

Testimony of
Russell Redding, Secretary
Pennsylvania Department of Agriculture
House and Senate Agriculture and Rural Affairs Committees
August 18, 2010

Good morning Chairmen Brubaker, O'Pake, Hanna and Maher and members of the Agriculture & Rural Affairs Committees. On behalf of the Pennsylvania Department of Agriculture, thank you for the opportunity to appear before you to discuss the impact of the U.S. Environmental Protection Agency's (EPA's) expectations for a cleaner Chesapeake Bay on the 40,000 farms and farm families located in the Chesapeake Bay watershed.

Whether you milk cows here in Centre County, fertilize your lawn in Bradford County or park a car in Adams County, protecting the national treasure that is the Bay will take work across this Commonwealth. But it is particularly fitting that we are here at Ag Progress Days to discuss this topic, because I believe that agriculture holds the answer to the challenges facing us.

As I have testified previously before the Pennsylvania General Assembly and the United States Congress, there is no doubt that the Chesapeake Bay and its tributary waters are natural resources of outstanding ecological, economic and cultural importance to the citizens of the United States, and especially to the citizens and farmers of Pennsylvania.

From the outset I have stated what I believe to be two key, clear, and co-equal goals in any effort to restore the Chesapeake Bay: clean water and viable farms.

First, we must meet the goals established for clean water for Pennsylvania and other Bay watershed states.

Second, it is imperative that we have economically viable farms in Pennsylvania and other Bay watershed states.

Thanks to the efforts of Pennsylvania's farmers, we know that agriculture has already made significant progress toward Pennsylvania's nutrient reduction goals. Pennsylvania producers can proudly lay claim to 49 percent of all the nitrogen reductions made by agriculture anywhere in the multi-state watershed.

To date, achieving water quality goals for the Chesapeake Bay has been dependent on strong and balanced partnerships at the local, state and federal level. As new strategies, initiatives, regulations and laws are developed, it is critical that these partnerships are enhanced and that a proper balance of non-regulatory and regulatory approaches is maintained. This is especially true as efforts are ramped up to address non-point source pollution concerns.

Over the past year, there have been a multitude of legislative, regulatory and administrative strategies being considered to help improve the water quality of the Chesapeake Bay by 2025- President Obama's Executive Order, federal legislation to reauthorize the Chesapeake Bay program, EPA Region 3 regulatory initiatives in Watson's Run, Lancaster County and elsewhere, and the Chesapeake Bay Total Maximum Daily Load (TMDL). Our farmers take seriously the complex and intricately intertwined challenges we collectively face in achieving water quality goals that have been established for the Chesapeake Bay and its tributaries. They fully understand that clean water for the Chesapeake Bay means clean water for their families, their communities and their livestock.

Pennsylvania farmers are also working to better understand how the changes called for in these various reports, strategies and legislative bills will impact their day-to-day farming decisions, what changes they will need to make, and what the costs will be. It is imperative that as legislative leaders and appointed political leaders, we fully understand the impact of these proposals, ensure the solutions are practical, balanced and effective, and work to provide the financial and technical resources that will be necessary to implement these changes.

The most immediate challenge in this process is EPA's Chesapeake Bay TMDL, scheduled to be published by December 31, 2010. As required by EPA, in two weeks from today, (by September 1, 2010), Pennsylvania must submit a "Watershed Implementation Plan" (WIP) to the EPA.

In my testimony to the Senate Ag and Rural Affairs and Environmental Resources and Energy Committees in March of this year, I noted that it was imperative that agriculture "be at the table" as Pennsylvania's WIP was developed. The Department of Environmental Protection (DEP) has indeed reached out to engage agricultural stakeholders in this process. DEP has convened a WIP Management Team and a series of workgroups addressing the various sectors impacted by the TMDL, including wastewater, agriculture and development.

In addition to participation on the WIP Management Team, the WIP Agriculture Workgroup is co-chaired by PDA Deputy Secretary Michael Pechart and State Conservation Commission Executive Secretary Karl Brown. Its members include leaders of agricultural organizations and conservation districts, producers, local officials, environmental organizations and others who have spent hours on the complex task of analyzing how best to reach the goals set for the reduction of nitrogen, phosphorus and sediment through the most effective agricultural best management practices.

I would like to highlight several points as we work collaboratively with DEP to complete Pennsylvania's WIP, and proceed with the tasks necessary to reach the goals set out by EPA for the Bay.

