

Agriculture UPDATE

36th Senatorial District • Summer 2007



Welcome Message from Senator Brubaker

I was honored to be appointed to serve as Chairman of the Senate Agriculture and Rural Affairs Committee for the 2007-08 legislative session, and I consider it a great privilege to lead this committee in my first term in the Senate.

The Senate Agriculture and Rural Affairs Committee has taken a number of steps in recent years to preserve and promote farming initiatives through the Farmers First Agenda, and this success is due in large part to the hard work of the Senators who have served on the Committee. The members of the Committee have a wealth of experience on a wide range of agricultural issues, and I am looking forward to working with them to move our state's top industry forward in the years to come.

While the agriculture community has benefited a great deal from accomplishments in previous years, there is still work to be done. Over the past few months, I have held a series of listening sessions across the Commonwealth to gather more information on the most important issues facing our farmers and our rural communities, and these sessions are helping to shape the Committee's agenda for the immediate future.

I have included more information on our accomplishments and priorities in this newsletter. I value the input you might have on ways the Committee can make the agriculture industry stronger. Please

feel free to contact me with any questions, concerns or suggestions you might have on these and other issues; I may be reached at SenateAgRuralAffairs@pasen.gov on agricultural issues directly or through any of the other means provided in this newsletter.

Thank You, Senator Wenger

After more than three decades of public service, former Committee Chairman Noah Wenger retired from the Senate in November. Few legislators have done more for the agriculture community than Senator Wenger, and his vast knowledge and leadership on agriculture issues will be sorely missed.

Senator Wenger was the architect of Pennsylvania's farmland preservation program, now a national model. To date, the program has helped preserve more than 360,000 acres of farmland in Pennsylvania, more than any other state in the nation. Senator Wenger also played a key role in the development of our crop insurance program, which offers tools for farmers to manage their own risk. Most recently, Senator Wenger worked with Senator Waugh to create and promote the highly successful Farmers First Agenda, resulting in a greater awareness and legislative action on the issues facing Pennsylvania producers.

On behalf of the Senate Agriculture and Rural Affairs Committee, we would like to express our deepest appreciation to Senator Wenger for all he has done to promote agriculture in the Commonwealth.

A Message from Former Chairman Mike Waugh

It was an honor to serve as Chairman of the Senate Agriculture and Rural Affairs Committee for the previous six years, and I am proud of the work the Committee accomplished to keep our agriculture community strong.

As the new legislative session approached, I was elected by my peers to serve as Caucus Chairman for the 2007-2008 session, and my duties as a member of Senate leadership prevented me from serving as Chairman of the Agriculture Committee. Nevertheless, I continue to serve on the Committee as Senator Brubaker's Vice Chair and am honored with this appointment.

During my time as Chairman, Senator Wenger, whose guidance on these issues is missed in the legislature, and I introduced the Farmers First Agenda, which was successful in drawing greater attention to the matters affecting the agricultural and rural communities in Pennsylvania. We accomplished many of the goals we set out to achieve through the proposal. Our successes would not have been possible without the support of our fellow legislators, the Administration under the

leadership of Governor Rendell and the communities that we serve. Thank you, all.

I was very pleased that Senator Mike Brubaker was named the Chairman of this important committee for the 2007-2008 session. Senator Brubaker has a wealth of knowledge about agricultural and rural issues and a great deal of drive and determination to work on behalf of all who are affected by the activities of the Committee. He has been very active in his first few months as Chairman, and I have no doubt that he will continue to do a tremendous job in this capacity.

Most of all, I owe a great deal of thanks to the agriculture community for its support. Our accomplishments over the previous six years are a direct result of your unique perspectives and ideas, and working with you to improve the state's top industry has been my most important and fulfilling legislative accomplishment to date.

Sincere thanks to all!

The listening session held in Lancaster attracted a sizeable crowd, as many members of the agriculture community came out to voice their ideas on the Committee's agenda for coming months.



Committee Holds Listening Sessions

To help identify priorities for the 2007-2008 legislative session, the Committee held a series of listening sessions across the state to gather input from the public. The goal of these sessions was to identify the greatest needs of our agricultural and rural communities, the environment, consumers and all who are affected by the work of the Senate Agriculture and Rural Affairs Committee.

