

TESTIMONY OF THE PENNSYLVANIA FARM BUREAU
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BEFORE THE PENNSYLVANIA HOUSE OF REPRESENTATIVES
ENVIRONMENTAL RESOURCES & ENERGY COMMITTEE
“PENNSYLVANIA WATERS AND THE CHESAPEAKE BAY”
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Pennsylvania Farm Bureau (PFB) is pleased to offer its views to the House Environmental Resources & Energy Committee on the topic of “Pennsylvania Waters and the Chesapeake Bay.” PFB is the Commonwealth’s largest general farm organization, representing over 30,000 members engaged in all manner of agricultural activities, including the production and processing of crops; the production and processing of animals; the production and processing of forestry products; landscaping and horticultural services; agriculture-related support services; and food manufacturing.

We welcome the opportunity to share the story of the ongoing, painstaking stewardship of Pennsylvania’s air, land, and water resources that PFB members undertake daily. Pennsylvania farmers are the Commonwealth’s “front-line environmentalists,” in the words of EPA Region III Administrator Adam Ortiz, adapting to a constantly changing climate and investing their own funds to install best management practices (BMPs) that protect the soil, air, and water. This vital work improves the quality of life for every Pennsylvanian, whether one resides in the Chesapeake Bay watershed or not, by protecting the waterways we all enjoy and depend upon and ensuring a reliable, safe, and affordable food, fuel, and fiber supply in an increasingly competitive, growing, and expensive global marketplace.

In addition to investing their own scarce resources to protect Pennsylvania’s local water quality amid an ever-changing and complex legal and regulatory landscape, as well as an increasingly volatile and inflationary economic environment, PFB members have been enthusiastic promoters—and implementors—of local, state, and federal agricultural conservation programs. Most recently, PFB was proud to work with federal, state, and local officials, as well as partner stakeholders like the Chesapeake Bay Foundation-Pennsylvania (CBF-PA) and the Pennsylvania Association of Conservation Districts (PACD), to enact the long-sought Pennsylvania Agricultural Conservation Assistance Program (ACAP).

ACAP will fund agricultural conservation projects in every Pennsylvania county, with funding concentrated in the areas of the Commonwealth in greatest need of agricultural conservation measures. ACAP is now well underway in Pennsylvania, as millions of dollars of federal funding will provide an impetus to enhance existing efforts and fund other long-sought improvements. As the funding for ACAP must be committed by 2024 and spent by 2026, we are eager to demonstrate the value of this funding and produce tangible conservation results that convince policymakers to provide dedicated funding for ACAP beyond 2026. In addition, PFB was instrumental in advocating for Pennsylvania’s newly enacted “Fertilizer Law,” which is intended to mitigate the environmental effects of nutrient runoff from lawns and other turf grass properties. The Fertilizer Law and ACAP are examples of two elements found to be lacking in previous Pennsylvania Chesapeake Bay responses, and PFB’s advocacy was critical to the enactment of both.

Pennsylvania’s agricultural industry has heard—and taken seriously—the message that protecting and improving the Commonwealth’s local water quality is the best way to meet its Chesapeake Bay obligations. Those efforts were making a positive difference even prior to the enactment of the legislation previously noted. One example of this progress comes from the Pennsylvania Department of Environmental Protection’s (DEP) document, “Expanded Agricultural Inspection Program Annual Summary: July 1, 2021 – June 30, 2022,” which contains data from inspections of almost 2,700 agricultural operations in the Pennsylvania portion of the Bay watershed (comprising just over 10 percent of the acreage in the Pennsylvania portion of the watershed in 2021-22). Those inspections have been taking place for several years, starting with the larger operations in the watershed, and smaller and smaller farms are now being inspected. The inspections found that:

- Well in excess of 90 percent of the operations evaluated in 2021-22 met the best management practice (BMP) implementation requirements of manure management plan (MMP) BMP implementation & maintenance, as well as the BMP implementation requirements of an agricultural erosion & sedimentation (Ag. E&S) control plan:
 - 96 percent of the operations evaluated have BMPs actively being implemented according to the schedule outlined in the MMP.
 - 97 percent of the operations evaluated have BMPs actively being implemented according to the schedule outlined in the Ag. E&S Plan.
 - 97 percent of the operations evaluated have BMPs in the MMP functioning as intended.
 - 98 percent of the operations evaluated have BMPs in the Ag. E&S Plan functioning as intended.
 - 94 percent of the operations evaluated have BMPs in the MMP that address all manure-related resource concerns.
 - 97 percent of the operations evaluated have BMPs in the Ag. E&S Plan that address all sediment-related resource concerns.
- The summary also indicated strong levels of administratively complete plans at the time of inspection (for operations required to have and implement such plans):
 - For manure management plans:
 - 70 percent were administratively complete at the time of inspection (initial & Phase 2).
 - 69 percent were administratively complete at the time of inspection (initial only).
 - 81 percent were administratively complete at the time of inspection (Phase 2 only).
 - 93 percent had planning/technical assistance provided.
 - For Ag. E&S plans:
 - 68 percent were administratively complete at the time of inspection (initial & Phase 2).
 - 62 percent were administratively complete at the time of inspection (initial only).
 - 89 percent were administratively complete at the time of inspection (Phase 2 only).
 - 98 percent had planning/technical assistance provided.

