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 **Pennsylvania Farm Bureau**

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March 12, 2008

Kathleen A. McGinty, Chair
Environmental Quality Board
Rachel Carson State Office Building
P.O. Box 8477
Harrisburg, PA 17105-8477

RE: Comment on Proposed Rulemaking of Diesel Vehicle Idling; and
Auxiliary Power Systems (#7-422) (38 Pa.B. 229)

Dear Secretary McGinty:

Pennsylvania Farm Bureau (PFB) appreciates this opportunity to submit comments to the Environmental Quality Board (EQB) relative to the proposed rulemaking referenced above. PFB is Pennsylvania's largest general statewide farm organization, representing more than 42,000 farm and rural families throughout the Commonwealth.

Our comments are specific to the applicability of the rulemaking's proposed limitations on diesel vehicle idling to vehicles that farmers normally use on and around their farms to carry out production, harvesting and product handling tasks. We note that the preamble to the proposed rulemaking states EQB's intention "not [to regulate idling] by construction, agricultural or other off road vehicles or equipment".

We appreciate the EQB's recognition of the need for "agricultural vehicles" to be excluded from regulation, and the extreme difficulty that Department officials and farmers would have in interpreting and applying the rulemaking's regulatory standards and limitations to particular situations around the farm. We also appreciate EQB's recognition of the extreme difficulty that Department of Environmental Protection (DEP) officials would have in active efforts to enforce the proposed idling standards on farms, and the negligible benefit that would result from those efforts, relative to the commitment of DEP's enforcement resources.

However, the agricultural exclusion from the proposed rulemaking is not specifically recognized and stated within the provisions of the proposed regulations themselves. PFB would recommend that the agricultural exclusion be formally and specifically recognized in the provisions of the regulations to be finally promulgated.

As for the scope of the "agricultural vehicle" exclusion to be provided, we would also note the preamble's discussion of the exclusion includes a statement that the exclusion would apply to "highway vehicles" that are used for agricultural purposes. We assume that the term "highway vehicles" is intended to refer to vehicles such as trucks and combinations towed by trucks or truck tractors that are primarily designed for highway use but are used specially by farmers in the performance of agricultural production tasks. These "highway vehicles" serve an integral role with farm machinery in movement and application of production inputs to and onto farm fields and the harvesting and movement of harvested farm products from fields to areas where the products are stored.

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In addition to recognition of the "agricultural vehicle" exclusion within the body of regulations to be promulgated, PFB would also recommend a clearer identification of the vehicles for which the exclusion applies. Essentially there are two bases under which the exclusion could be identified in the final regulations.

EQB could easily identify the exclusion on the basis of vehicle type. The Pennsylvania Vehicle Code uses the terms "implement of husbandry" (farm equipment specially designed and used by farmers in the performance of farm production tasks) and "farm vehicle" (trucks and truck tractors used in agricultural production) to describe the types of vehicles for which special provisions in the Vehicle Code apply. The special provisions in the Vehicle Code give farmers greater latitude in use of these vehicles in order to better facilitate the overall management of farming operations. These terms and definitions could be incorporated in the context of an exclusion provision.

EQB could also identify the exclusion on the basis of vehicle function. EQB would need to keep in mind, however, that the make-up of farming operations today is considerably different from the make-up of farming operations several decades ago. Many farmers are operating more than one farm. Numerous processing plants and grain storage facilities have been located close to the locations where farm production is occurring. In these situations, it is more practical for farmers to directly move harvested product to the processing or grain storage facility, than to move harvested product from the field to an on-farm storage area and then to processing or storage facility. A number of farmers are engaging in "farm market" operations where farm products produced by the farmer are being directly marketed either on the farm or at a location a short distance from the farm. In addition, farmers engaged in animal farming operations are increasingly making arrangements to transport animal manure generated on their farm to neighboring farms for beneficial nutrient use on farm fields.

PFB strongly believes that the exclusion to be provided include farmers' use of vehicles in the course of completing the tasks described above, as well as completion of other off-road tasks that are typically performed in agricultural production.

If EQB uses vehicle function as the basis for identifying the agricultural vehicle exclusion, PFB would recommend that the language in the exclusion provision be broad enough to include, but not be limited to farmers' use of any vehicle regardless of highway registration in the course of the following activities: agriculture practices associated with planting, spraying and harvesting crops; transfer of harvested agricultural products to the location where the product will be locally stored or processed; agricultural practices associated with the transfer or application of manure from a storage area to a field or site for use or management of manure; loading/unloading, transporting and transfer of livestock, seed stock, produce, ornamental horticulture activities including Christmas trees and tree seedlings, milk, timber, as well as all other agricultural products and services that farmers perform in the course of normal agricultural operations.

Thank you for your consideration of Pennsylvania Farm Bureau's comments regarding the proposed rulemaking. Please feel free to contact me with any questions you may have regarding these comments.

Sincerely,
Jennifer Harry
Jennifer Harry
Natural Resource Director

CC: Kim Kaufman, Executive Director, Independent Regulatory Review Commission
James Smith, Regulatory Analyst, Independent Regulatory Review Commission
Gary Swan, Governmental Affairs and Communications Division Director, PFB