

# PennAg Industries Association

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PA Department of Agriculture  
LEGAL OFFICE

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December 16, 2005

The Honorable Dennis Wolff  
Pennsylvania Department of Agriculture  
2301 North Cameron Street  
Harrisburg, PA 17110

Dear Secretary Wolff:



On Wednesday, December 14, Mike Pechart, Johan Berger and Michael Aucoin attended a meeting of the PennAg Manure Haulers/Applicators Council to discuss the contents of the Department's December 6, 2005 letter regarding the Act 49 Certification/Training Sessions that are to take place prior to the final publication of the program regulations.

The letter, which was received by a majority of our members on Monday, December 12, was disturbing and frustrating to many in the industry. The letter explained the requirement for all commercial manure haulers and brokers to be certified under Act 49 of 2005 by February 26, 2006. The program the Department has proposed to meet this deadline is a series of one day training sessions, which includes the administration of an exam, to be held in late January and throughout February.

PennAg expressed concern to the Department immediately and we were pleased with the Department's response regarding additional dates and possibly utilizing videoconferencing at County Extension Offices. However, these additional sessions still make it unlikely that the industry will be able to transition into compliance in 73 days, when the first training session isn't offered until the 40<sup>th</sup> day of those 73. That leaves the entire manure hauling and brokering industry 33 days to become certified. This timeframe is unfair, unrealistic and places members of the industry in a position where they will have to decide whether or not they continue serving production agriculture. The loss of this important service sector could have a significant impact on farmers and the environment if not handled properly.

The Council is extremely disappointed that this program does not reflect the input and suggestions the industry made during the regulation development process. The Council provided input regarding the format of a certification/training process, which was believed to be the most efficient and recognize the variation within the hauling and brokering sectors, thus providing the Department with the chance for greatest achievement of compliance with the Act.

On behalf of the Council I wish to reiterate the suggestions made pertaining to the "interim" certification/training sessions:

- 1) Establish a tiered system of training based on the responsibilities and duties of the hauler/broker. The highest level of training would be set aside

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for Pennsylvania Agribusiness to grow and prosper.*



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for the business owner or manager. For the purpose of this letter, this highest level will be referred to as Level 3. A person certified at Level 3 would have supervisory responsibilities of the haulers and applicators within their business or with whom they have contracted service. These people would be categorized in two levels – haul only (Level 1) and haul and apply (Level 2.) In order to expedite opportunities and more productively achieve greater compliance the industry feels Level 3 personnel should have the ability to facilitate and administer training to Level 1 and Level 2 candidates at the place of business. Training materials developed for Level 1 and 2 could be formatted as workbooks, checklists, worksheets and videos. We propose that in order to administer this training, the Level 3 candidate would need to attend the training sessions and pass the exam as described in the December 6, 2005 letter. Additionally, this format allows flexibility and provides a business the ability to hire new employees and have them certified in a reasonable timeframe, without causing lost work time.

Furthermore, a tiered system eliminates the necessity for individuals not needing the highest level of training to be required to participate in a day long session that may not fully pertain to them. As proposed, the training sessions are inefficient for some participants, which leads to an unnecessary financial burden on the business.


- 2) Many participants in the industry have already completed and been certified via the Penn State University Voluntary Manure Hauler Certification Course. It is our understanding that an extensive amount of information provided by this course will be included in the final certification education program. Again, to ensure a productive transition of compliance, we suggest the Department recognize those who have completed the voluntary program and certify them for the Act 49 program until the final mandatory program is effective.

In addition, concern has been expressed that one day for training and administration of an exam may not be enough time to cover the necessary components. As long as the Department is willing to accommodate the industry using the suggestions expressed in this letter, the Council accepts the responsibility to participate in further educational sessions within a short timeframe once the final program becomes effective. However, we ask the Department to be aware of the high level of work done by this industry in the Spring as manure pits are emptied.

Finally, we ask the Department to review the training/certification requirements for haulers of biosolids and municipal waste and establish a permanent program that reflects comparable standards, while meeting the requirements of Act 49.

We appreciate your consideration of these issues and look forward to further discussions regarding their implementation. If you or Department staff feel they would like to speak or visit with members of the Council, please let me know. We have many who have made the offer to accommodate that type of request.

Sincerely,



Walter N. Pechatka  
Executive Vice President

Cc: Mike Pechart, Johan Berger, Steve Lehman