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INDEPENDENT REGULATORY  
REVIEW COMMISSION

January 10, 2006

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

RE: Act 49 Commercial Manure Broker and Hauler Certification  
Public Comment

Listed below are some concerns Esbenshade Farms has with the proposed rulemaking by the Department of Agriculture for Commercial Manure Hauler and Broker Certification.

- Regulations were not developed in consultation with the Nutrient Management Advisory Board nor the State Conservation Commission as required by Act 49
- The Department of Agriculture did not seek stakeholder input concerning the proposed regulations and did not ensure that all stakeholders were informed of said regulations.
- Excessive record keeping and nutrient management paperwork is an undue burden on the small farmer who would receive 1-2 loads of manure (organic matter) per year.
- Communication of manure movement prior to delivery is unrealistic – farmers will be unable to take advantage of manure application weather
- Excessive cost and administrative burden to certify company employees – requiring the need to pass on undue, additional cost to the importing farmer
- Discouraging “nutrient exchange” – farmers supplying grain to feed mills while applying manure from the animals being fed by the feed mill
- Discouraging truckers/brokers from getting involved in manure transport and/or application due to excessive certification requirements for each employee – thus limiting the ability to transport manure out of the local area
- Requirements for labeling vehicles involved in manure transport – similar to that of a vehicle hauling hazardous materials, when manure is organic matter

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

Sincerely,

A handwritten signature in black ink that reads "Mark Kniesly".

Mark Kniesly  
Manure Division

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