

## PASA Position Statement on ACRE

October 19, 2004

The purposes of this document are to inform the members of the Pennsylvania Association for Sustainable Agriculture (PASA) and other interested parties regarding the provisions of pending legislation intended to address disputes between farmers and their neighbors across the Commonwealth of Pennsylvania, and to clarify the position of PASA's board of directors with respect to the issues involved. PASA has no intention of telling people how to think about these issues, but would urge every member, and indeed every citizen of the commonwealth, to express their opinions to their respective legislators and to the governor.

In bringing forth the so-called ACRE proposal, Governor Rendell is to be commended for making a good faith effort to address problems faced by Pennsylvania farmers without forgetting to value the quality of life in Pennsylvania communities as well. This proposal has been offered as a replacement for House Bill 1222 which the governor vetoed on December 31, 2003. It is duly noted in particular that the governor required the respective secretaries of the departments of Agriculture and Environmental Protection to work together on this proposal, displaying his strong desire to offer a balanced perspective on an issue of great importance to the future of rural Pennsylvania.

The strongest aspects of the ACRE proposal are as follows:

- 1) The proposal recognizes the need to provide mediation for farmers and the communities in which they live in the event that disputes over farming practices or facilities arise. ACRE would attempt to keep such disputes out of the court system altogether, strengthening the chances of agreeable resolution and potentially saving all involved parties considerable money that would otherwise be spent on legal and court fees.
- 2) The proposal includes new regulations and other programs that close old loopholes, create more regulatory consistency and address for the first time problems that are of particular concern to the public at large, e.g. odor control and widespread antibiotic use on farms. While regulations are of course only as good as the ability of government to define and enforce them, it is nevertheless a positive step to have all such issues on the table for continued discussion in the future.

The problems associated with the proposal are equally clear to us, and could be easily addressed if the political will exists to do so:

- 1) Nowhere in this proposal do we see discussion of the problem of how farming is defined. The definition of "normal agricultural operation" as used here and in the previous Right to Farm Act (RFA) is simply too broad to be useful. PASA takes no position with respect to how large or small farms should be, and we do not condemn the existence of Concentrated Animal Operations (CAO) or Concentrated Animal Feeding Operations (CAFO) as such. We also feel that farmers who incorporate their operations within the family or who contract with outside help to provide various services relevant to conducting a normal farm operation, should be protected by the RFA. However, we do firmly believe that outside corporations that contract with family farmers to raise animals

owned by that corporation, should be exempted from the legitimate protections offered under the RFA. This point is simple . . . “normal farming operations” should be distinct from “contracted farming operations” under the law, and the latter should always be subject to further scrutiny by local government officials.

- 2) The composition of the Ag Review Board (ARB) poses a huge obstacle to the ultimate success of the ACRE proposal. Simply put, with four out of five positions appointed by the sitting governor, the ARB can potentially swing wildly in its orientation and emphasis as often as every four years. PASA has no quarrel with the inclusion of the secretaries of Agriculture, Environmental Protection and Community and Economic Development on the ARB, and respects the current holders of those offices. However, we worry deeply about the highly charged political environment in which future cabinet selections will be made if they constitute a working majority of the ARB. Therefore, we resolutely assert that the ARB should be comprised of a broad spectrum of members representing different perspectives (including township officials), the majority of which are not subject to appointment by the governor, legislature or any other political body. This can quite easily be achieved by either changing the composition of the proposed five-member board, or by adding members such that political appointees do not constitute a majority. Furthermore, we feel that, regardless of how a quorum is defined, all decisions of the ARB should be affirmed by a majority vote of its full current membership.

Aside from the immediate issues involved with the ACRE proposal, PASA is also quite concerned about some of the rhetoric that has surfaced on both sides of the discussion. It is neither useful nor effective for proponents of this measure, as with House Bill 1222 before, to refer to those who are against it as being “anti-agriculture” or otherwise radical in their support of social, environmental or agricultural causes. It is also fruitless for these proponents to refer to every township ordinance with which they disagree as being “illegal” – if such were so clearly the case, we would not need ACRE or anything like it at all. On the other hand, it also makes matters worse for opponents of the proposal to speak as though the government officials involved have evil intent in mind in trying to find constructive solutions to this tricky dilemma faced by the commonwealth and its citizens.

In contrast to such rhetoric, we believe that the positions we have delineated above represent clear, concise and workable strategies for improving an imperfect proposal. It is high time that the agricultural community in Pennsylvania acknowledges what residents of our rural communities already know, that there is a difference between traditional family farming practices and those of corporately sponsored, industrial agriculture. The difference cannot be defined by the degree of attention given to sound science or implementation of modern technology, but is characterized by the social, business and therefore the ethical structure of the operation in question. We are talking here about the purpose, strength and viability of our rural communities for the long-term future.

To be as clear as possible, the board of directors of PASA is **conditionally opposed** to the ACRE proposal as originally presented by the governor of Pennsylvania. We believe the proposal as it stands is flawed, but can be salvaged by changing a very few specific details as outlined in this document.