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INDEPENDENT REGULATORY
REVIEW COMMISSION

THE AG COALITION



Preserving Pennsylvania's Family Farms

30 North Third Street, Suite 950
Harrisburg, PA 17101

January 9, 2006

The Honorable Dennis C. Wolff, Secretary
Pennsylvania Department of Agriculture
2301 North Cameron Street
Harrisburg, PA 17110-9408

Dear Secretary Wolff:

While our individual members will be submitting their formal comments under separate cover, we are writing to share two immediate concerns regarding the proposed rulemaking by the Department for Commercial Manure Hauler and Broker Certification and your Statement of Policy for interim certification.

First, we are asking you to withdraw the proposed regulations because the Department did not engage in consultation with the Nutrient Management Advisory Board (NMAB) or the State Conservation Commission (SCC) as required by Act 49. In addition, we believe that the Department did not make an adequate attempt to seek meaningful input from stakeholders during the drafting of the regulations.

We recognize that the public comment period for this rulemaking has not yet concluded and that interested parties still have the opportunity to offer their thoughts on these regulations. The problem, however, is that the current proposal has numerous shortcomings that are better addressed on the front end – prior to the document being republished in the Pennsylvania Bulletin.

By withdrawing the current proposal, the Department will have the opportunity to start fresh on this important issue. Of course, we stand ready to assist you in crafting a new set of regulations that will result in the proper hauling of manure and its safe application on Pennsylvania's farmland.

In the event you do not withdraw the current proposed regulations, we would ask that you at least extend the public comment period for 60 days. Doing so would provide a partial remedy to the lack of stakeholder input and give the Department an opportunity to consult with the NMAB and the SCC on the draft regulations.

Our second concern deals directly with the January 7, 2006 Statement of Policy covering interim certification and enforcement. We are pleased that this document gives the Department wide flexibility on this matter. As such, we strongly encourage you to adopt the Penn State Voluntary Certification model as your interim training policy.

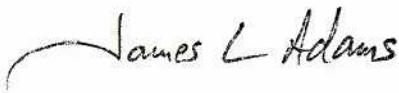
In our view the Penn State model will give haulers and brokers all the training they need to safely transport manure. It may not cover every aspect of this issue at the highest level of detail, but it can be adapted to provide "continuing education" opportunities in the event there is a dramatic change in the industry during the interim period.

Finalizing a set of regulations that will create a safe environment without unduly harming Pennsylvania Agriculture will be a complex, time-consuming process. We believe the Department is better off directing its efforts towards this long-term goal rather than exerting resources on a temporary program, especially when one is already available to you.

In closing, we recognize the urgency of this issue and understand that it is a priority for you. However, we do not want the Commonwealth to rush down the wrong road – creating new problems instead of actual solutions to current challenges.

Thank you for the opportunity to share our position on these matters with you. We look forward to your response.

Sincerely,



James L. Adams
Chair

cc: John R. McGinley, Jr., Esq. – Chairman, Independent Regulatory Review Commission
Alvin C. Bush – Vice Chairman, Independent Regulatory Review Commission
Arthur Coccodrilli, Member, Independent Regulatory Review Commission
Murray Ufberg, Esq, Member, Independent Regulatory Review Commission
John F. Mizner, Esq., Member, Independent Regulatory Review Commission

The Honorable Michael L. Waugh, Majority Chair Senate Agriculture and Rural Affairs Committee

The Honorable Michael A. O’Pake, Minority Chair Senate Agriculture and Rural Affairs Committee

The Honorable Arthur D. Hershey, Majority Chair House Agriculture and Rural Affairs Committee

The Honorable Peter J. Daley, II, Minority Chair House Agriculture and Rural Affairs Committee