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**Senator Michael Waugh, Chairman**  
**Agriculture & Rural Affairs**  
Room 9 East Wing  
Senate Box 203028  
Harrisburg, PA 17120-3028



**Senator Noah Wenger, Vice Chairman**  
**Agriculture & Rural Affairs**  
Room 281 Main Capitol Building  
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*Senate of Pennsylvania*

**Senator Michael O'Pake, Minority Chairman**  
**Agriculture & Rural Affairs**  
Room 11 East Wing  
Senate Box 203011  
Harrisburg, PA 17120-3011

**Senator Roger Madigan, Chairman**  
**Transportation**  
Room 286 Main Capitol Building  
Senate Box 203023  
Harrisburg, PA 17120-3023

January 11, 2006

Dennis Wolff, Secretary  
PA Department of Agriculture  
2301 N. Cameron Street  
Harrisburg, PA 17110-9408

Dear Secretary Wolff:

In June 2004, the General Assembly passed and the Governor signed Act 49, the Commercial Manure Hauler and Broker Certification Act. This law represented more than a year of work involving a wide variety of stakeholders including the Department of Agriculture, the Department of Environmental Protection, the State Conservation Commission, individuals familiar with this topic from the College of Agricultural Sciences at The Pennsylvania State University and, most significantly, representatives of the relevant segment of the agriculture industry. The industry supported this effort as it validated the responsible voluntary steps they had already taken to manage manure in a manner consistent with existing regulations and sound environmental practices.

On December 17, 2005, the Department published proposed regulation I.D. No. 2-150, intended to implement the provisions of Act 49, with a 30 day public comment period. After reviewing the details of this proposal, we are very concerned about its content. What is put forth in proposed regulation I.D. No. 2-150 far exceeds what we envisioned as the intent of this legislation. Discussions with the industry have verified that the complexity of this proposal, the actual requirements imposed and the expense of compliance combine to make this regulatory proposal both beyond the bounds of the Act and completely unworkable and impractical.

Commercial manure haulers and brokers perform the valuable function of distributing excess manure across greater acreage for land application in an environmentally sound manner. Rather than re-enforcing sound practices for the management of this excess manure, the regulations, as proposed, will drive many individuals out of the hauler and broker

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business. Producers who utilize their services will have one less option for utilizing their manure and as you are well aware, Mr. Secretary, laws regarding the land application of manure are becoming increasingly restrictive; we must provide opportunities for our farmers to utilize this valuable natural resource, not eliminate alternatives.

Our request to you is that you immediately take steps essential to resolving this dilemma, by:

*First, and most important, immediately formally withdraw proposed regulation I.D. No. 2-150 from consideration.*

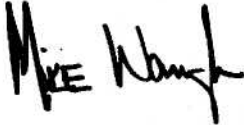
*Second, initiate a process to re-draft the proposal, in consultation with the State Conservation Commission and the Nutrient Management Advisory Board, as explicitly required by Section 3 of the Act. This requirement was specifically included since they have, through their work with the nutrient management program, an enviable record for developing regulations which meet all environmental goals, yet are understandable, practical and workable at the farm level. It is our understanding that they have had no substantive involvement in the process to date. In fact, when the Nutrient Management Advisory Board was shown the final proposed version at its January 5, 2006, meeting and asked to comment on it by January 17, it was said: "the Act requires that you be consulted, so this is your chance."*

*Third, we understand that on January 14, 2006, the Department will publish in the PA Bulletin a Statement of Policy intended to address matters of interim enforcement and certification and we commend you for addressing this potential problem. With regard to Interim Certification, we strongly recommend that you grant interim certification status to any individual or business entity that has attained certification by Penn State's voluntary program. Certainly any individual who, without the legal requirement to do so, took it upon themselves to obtain the proper training to perform their business practice in an environmentally sound manner is qualified to receive this temporary consideration.*

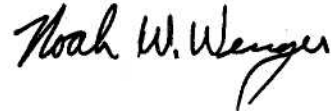
We would like to emphatically reaffirm our support for a Commercial Manure Hauler and Broker Certification Program in Pennsylvania that accurately reflects the intent of Act 49. In this regard we are willing, if necessary, to discuss modifications to language that may be unclear as well as extensions of the deadlines included in the existing act in order to allow the Department the time necessary to revise the proposed regulations in a manner that accurately reflects the original intent.

Thank you for your consideration of and prompt action on this request. If you would like to discuss this matter further, please do not hesitate to contact us.

Sincerely,



Senator Michael L. Waugh



Senator Noah W. Wenger



Senator Michael A. O'Pake



Senator Roger A. Madigan

Cc: John R. McGinley, Jr., Esq., Chairman, IRRRC  
Karl Brown, Executive Director, State Conservation Committee  
Dr. John Fidler, Chairman, Nutrient Management Advisory Board  
The Honorable Arthur Hershey, Chairman, House Committee on Agriculture & Rural Affairs  
The Honorable Peter Daley, II, Minority Chairman, House Committee on Agriculture & Rural Affairs  
The Honorable Donna Cooper, Secretary for Policy, Governor's Office  
The Honorable Steven Crawford, Secretary for Legislative Affairs, Governor's Office