Listening sessions were held in Ephrata, Mercer, Leesport, Gallitzin, Lebanon, Waymart, Pittsburgh and Philadelphia, and I was truly pleased with the level of participation from the public. These sessions have given the Committee a broad cross-section of perspectives from both our rural and urban communities that will allow the Committee members to work cooperatively to create an agenda that benefits the entire Commonwealth.

I have developed a 12-page summary document of the information gathered. For summaries of the listening sessions and more information on the Committee's priority issues, please visit www.senatorbrubaker.com/agriculture.htm.

During the listening sessions, several issues received a great deal of attention. I appreciate all of the support and participation, and I am eager to put these ideas into action as the Committee establishes an agenda for the remainder of this two-year legislative session.

Listening Session Priority Issues

- Funding for programs and budgetary concerns were issues of importance. Greater financial support for the Penn State University Agriculture Extension and Research, local conservation districts, and for the State Food Purchase Program were highlighted at each listening session. Additional information is included in this newsletter on the 2007-2008 budget (see page 3).
- Many comments were received encouraging an infrastructure that allows for additional marketing opportunities for farmers such as

direct marketing, encouragement of non-traditional farming methods, education and training assistance for those wishing to develop value-added products and financial support for all of the above.

- The availability and affordability of fresh, nutritious food was also repeated many times, as was the need for better nutrition in schools. The Healthy Farms and Healthy Schools program was cited as an example of how an innovative program can teach our youth better eating habits in the early years.
- Support of additional educational resources for our youth to encourage understanding of agriculture and to generate an interest for future involvement in the industry was noted as a priority. In addi-

tion, the education of urban and non-farm folks about Pennsylvania agriculture was identified as a need for the Commonwealth.

- Renewable energy, particularly that derived from agricultural sources, was widely supported. An equal number of comments asked policy makers to be cognizant of the effect on the market and livestock farmers

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At a recent hearing, Senator Brubaker discusses the most important issues brought up by the agriculture community during the Committee's series of listening sessions.

REAP Program Improves Conservation Measures

REAP, the Resource Enhancement and Protection Act, establishes a transferable tax credit for those who implement on-the-ground agricultural conservation projects. Conservation BMPs include barnyard and livestock concentration area renovations, riparian forest buffers and streambank fencing, voluntary nutrient management plans, and others to be stipulated by the State Conservation Commission. Farmers whose income limits their ability to take advantage of the tax credit may sell the credit to an individual or business in need of a tax break. Alternatively, a business can sponsor the installation of the agricultural conservation practices and claim the tax credit directly, creating an opportunity for implementing these critical on-the-ground projects where farmers and landowners may not have sufficient investment capital to do it on their own.

In addition to on-farm benefits, this legislation is the largest water quality improvement program in Pennsylvania history. REAP will clean up thousands of miles of impaired streams statewide and provide cleaner drinking water supplies to many communities throughout PA. REAP will bring back trout fisheries and the associated tourism across the state. It is the opportunity of a lifetime for PA streams and citizens.

REAP is a common sense and cost-effective approach, giving farmers the tools to implement proven conservation measures that achieve water quality improvements that benefit everyone.

State Budget Invests in Vital Agriculture Programs

While the General Assembly faced a challenging budget process this year, the Committee was successful in securing a positive balance for agriculture in the 2007-2008 state budget. Out of 52 department, agency and commission appropriations, agriculture ranks 14th highest in its percent increase over last year's budget and fifth highest in increases over the Governor's proposal.

Penn State's very popular Research and Cooperative Extension programs received an increase of approximately \$1 million; these programs were identified as a top priority through the Committee listening sessions (described in this newsletter).

The Resource Enhancement and Protection Act, known as REAP, received \$10 million to provide tax credits for Pennsylvania farmers to implement conservation measures (see box on page 2 for more information).

The Healthy Farms and Healthy Schools Nutrition Initiative is a new program that

was funded and will give farmers more direct marketing opportunities and promote healthy eating habits in children by creating nutrition and agricultural education programs featuring locally grown products.

These new programs and the increases in Penn State's lines resulted in a net increase in the budget for agriculture of 4.9% over last year's budget.

We were able to restore many of the numerous cuts to vital agricultural programs included in Governor Rendell's budget proposal. Below are several important programs for which the legislature was successful in securing either partial or full funding:

- \$500,000 for the state's crop insurance program,

- \$400,000 for agriculture promotion,
- \$300,000 for agricultural research, education and exports,
- \$450,000 for local soil and water districts,
- \$175,000 for hardwoods research and promotion and
- \$324,000 for Agricultural Excellence.

