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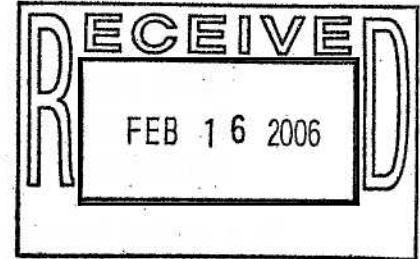
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INDEPENDENT REGULATORY  
REVIEW COMMISSION



**Commonwealth of Pennsylvania  
State Conservation Commission**

February 16, 2006



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

Dear Mr. Berger:

The State Conservation Commission met on January 19, 2006 at which time the Commission took the opportunity to discuss the proposed Manure Hauler and Broker Certification Regulations published by the Pennsylvania Department of Agriculture in the Pennsylvania Bulletin on December 17, 2005. As a result of that discussion, the Commission has developed the attached set of comments on the proposed regulations and is submitting them for consideration by the Department as it finalizes these regulations.

The attached comments were drafted as a result of the January 19, 2006 meeting at which time the Commission discussed the Department's proposal at their public Commission Briefing session. The comments provided by the Commission at that meeting were recorded by Commission staff and reviewed with the Commission at their February 15, 2006 sunshined conference call meeting. At the February 15, 2006 conference call meeting, the Commission formally approved the attached set of comments on the Department's proposed Manure Hauler and Broker Certification regulations. At that meeting, the Commission also formally acted to support the comments provided by the Nutrient Management Advisory Board.

The Commission thanks the Department for the opportunity to comment on these regulations and for the Departments agreement to extend the comment period on the proposed regulations, which allowed the Commission the necessary time to provide constructive input to the Department on this proposal. The Commission looks forward to working closely with the Department in the finalization of this regulatory package.

If you have any questions related to the comments provided, please do not hesitate to contact me and we can discuss them further.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl G. Brown".

Karl G. Brown, Executive Secretary  
State Conservation Commission

Attachment

**State Conservation Commission Comments  
On the Proposed Manure Hauler and Broker Regulations**

- 1) Concerned about implementing the program prior to the regulations being finalized, given the concerns expressed on the proposed regulations.
- 2) The owner of the business should be required to be certified, and to train and oversee his/her employees. Each individual driver should not need certification through the Department. This industry has many people working in it, and they change often, so the certification program needs to accommodate the incorporation of new employees quickly.
- 3) Certified haulers and brokers should not need to be retested for recertification. They should only need to test once at initial certification time. Accumulation of the required number of continuing education credits should suffice for recertification.
- 4) The program will need to accommodate non-English speaking individuals, especially as this certification would be required of individuals that just haul and dump, and do not apply the manure.
- 5) Two farmers that are working together to haul and/or apply manure on or between each other's farms, should not need to be certified to do so. These neighbor-helping-neighbor arrangements should not require certification. Also, hired hands on a farm should not need certified if they are working for a farmer who does not need certification.
- 6) We question how easy it will be to implement the proposed program on haulers and brokers coming from outside the state.
- 7) We would suggest that the manure hauler and broker program mirror the pesticide certification program as much as possible as we see the pesticide certification program as a practical and effective process for overseeing of the regulated community.
- 8) We are concerned about the costs associated with the various certification levels. As these fees will relate to each individual driver and applicator working throughout the state, they seem excessive.
- 9) Provide for a level of activity that would allow for an exclusion of these certification requirements. If an entity is only handling a relatively small amount of manure, they should not need certification.
- 10) We question the need to submit records annually. We would suggest requiring the records to be maintained on site for program staff inspection.
- 11) We do not think that a hauler 2 should need direct, on-site supervision. These haulers should be able to be in contact by phone with their supervisor, and not require on-site supervision.