

**The
Lancaster
Chamber**
of Commerce & Industry

100 South Queen Street • P.O. Box 1558 • Lancaster, PA 17608-1558
717-397-3531 • FAX: 717-293-3159 • www.lancasterchamber.com



January 31, 2006

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

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INDEPENDENT REGULATORY
REVIEW COMMISSION

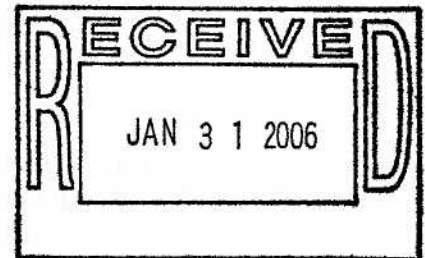
Dear Mr. Berger:

Thank you for the opportunity to comment through the attached statement on the proposed Commercial Manure Hauler and Broker Certification Act (Act 49 of 2004).

Please contact me at 717-397-3531 or gwillier@lcci.com with questions.

Yours truly,

Gary Willier
Agricultural Services Manager
The Lancaster Chamber of Commerce & Industry





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**Statement from Lancaster County Manure Council subcommittee of
The Lancaster Chamber Ag Committee regarding:
Commercial Manure Hauler and Broker Certification Program
(Act 49 of 2004)**

General comments:

At all levels, the fee structure seems excessive. In particular the cost of certifying Level 1 and Level 2 Haulers is unreasonable. Ongoing education should be in the form of simple updates as opposed to recertification testing.

The following comments refer primarily to the Level 1 and Level 2 Hauler categories.

HAULER

Level 1 (H1)..... As these haulers have no authority to apply manure and must be responsible to a certified level 3 Hauler or Broker, it is unreasonable to require them to complete any training other than that directly related to safety issues regarding manure hauling. There is no logical reason for these haulers to be required to understand Nutrient Balance Sheets and Nutrient Management Plan 'Summary' and maps. Act 38, Act 49, Clean Streams, Right to Farm Law and CAFO information is no more valuable to this group than to any CDL haulers of fuel or farm products. As they will not be authorized to apply manure, there is no reason for them to be required to be proficient in regulations relating to land application.

The examination procedure part of the training program needs to recognize that many of these "contract" Level 1 haulers will be as described "short notice, peak season, and single destination" truckers. To impose other than an immediate workbook/test to be taken as the first haul of manure is being loaded, will eliminate these haulers from the equation.

Requiring the level of training suggested for this level will likely deter many of these haulers from transporting manure and will greatly increase transportation expenses necessary to develop alternative uses for manure. Of particular concern will be the recertification of this group. Updates on what they need to know need to be timely and ongoing rather than being part of recertification. If the examination procedure were simple, it could be taken yearly. Limiting the availability of this level of hauler will greatly hinder the development of alternative uses for manure such as fuel and energy production.

HAULER

Level 2 (H2)..... The comments relating to the examination procedure for Level 1 haulers is pertinent here. Testing should be immediate in the presence of a Level 3 Hauler or Broker. In addition, supervision of the Level 2 haulers needs to be by the same, and not necessarily in immediate contact.