These findings indicate that Pennsylvania's current strategy of focusing on local water quality to meet its Chesapeake Bay obligations in the agricultural sector is making positive progress. It will only be enhanced by continuing the current effective, incremental, collaborative method of providing education, training, financial, and other resources to get "boots on the ground" to assist the Commonwealth's agricultural community in expanding BMP implementation, utilizing resources for which it advocated.

PFB also fully supports ongoing efforts to ensure that Pennsylvania farmers' past and current BMP installations are properly credited and reported, including the work of the EPA-USDA task force created to document un- and under-counted agricultural BMPs in the Bay watershed, as well as work by Penn State University and others to properly credit farmers for such practices.

The process of developing the necessary working relationships between federal, state, and local officials, farmers, environmental and conservation advocacy groups, and other stakeholders in Pennsylvania to bring about all of the preceding has been a long and sometimes arduous one. PFB is proud of what it has achieved, in collaboration with so many individuals from diverse policy backgrounds, in service of the common goal of protecting and enhancing Pennsylvania's local water quality. PFB fully intends to continue on this path with those inside and outside Pennsylvania who share this vision and are willing to form working relationships based on shared values and mutual respect. Making certain that farms are in compliance with applicable laws and regulations benefits local water quality and that of downstream communities, and also addresses the "bad actors" whose lack of attention to environmental protection harms all farmers.

In closing, in PFB's view, Pennsylvania has, after years of dedicated effort and sometimes difficult and contentious debate, finally assembled the leadership and defined the vision for how it will work—both today and in the future—to address the related challenges of improving local water quality, meeting its Chesapeake Bay obligations, and growing the Commonwealth's agricultural economy. We believe that the lessons learned during that process can provide a blueprint for the rest of the watershed as we move forward.

We can also understand, to a degree, that the magnitude of the process in Pennsylvania, and the level of collaboration and trust involved to achieve what has been accomplished to date, can be difficult to comprehend and appreciate for individuals and groups outside the Commonwealth who are faced with different Bay-related challenges in their local jurisdictions. In this context, it is important to note that notwithstanding Pennsylvania's real or perceived failure to date to satisfy its Bay obligations, it is hardly alone. There has been a tacit understanding for some time that the Bay jurisdictions will collectively miss the latest cleanup deadline of 2025, just as they missed previous deadlines in 2000 and 2010. In the words of a recent Chesapeake Bay *Journal* article, fittingly titled "Chesapeake Bay Cleanup Faces Difficult Trade-offs with Agriculture," the problem has been that "those leading the restoration effort have repeatedly underestimated the magnitude of the challenge they face and the economic pain its solutions would impose on farmers."

The strategy of setting arbitrary deadlines and attempting to achieve environmental compliance and innovation through legal and bureaucratic intimidation has not worked in the past, and there appears to be a recognition among at least some Bay stakeholders that something needs to change in order to avoid similar negative outcomes in the future. In our view, that change would include recognizing what is achievable with current levels of financial, technical, and human resources and in turn, being realistic with the public and policymakers about what can be achieved, all while continuing to advocate for the additional financial and human resources that will allow for faster progress. Helping Pennsylvania farmers advocate for long-term, dedicated agricultural conservation funding, as well as helping to grow the technical support workforce needed to do the actual BMP design and implementation, is the optimal method for generating the expedited results we all seek.

PFB will continue to be actively engaged in finding solutions to Pennsylvania's water quality challenges. We will work with all individuals and groups interested in helping us farm more and farm better to feed, clothe and fuel a growing world. In that context, farming less simply is not an option, as the aforementioned Bay *Journal* article also referenced data from the U. S. Geological Survey estimating that meeting nutrient goals for the Bay could require taking approximately 44 percent of the Bay watershed's 8.2 million acres of farmland out of production "or instituting dramatic actions that would almost certainly affect farm income."

Environmentally healthy, economically viable farms are essential to restore the Bay and enhance the lives of the watershed's residents, wherever they may live, for while farming less does not seamlessly translate to improved environmental quality, it does mean less economic opportunity, weakened private property rights, and more food insecurity—none of which are acceptable outcomes for Pennsylvania or its farmers.

PFB thanks the committee for its consideration of our members' views on this important issue and will be happy to entertain your questions.