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REVIEW COMMISSION

**FRANKLIN FAMILY FARMS**

419 W. High Street

Elizabethtown, PA 17022 Phone (717) 367-1525

January 6, 2006

*copy*

Department of Agriculture  
Commercial Manure Broker and Hauler Program  
2301 North Cameron Street  
Harrisburg, PA 17110-9408  
Att: Johan Berger

**Re: Act 49 Commercial Manure Hauler and Broker Cert. Act**

Dear Sir or Madam:

Because I own and operate a hog farm in the Commonwealth, and employ manure haulers, I wish to express concerns regarding proposed regulations to implement Act 49. My concerns are as follows:

1. As proposed the new regulations would require direct on-site supervision during the application of each load of manure. As a farmer, I will employ a manure hauler who will spend several days and nights having my manure spread, 24 hours "round the clock." Spreading is weather related, and as such, you have a short window of opportunity to spread and then complete your planting. As a farmer I cannot physically observe this application for several days of 24 hour hauling, and the financial burden to hire someone to complete the observing is impractical. It is important to remember that we as farmers are around our farms, along with our managers and employees, working close by. This enables us to "keep watch," and/or manage the manure hauling process and be available if any questions or incidents need to be addressed.
2. As part of the manure management process our current manure record keeping requirements are adequate and as a result, we need no more stringent or extensive record keeping for deliveries and applications. Again this is already being done and being done correctly.
3. I would recommend and request that a "company" certification be required as opposed to obtaining individual training and certification. Most manure haulers are professionals and have the ability within their own organizations to manage this process.

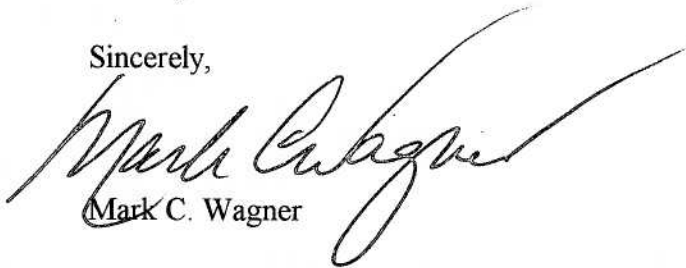
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4. Communication and record requirements to the conservation districts prior to movement of manure is not reflective of operational reality. When I have a day of nice weather and the fields are "dry," I need to be in a position to haul quickly. Notice ahead of time is not practical.
5. It is unfair that the proposed regulation appears to impose much stricter training and certification requirements than that required for bio-solids and municipal waste haulers.
6. A farmer hauling manure without compensation from a farm owned by another to their own farm for land application should not be required to take the training and certification exam. He simply is not a commercial hauler.
7. I wish to remind you that there a potential problem with this regulation in that the regulation was not developed in consultation with the Nutrient Management Advisory Board nor the State Conservation Commission as required by the Act
8. Finally, it is unrealistic to require the administrative paperwork burden when we are adding or deleting a driver, hauler or broker.

I trust you will seriously consider my comments and concerns.

Thank you.

Sincerely,



Mark C. Wagner

CC John R. McGinley, Jr., Esq.-Chairman ✓  
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