

Tuesday, July 31, 2012

Good morning!

Let me introduce myself. I am Arland Schantz. I own and operate Evergreen Farm in Lower Milford Township along with my wife Maria. Evergreen Farm consists of approximately 160 acres, on which we grow corn, hay, and Christmas Trees. We also raise Angus Cattle.

I was invited to communicate with you this morning about governmental regulations, as far as the negative impact they often have on the viability of a farm business like mine.

At this juncture, before I share with you the ramification some of these regulations have on farm business in Pennsylvania, I would like to mention my disclaimer: when it comes to corn, hay, Christmas Trees, and cattle, I can certainly speak from lived experience. As to governmental regulations, however, my knowledge derives from my continuous effort to learn about them as best as I can and from how they have impacted not only my livelihood, but also that of fellow farmers. As a long member of Pennsylvania Farm Bureau, the staff there was readily able to provide me a list of some 28 regulatory items that could illustrate the points I intend to make today. For brevity sake, however, I shall only address a few of them.

In my understanding, some of the regulatory problems trickle down from the Federal level. A perfect example is the Clean Water Act, which at this moment is actually trying to expand its scope whose impact is as follows:

Pennsylvania farmers have been forced to abide by the revisions made to both *The Manure Management Manual* for land application and the Pennsylvania Erosion and

Sediment Control and Storm Water Management Regulations. In addition, livestock farmers must now prepare a Manure Management Plan, keep certain records of its applications, and, worst of all, Valuable crop land in proximity to “waterways” may no longer be useable. If these regulations weren’t enough, heavy use of animal areas must now be monitored and protected from water runoff, and land owners like me have also been burdened with the control of stream bankflooding.

Admittedly, some of this hardship is being modified, even if hesitantly. A good example would be the current approach created to modify the former thinking behind the harsh DEP “do not touch a stream” practice. A common sense modification is being slowly implemented, but, obviously needs to become more widely promoted. It is being finally recognized that cleaning out a stream of obstructions like gravel, silt, and debris can actually prevent stream overflow and further damage.

Another hardship affecting Pennsylvania farmers that needs to be addressed relates to the issue of stream reclassification upgrades. It is important to recognize that upgrading a stream classification entails not only the burden of the upgrading process, but also tighter restrictions as to what can be done in its watershed and how close to the water way an individual can farm.

It is important to emphasize that local ordinances and zoning can actually create the harsh obstacles to conduct farm work in Pennsylvania. Under the claim that the local municipality is the closest to the problem or situation, these local regulations and their enforcement often become very political, personal, and emotional propositions. Accordingly, it is imperative that the state continue to monitor such arbitrary, counterproductive practices by creating more sensible, farmer-friendly solutions, such as

Act 38 of 2005, commonly known as the “ACRE Bill,” which prohibits, among other practices, unauthorized local ordinances. It also provides farmers and landowners the broader, non-biased help of the State’s Attorney General to help solve local differences.

Indeed, governmental regulations must be mindful to not restrict farmers or landowners from running their operation in the most possible cost-efficient manner. Let us realize that governmental restrictions can represent a real and expensive obstacle when farmers want to expand, modernize or change their respective type of operational enterprise.

For example, farmers who wish to build a farm market business or diversify into agro-tourism, in order to increase their much needed cash flow, are often faced with local zoning, land development, and construction regulations-- obstacles that do nothing other than stall what could become profitable projects. As a result, farming business eventually becomes insolvent and extinct. As you all can imagine, the net effect of this demise can be dismal not only to the livelihood of farmers, but also to the sustainability of the local and state economy. In short, let us all be mindful that governmental regulations can have crucial impact in the sustainability of the overall economy.

Thank you for the opportunity to testify before you today.