
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

SENATOR BRIGHTBILL, ENVIRONMENTAL RESOURCES AND ENERGY, IN
SENATE, RE-REPORTED AS AMENDED, JUNE 9, 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.~~; AND PROVIDING FOR REVIEW BY <—
5 THE BOARD OF CERTAIN PROPOSED RULES AND REGULATIONS.

6 The General Assembly finds and declares as follows:

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

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

16 (2) The intent of this act is to ensure that the

1 agricultural impact of certain Commonwealth policies, rules and
2 regulations receive due consideration and to ensure that the
3 agricultural community and agricultural experts have the
4 opportunity to provide comment regarding these policies, rules
5 and regulations.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Agricultural
10 Advisory Act.

11 Section 2. Definitions.

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

15 "AGRICULTURE." NORMAL FARMING PRACTICES OR INNOVATIVE <—
16 TECHNIQUES USED IN THE PRODUCTION AND PREPARATION FOR MARKET OF
17 ANY CROP OR COMMODITY INCLUDED WITHIN THE DEFINITION OF "CROPS,
18 LIVESTOCK AND LIVESTOCK PRODUCTS" IN SECTION 3 OF THE ACT OF
19 JUNE 30, 1981 (P.L.128, NO.43), KNOWN AS THE AGRICULTURAL AREA
20 SECURITY LAW.

21 "Board." The Agricultural Advisory Board established in
22 section 3.

23 "Department." The Department of Environmental Resources of
24 the Commonwealth.

25 "Normal farming practices." The customary and generally
26 accepted activities, practices and procedures that farmers
27 adopt, use or engage in year after year in the production and
28 preparation for market of ~~crops, livestock and livestock~~ <—
29 ~~products and in the production and harvesting of agricultural,~~
30 ~~agronomic, horticultural, silvicultural and aquacultural crops~~

1 ~~and commodities.~~ ANY CROP OR COMMODITY INCLUDED WITHIN THE
2 DEFINITION OF "CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS" IN
3 SECTION 3 OF THE ACT OF JUNE 30, 1981 (P.L.128, NO.43), KNOWN AS
4 THE AGRICULTURAL AREA SECURITY LAW.

5 "Organic agricultural product." An agricultural product,
6 produced by private individuals or organizations who reside or
7 do business in this Commonwealth and are certified by the United
8 States Department of Agriculture, that conforms to the
9 regulations promulgated pursuant to the Organic Foods Production
10 Act of 1990 (Public Law 101-624, 104 Stat. 3935).

11 "Secretary." The Secretary of Environmental Resources of the
12 Commonwealth.

13 Section 3. Establishment of board.

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

16 (b) Members.--The following persons shall comprise the
17 board:

18 (1) Representatives of the Pennsylvania Farmers
19 Association, the Pennsylvania State Grange and the
20 Pennsylvania Farmers Union. Each of these organizations shall
21 annually name one person to represent it under this
22 paragraph.

23 (2) A dairy producer, a livestock producer, a poultry
24 producer, a grain producer, a producer of an organic
25 agricultural product or products and either a fruit or
26 vegetable producer. The Governor shall appoint these
27 representatives to sit for a three-year term.

28 (3) Representatives of the Pennsylvania Association of
29 Conservation District Directors and The Pennsylvania State
30 University. Each of these organizations shall annually name

one person to represent it under this paragraph.

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

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

(6) THE MAJORITY CHAIRMAN AND THE MINORITY CHAIRMAN OF THE AGRICULTURE AND RURAL AFFAIRS COMMITTEE OF THE SENATE OR THEIR DESIGNEES AND THE MAJORITY CHAIRMAN AND THE MINORITY CHAIRMAN OF THE AGRICULTURE AND RURAL AFFAIRS COMMITTEE OF THE HOUSE OF REPRESENTATIVES OR THEIR DESIGNEES TO REPRESENT THE GENERAL ASSEMBLY EX OFFICIO.

(c) Chairman.--The members designated under subsection (b)(1) shall annually rotate as board chairman.

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

(e) Organic agricultural product producer.--Prior to adoption of the regulations pursuant to the Organic Foods Act of 1990 (Public Law 101-624, 104 Stat. 3935) and the certification of organic agricultural product producers by the United States Department of Agriculture, the Governor shall appoint an organic farmer using criteria prevailing in the industry.

Section 4. Powers ~~and duties~~ of board.