First, we must address the issue of "agriculture compliance." Our goal is to work with each and every Pennsylvania farm family to help them get a current conservation plan, so as to develop some reasonable assurance that they can demonstrate that efforts are underway to clean up the Bay, starting at their farm. We believe implementing Pennsylvania's current regulatory authority that calls for an active on-site collaboration between producers and conservation professionals to identify, and then implement, required conservation practices for all farms, is the best approach.

As part of this effort, it is absolutely essential that our farmers "get credit" in the Chesapeake Bay model for all the practices they implement. Currently, only those practices which receive public funding are accounted for in the model. The Lancaster and Bradford County Conservation Districts recently completed a pilot study on unreported BMPs in their counties. While a full analysis of the findings has not yet been completed, early indications from the pilot show that only 20 to 60 percent of the practices happening on farms are reported – leaving 40 to 80 percent of BMPs on farms unaccounted for in the Bay model. If we are to meet our pollution reduction goals for agriculture, we must find a way to track those practices which farmers install as good, everyday management practices without any public financing, and determine how to account for them in our reporting to the model.

Moving forward, several nutrient management program issues must also be addressed. Pennsylvania, like many of our neighboring states, has spent considerable resources and time over the past 25 years to develop and refine our nutrient management planning process. Pennsylvania currently has a comprehensive, detailed and public process for developing and monitoring implementation of nutrient management plans for our more intensive animal operations in the state. These intensive animal operations generate approximately 50 percent of the manure produced in Pennsylvania. We accept the interest expressed by EPA and others to continually reevaluate the planning process to enhance its effectiveness but do not believe that adding additional complexity or administrative burden to this process will improve its effectiveness. We are continuously looking for ways to develop a plan that will address nutrient loss pathways from the farm in a manner that is as simplistic and straightforward as is practical.

Similarly, the suggestion that simply requiring more operations to obtain a Concentrated Animal Feeding Operation (CAFO) permit is not the answer to improving water quality, but rather we believe implementing Pennsylvania's current regulatory authority that calls for an active on-site collaboration between producers and conservation professionals to identify and implement required practices for all farms, is the best approach.

Our work on these issues certainly does not end on September 1 when the WIP is submitted, or on December 31 when the EPA finalizes the TMDL. This is only Phase 1. The WIP includes 2 year milestones which need to be met, adjustments and corrections to the Bay model will be made, and we begin as early as January 2011 on the updated version of Pennsylvania's plan.

Pennsylvania conservation districts and the USDA NRCS have worked for decades to assist landowners in voluntarily managing their natural resources in a manner to minimize non-point sources of pollution. They have developed relationships and trust with landowners that are critical to solving these problems. When these efforts are combined with the regulatory tools of the Pennsylvania DEP and other state agency partners, Pennsylvania has access to a suite of tools that we believe are best equipped to accomplish the nutrient and sediment reduction goals for the Chesapeake Bay and its tributaries.

The key to success is using the right tool for the job at the correct time. Some situations call for technical and or financial assistance; some call for a regulatory approach; and some call for a mix of both. The key is balance.

In closing, I would do an injustice if I did not note that farmers are also dealing with the some of the most difficult and challenging economic conditions that they have faced in more than 30 years, at the same time they are being asked to do more for the Bay. Requiring farmers to expend significant amount of funds for conservation practices during this economic recession could force many operators to make difficult decisions about leaving the industry. As you know, state and local governments in Pennsylvania also face very real economic challenges. County conservation districts, which depend on a combination of state and county based funding sources, are being impacted especially hard. Conservation districts are a key component of Pennsylvania's outreach and technical assistance programs for non-point source pollution programs.

Any Chesapeake Bay watershed restoration strategy, initiative or legislative solution must provide adequate federal funds necessary to accomplish new regulatory requirements and initiatives. As a state, we truly appreciate and value the funds provided through Farm Bill

programs such as EQIP, and especially the Chesapeake Bay Watershed Initiative. These funds and the technical assistance they bring to Pennsylvania are critical to our success.

If we are going to be successful, we must find balance between the two co-equal goals of clean water and viable farms, and be flexible as we develop and implement the Bay TMDL, Pennsylvania's Watershed Implementation Plan and related strategies. I look forward to working with the members of the General Assembly in this process.

Thank You.