covered Loss the Proximate Cause of the Damage?**

When two events occur together to cause damage, one covered and the other excluded as a loss by the insurer, Washington courts will look to determine if the covered loss is the proximate cause of the damage. For example, looking at a previous decision, the court found a policy covered carbon monoxide damage even though the policy had a carbon monoxide damage exclusion. In that decision, the cause of the carbon monoxide damage was the negligent installation of a water heater, which set in motion the chain of events which caused the carbon monoxide damage.

Looking at this case, the water pollution was caused by two events: 1) over-applying manure as a fertilizer and 2) manure seeping out of lagoons and other storage areas. When applying manure as a fertilizer, the event is the application of manure and was not caused by a covered loss. With manure seeping out, it was the inadequate storage causing the damage; the court disagreed that the cause was the negligent construction of the storage. In both cases, the only acts causing pollution were spelled out in the exclusion. The court rejected arguments that the damage was the proximate cause of a covered loss triggering coverage by the insurer.

(continued on page 7)
Duty to Defend
According to the court, the duty to defend “is broader than the duty to indemnify and arises when an action is first brought based on the potential for liability” (Dolson Cos.,*8). In Washington, courts use the “eight-corners” rule, meaning a court looks at the policy and the legal complaint to determine if a reasonable interpretation of the facts or law could result in coverage the insurer must defend. The court agrees with the insurer that looking at the policy and the legal complaint, non-coverage was clear and the insurer had no duty to defend.

Why Care?
As you can see, the language in insurance policies is extremely important to determine the policy’s coverage. With an excluded loss, the insured can consider riders or purchase additional coverage to cover other potential areas of loss. Understanding inclusions in the policy are key to determining if additional coverage is needed.

Back in 2015, I also posted about a decision out of Wisconsin that reached a similar result in excluding pollution caused by a dairy. Other states have reached this conclusion as well: manure can be a pollutant and excluded from general farm liability policies. My search has found no similar Maryland cases, and previous decisions may guide but would not be binding on Maryland courts.

The Cow Palace dairy has agreed to substantial clean-up costs associated with the damage caused by leaking manure or over application. The dairy also has huge legal costs associated with this damage. We will need to see if the dairy will appeal this decision.

References

ADDITIONAL BLOGS

FDA REQUESTS YOUR COMMENTS ON PROPOSED FSMA WATER EXTENSION
October 26, 2017 Mayhah Suri

THE LIFE ESTATE DEED - LOOK BEFORE YOU LEAP!
October 18, 2017 Sarah Everhart

CHALLENGE BROUGHT AGAINST DECISION TO APPROVE LOAN GUARANTEE FOR MARYLAND POULTRY FARM
October 11, 2017 Paul Goeringer

COMPLYING WITH THE FSMA PRODUCE SAFETY RULE - THE RECORDS YOU NEED TO KEEP
October 10, 2017 Sarah Everhart

WYOMING’S RESOURCE DATA COLLECTION STATUTE VIOLATES THE FIRST AMENDMENT OF THE CONSTITUTION
October 3, 2017 Paul Goeringer

ORGANIC TRADE ASSOCIATION SUING USDA OVER FAILURE TO ENACT ORGANIC LIVESTOCK AND POULTRY STANDARDS
September 27, 2017 Sarah Everhart
MDA has moved to an online renewal system for all applicators. Everyone who needs to renew this year will be sent this postcard. DO NOT THROW IT AWAY. The back side of the post card has important numbers that will be needed when you go to renew online. If you are unable to go online to renew your license, contact the Maryland Department of Agriculture, 410-841-5888, for a paper renewal form.

**Paper renewals will only be sent by request.**

In addition, **BRING YOUR CERTIFICATION CARD TO ALL MEETINGS!**  MDA will no longer provide credits to those who do not write their certification number on meeting attendance sheets.