

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1530

Session of
1991

INTRODUCED BY STEELMAN, COLE, BARLEY, DeWEESE, STEIGHNER, COY,
RUDY, GIGLIOTTI, FREEMAN, TRELLO, G. SNYDER, DERMODY, MELIO,
BROUJOS, CAPPABIANCA, HERMAN, JOSEPHS, CARLSON, PISTELLA,
LLOYD, PESCI, COLAIZZO, MARKOSEK, BISHOP, BUSH, NOYE, ARGALL,
NYCE AND CARONE, JUNE 3, 1991

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 11, 1992

AN ACT

1 Establishing an Agricultural Advisory Board in the Department of
2 Environmental Resources and prescribing its powers and
3 duties; and providing for rules and regulations adopted by
4 the Environmental Quality Board.

5 The General Assembly finds and declares as follows:

6 (1) Agriculture is this Commonwealth's number one industry.

7 The citizens of this Commonwealth have, through their vote,
8 affirmed the preservation of agriculture as a vital public
9 policy. The family farmers of this Commonwealth have a deep and
10 rich history of responsible land stewardship. This
11 Commonwealth's first environmentalists were farmers. State
12 agencies must be more mindful of the impact that certain
13 policies, rules and regulations impose upon the family farmers
14 of this Commonwealth.

15 (2) The intent of this act is to ensure that the
16 agricultural impact of certain Commonwealth policies, rules and
17 regulations receive due consideration and to ensure that the

1 agricultural community and agricultural experts have the
2 opportunity to provide comment regarding these policies, rules
3 and regulations.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Agricultural
8 Advisory Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Board." The Agricultural Advisory Board established in
14 section 3.

15 "Department." The Department of Environmental Resources of
16 the Commonwealth.

17 "Normal farming practices." The customary and generally
18 accepted activities, practices and procedures that farmers
19 adopt, use or engage in year after year in the production and
20 preparation for market of crops, livestock and livestock
21 products and in the production and harvesting of agricultural,
22 agronomic, horticultural, silvicultural and aquacultural crops
23 and commodities.

24 "ORGANIC AGRICULTURAL PRODUCT." AN AGRICULTURAL PRODUCT, <—
25 PRODUCED BY PRIVATE INDIVIDUALS OR ORGANIZATIONS WHO RESIDE OR
26 DO BUSINESS IN THIS COMMONWEALTH AND ARE CERTIFIED BY THE UNITED
27 STATES DEPARTMENT OF AGRICULTURE, THAT CONFORMS TO THE
28 REGULATIONS PROMULGATED PURSUANT TO THE ORGANIC FOODS PRODUCTION
29 ACT OF 1990 (PUBLIC LAW 101-624, 104 STAT. 3935).

30 "Secretary." The Secretary of Environmental Resources of the

1 Commonwealth.

2 Section 3. Establishment of board.

3 (a) Creation.--There is hereby established in the Department
4 of Environmental Resources the Agricultural Advisory Board.

5 (b) Members.--The following persons shall comprise the
6 board:

7 (1) Representatives of the Pennsylvania Farmers
8 Association, the Pennsylvania State Grange and the
9 Pennsylvania Farmers Union. Each of these organizations shall
10 annually name one person to represent it under this
11 paragraph.

12 (2) A dairy producer, a livestock producer, a poultry
13 producer, A GRAIN PRODUCER, A PRODUCER OF AN ORGANIC <—
14 AGRICULTURAL PRODUCT OR PRODUCTS and either a fruit, ~~grain~~ or <—
15 vegetable producer. The Governor shall appoint these
16 representatives to sit for a three-year term.

17 (3) Representatives of the Pennsylvania Association of
18 Conservation District Directors and The Pennsylvania State
19 University. Each of these organizations shall annually name
20 one person to represent it under this paragraph.

21 (4) Representatives of the Federal Soil Conservation
22 Service and the Federal Agricultural Stabilization and
23 Conservation Service. Each of these organizations shall
24 annually name one person to represent it under this paragraph
25 ex officio.

26 (5) Representatives of the Department of Agriculture and
27 the Department of Environmental Resources. Each department
28 shall annually name one person to represent it under this
29 paragraph ex officio.

30 (c) Chairman.--The members designated under subsection

1 (b)(1) shall annually rotate as board chairman.

2 (d) Staff.--The Department of Environmental Resources shall
3 furnish the board with administrative support.

4 (E) ORGANIC AGRICULTURAL PRODUCT PRODUCER.--PRIOR TO <—
5 ADOPTION OF THE REGULATIONS PURSUANT TO THE ORGANIC FOODS ACT OF
6 1990 (PUBLIC LAW 101-624, 104 STAT. 3935) AND THE CERTIFICATION
7 OF ORGANIC AGRICULTURAL PRODUCT PRODUCERS BY THE UNITED STATES
8 DEPARTMENT OF AGRICULTURE, THE GOVERNOR SHALL APPOINT AN ORGANIC
9 FARMER USING CRITERIA PREVAILING IN THE INDUSTRY.

10 Section 4. Powers and duties of board.

11 (a) General rule.--The board shall have the following powers
12 and its duties shall be to:

13 (1) Provide advice and expertise to the secretary
14 regarding the nature of normal farming practices in this
15 Commonwealth.

16 (2) Assist the secretary and provide comment prior to
17 the development of departmental policy that will impact upon
18 normal farming practices in this Commonwealth.

19 (3) Assist the secretary and provide comment prior to
20 the promulgation of regulations, rules, guidelines and
21 statements of policy that will impact upon normal farming
22 practices in this Commonwealth.

23 (4) Provide comment to the secretary regarding existing
24 departmental policy that will affect normal farming practices
25 in this Commonwealth.

26 (b) Exempt regulations.--Regulations subject to review by
27 the seasonal farm labor committee under the act of June 23, 1978
28 (P.L.537, No.93), known as the Seasonal Farm Labor Act, are
29 exempt from review under subsection (a).

30 Section 5. Powers of Environmental Quality Board.

1 The Environmental Quality Board shall have no power to adopt
2 rules or regulations affecting normal farming practices until
3 receipt of written comments on the proposed rules or regulations
4 from the board or until 90 days have expired from the date when
5 the rules and regulations were submitted by the secretary to the
6 board for their comments.

7 Section 6. Effective date.

8 This act shall take effect in 60 days.