Funding for important line items such as Agriculture and Rural Youth, Farm Safety, Food Marketing and Research, 4-H Club Shows, and Product Promotion and Marketing will receive the same amount of funding as last year. The Animal Health and Diagnostic Commission, a vital component for dealing with disease outbreaks and other agriculture-related emergencies, will also receive the same amount of funding in 2007-2008.

Senator Brubaker meets with FFA members during their visit to the State Capitol.



ACRE Update

The Agriculture, Communities and Rural Environment (ACRE) Act took effect on July 6, 2005, and provides farm owners and operators a process through which they can seek the Attorney General's review of local ordinances that they feel restrict normal agricultural operation or ownership.

An "unauthorized local ordinance" is an ordinance enacted or enforced by a local government unit that does either of the following:

- Prohibits or limits a normal agricultural operation unless the local government unit has the authority under state law to adopt the ordinance and it is not prohibited or preempted under state law
- Restricts or limits the ownership structure of a normal agricultural operation

The Attorney General is authorized to file a lawsuit in Commonwealth Court to invalidate or enjoin the enforcement of the ordinance and will advise the farmer within 120 days of request for review whether or not he plans to file a lawsuit challenging the ordinance. If the Attorney General decides not to file a lawsuit, the owner or operator can still file a lawsuit in Commonwealth Court to challenge the ordinance.

As of the publishing of this newsletter, Attorney General Corbett has received 35 requests for review. Seventeen cases have been declined, ten cases accepted and eight are currently under review. Three cases are before the Supreme Court (the

Heidelberg, Lower Oxford and Locust Township cases) on appeal from the Attorney General and one case (Richmond Township) remains before the Commonwealth Court. Attorney General Corbett has been progressive in his handling of these unique situations and has found the balance needed to support agriculture without infringing on the local government's autonomy.

Requests for review of an ordinance should be sent in writing to the PA Office of the Attorney General, Attn: ACRE, 15th Floor, Strawberry Square, Harrisburg, PA 17120. Include a copy of the ordinance in question, a short explanation of the objection and any other materials that will aid the Attorney General's review.



Senator Brubaker toured an in-home animal rescue facility that is part of the Furry Friends Network. The Harrisburg chapter is run by Dona Bernardi (center), while Robin Scherer (right) serves as President and co-founder of the Network.

Committee Listening Sessions

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- of using corn and other feedstock grains for fuel.
- A great deal of support for the Resource Enhancement and Protection Act (REAP - House Bill 100 and Senate Bill 690) and other funding mechanisms in support of conservation measures on farms was expressed (see box on page 2).
- Additional funding for the highly successful state farmland preservation program was identified as a top concern. Sprawl, the over-development of farmland and methods to encourage planning by local governments were all cited as issues our constituents want addressed. Additionally, several mentions were made of the need to review our state program to ensure that after 25 years, our farmland preservation program is still as effective as it could and should be.
- Ensuring an immigration policy on the federal level that permitted adequate numbers of guest workers was an issue of much discussion, as was ensuring the Northeast is fairly represented in the Federal Farm Bill.
- Crop damage caused by deer was discussed and support for several proposals in the Legislature was expressed. House Bill 881, which would provide an additional tool for our farmers to control deer on their properties by authorizing other persons to harvest wildlife, through a Pennsylvania Game Commission permit, was passed by the legislature and signed into law as Act 27 by the Governor.
- The difficulties of the past year through which our dairy farmers have struggled were perhaps the issues discussed most in depth. Many suggestions for improvement were made and I called a hearing of the Committee in late May to spotlight the issue in Harrisburg. Secretary Wolff requested that the Committee support his dairy pricing reform proposal on the Federal level and I was happy to send a letter to our Federal legislators encouraging their consideration of the "Pennsylvania Policy"; Senators Casey and Specter and Congressman Holden have all introduced proposals toward this end. All of the testimonies received at this hearing are available on my website.
- Onerously enforced regulations and untimely processing of permits was also a topic discussed often. Producers and agribusinesses expressed concern over

what appear to be discrepancies in what can or should be required in permits, as well as what appears to be very broad authority of permit reviewers to delay the permitting process.

- Real estate taxes and the equalization of this tax between land owners and non-land owners were expressed many times. The cost of health insurance was mentioned numerous times as a limiting factor in the business of farming.

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