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

(1) Provide advice and expertise to the secretary

1 regarding the nature of ~~normal farming practices~~ AGRICULTURE <—
2 in this Commonwealth.

3 (2) Assist the secretary and provide ~~comment prior to~~ <—
4 ~~the development of~~ WRITTEN COMMENTS ON NEW departmental <—
5 policy that will impact upon ~~normal farming practices~~ <—
6 AGRICULTURE in this Commonwealth. <—

7 (3) Assist the secretary and provide ~~comment prior to~~ <—
8 ~~the promulgation of regulations, rules, guidelines and~~
9 ~~statements of policy that will impact upon normal farming~~
10 ~~practices in this Commonwealth.~~ ON REGULATORY PROPOSALS <—
11 PURSUANT TO SECTION 5.

12 (4) Provide comment to the secretary regarding existing
13 departmental policy ~~that will affect normal farming practices~~ <—
14 AND REGULATIONS AFFECTING AGRICULTURE in this Commonwealth. <—

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

19 ~~Section 5. Powers of Environmental Quality Board.~~ <—

20 ~~The Environmental Quality Board shall have no power to adopt~~
21 ~~rules or regulations affecting normal farming practices~~
22 ~~AGRICULTURE until receipt of written comments on the proposed~~ <—
23 ~~rules or regulations from the board or until 90 days have~~
24 ~~expired from the date when the rules and regulations were~~
25 ~~submitted by the secretary to the board for their comments.~~

26 SECTION 5. REVIEW OF REGULATIONS. <—

27 (A) NOTICE TO BOARD.--THE DEPARTMENT SHALL NOTIFY THE BOARD
28 OF THE DEVELOPMENT OF ANY REGULATORY PROPOSAL WHICH WOULD
29 REGULATE AGRICULTURE AS EARLY AS POSSIBLE BUT NOT LESS THAN 120
30 DAYS PRIOR TO THE DATE THE ENVIRONMENTAL QUALITY BOARD MEETS TO

1 INITIALLY CONSIDER ANY PROPOSED RULEMAKING RESULTING FROM THE
2 REGULATORY PROPOSAL.

3 (B) MEETING AND CONSULTATION WITH BOARD.--AT THE REQUEST OF
4 THE BOARD, IF THE REQUEST IS MADE WITHIN 30 DAYS FROM THE DATE
5 OF RECEIPT OF THE NOTICE REQUIRED BY SUBSECTION (A), THE
6 DEPARTMENT SHALL MEET AND CONSULT WITH THE BOARD IN THE
7 FORMULATION OF ANY SUCH REGULATORY PROPOSAL AND THEREAFTER THE
8 BOARD MAY PROVIDE THE DEPARTMENT WITH WRITTEN COMMENTS THEREON.

9 (C) INCLUSION OF COMMENTS WITH PROPOSED RULEMAKING.--THE
10 DEPARTMENT SHALL INCLUDE ANY WRITTEN COMMENTS OF THE BOARD,
11 RECEIVED PRIOR TO THE DEPARTMENT'S SUBMISSION OF A PROPOSED
12 RULEMAKING PACKAGE TO THE ENVIRONMENTAL QUALITY BOARD, AS PART
13 OF ITS SUBMISSION TO THE ENVIRONMENTAL QUALITY BOARD.

14 (D) EXCEPTIONS.--THE REQUIREMENTS OF THIS SECTION SHALL NOT
15 APPLY TO REGULATIONS WITH MANDATORY STATUTORY DEADLINES, TO
16 REGULATIONS REQUIRED TO BE ADOPTED BY COURT ORDER, TO EMERGENCY
17 REGULATIONS, TO FINAL REGULATIONS ADOPTED PURSUANT TO SECTION
18 204 OF THE ACT OF JULY 31, 1968 (P.L.769, NO.240), REFERRED TO
19 AS THE COMMONWEALTH DOCUMENTS LAW, OR WHERE INTERIM REGULATIONS
20 ARE OTHERWISE AUTHORIZED BY STATUTE. THE DEPARTMENT SHALL ADVISE
21 THE BOARD AS SOON AS POSSIBLE OF THE DEVELOPMENT OF REGULATIONS
22 IDENTIFIED IN THIS SUBSECTION WHICH WOULD REGULATE AGRICULTURE.

23 Section 6. Effective date.

24 This act shall take effect in 60 days.