

Testimony

House Agriculture and Rural Affairs
Committees

Regarding Legislative Priorities of
Pennsylvania Farm Bureau

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Offered by

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To: Rep. Martin Causer, chair House Agriculture & Rural Affairs Committee,
Rep. Eddie Day Pashinski, Democratic chair House Agriculture & Rural Affairs Committee

Thank you for giving Pennsylvania Farm Bureau the opportunity to discuss our legislative priorities for 2020. My name is Rick Ebert, and I operate a dairy farm in Westmoreland County with my wife Diane and our sons. I also have had the pleasure to serve as President of Pennsylvania Farm Bureau since 2014.

As the state's largest general farm organization, we receive input from a diverse cross-section of the state's agriculture interests. Many of you are familiar with the way our organization sets its policy agenda—through a grassroots process that involves the men and women of Pennsylvania agriculture. As such, the legislative agenda that we are pursuing reflects a diverse set of needs in agriculture.

Pennsylvania Farm Bureau is grateful for the work the Pennsylvania General Assembly and Administration undertook last year to put agriculture in the forefront of its legislative agenda. We are thankful for the additional dollars and resources that were directed to farm families as part of the budget, and for the creation of programs like the beginning farmer tax credit. These are tangible steps that Pennsylvania took last year to help ensure a bright future for agriculture. I want to highlight the legislative issues that we will be advocating for in the year ahead.

AGRITOURISM

If we, as farmers, have learned anything from this most recent economic downturn is the need for us to diversify our farms. For years, farm economists would recommend that we should specialize—focus on producing one commodity and maximize our return. However, many of the Pennsylvania farms that are surviving and thriving right now have several things in common: they either have a diverse revenue stream, or they are selling directly to consumers. For farms located in growing suburban areas, the consumer connection is key. Like it or not, there are parts of Pennsylvania where a farmer cannot survive on a business model based on selling traditional commodities. The farms that are surviving have found a way to cut out the middle man and are selling their products directly to consumers. One of the best ways to get consumers to farms is by hosting events.

I have spent my entire life as a dairy farmer. But as I work to bring my sons into the farm, we have had frank conversation about the farm's future. While we still milk cows and raise crops, we have begun to diversify. We have added sheep, are constructing a high-tunnel greenhouse and have discussed hosting farm-to-table events. However, the biggest concern we have with hosting events is liability. I know that many farmers across the state are considering agritourism, but are hesitant to move forward due to liability exposure.

It's for these reasons that Pennsylvania Farm Bureau is pushing so hard for House Bill 1348. We believe this legislation strikes the right balance between protecting farmers from frivolous lawsuits and meritless claims, while protecting the public when an injury happens because a farmer operated with little regard for public safety. Farmers will do everything they can to

protect the public who are invited on to their farm. But there's still a chance of falling on uneven ground. Our farms are not shopping centers. They are working lands.

Should this legislation pass, I believe we will see more farmers add agritourism events. Whether it is a few events a year, or a new sideline business, agritourism will help keep farms profitable. In the strongest terms possible, I am encouraging all House members to vote in favor of House Bill 1348.

On a related note, we also strongly support efforts to bring common-sense reforms to help farmers who host weddings and other events in their buildings. Some municipalities have made it difficult for farmers to take advantage of the growing demand for these types of events by requiring that farmers must install sprinkler systems.

Sprinkler systems are cost prohibitive and logistically challenging. To retrofit an older barn with a sprinkler system would cost upwards of \$60,000. Because most barns are not hooked up to municipal water systems, farmers would have to install holding tanks to get up enough pressure to make a system work.

For a farm that is considering doing this as a part-time business, an upfront cost of \$60,000 is just not feasible. However, we have spoken with farmers that have successfully hosted weddings and other events in barns, and have worked with their municipalities on common-sense safety measures.

Both House Bill 1037 and Senate Bill 453 address those safety measures: such as the need for multiple smoke detectors, fire extinguishers, accessible exits and a prohibition of open flame inside and around the structure. This type of approach has worked in multiple municipalities around the state. We believe the passage of either bill will give both farmers and local governments certainty in how to handle this growing interest in farm events. We are calling on the General Assembly to pass one of these bills this year.

STORMWATER

Pennsylvania Farm Bureau is hearing an increase in concerns from farmers living in the Chesapeake Bay Watershed over the implementation of stormwater management fees by municipalities. Municipalities with stormwater management fees have, by in large, created a fee structure based on the amount of impervious surface found on a property. This approach fails to consider the amount of open space that farmers manage. Nor do they give farmers credit for stormwater management systems they have installed.

Livestock farmers often try to control stormwater and prevent erosion by paving heavy use areas in barnyards. Under these municipal stormwater management formulas, these paved areas are being included in the overall calculation of stormwater management fees. That means farmers are paying a fee on a system designed to reduce erosion due to stormwater.

We are working on legislation in the Senate to change how municipalities assess stormwater fees on agriculture properties. We are seeking legislation that would limit the amount of fees that are charged to a farmer, provided that the operator can demonstrate that less than 30 percent of their total land area is covered by impervious surfaces. This approach would reduce those fees to a much more manageable level, while recognizing the positive role that farmers are playing in stormwater management.

We are also supporting Senate Bill 679, which will give county governments the authority to create stream cleaning programs. Our members continue to experience problems with their lands and crops being washed away during heavy rain events. The state does allow landowners to obtain permits to clean up some stream debris. However, we routinely hear from our members that the permits are cumbersome to obtain, and fail to get at the root of the problem. Senate Bill 679 would allow counties to dedicate staff and resources to the issue and come up with a regional plan to clean stream debris. Farmers are losing valuable topsoil due to this problem. Sediment is sediment. It doesn't matter if it washes off a farm field or a stream bank. Both negatively affect water quality locally, and in the Chesapeake Bay. We are calling on lawmakers to give strong support to SB 679.

DAIRY

Like many of you, we are monitoring closely our state's dairy industry. Dairy is a leading contributor to the state's overall farm economy. When the dairy sector suffers, it sends ripple effects throughout the whole agriculture economy in Pennsylvania. There are factors at play that are outside of the control of the General Assembly—such as international trade and declining fluid milk consumption. However, there are steps that Pennsylvania can take to improve the overall outlook for the state's dairy farmers, and that includes House Bill 1223 and House Bill 1224. We will be working with leaders in the Senate to pass these two important pieces of legislation.

In addition, we believe it is important for the state to continue to fund dairy development grants. As you recall, Pennsylvania has set aside \$5 million in the past two state budgets to use for grants for farmers and processors that want to expand capacity. We believe there is still untapped potential in the dairy industry so that we can use even more Pennsylvania milk for value-added processing. We will be advocating for another round of grant dollars in the state budget. Lastly, we will be monitoring the Dairy Futures Commission to see what legislative or regulatory adjustments they believe is needed to help Pennsylvania dairy farmers.

BROADBAND

The lack of reliable broadband internet availability in rural areas continues to be a significant concern for our organization. Not only does it impact our ability to farm—and run home-based businesses—but also the ability to function with common household needs. From banking to medicine, our world has turned to an online platform. Simply put, rural Pennsylvania is being left behind in a digital divide. I know many of you are familiar with the issue, so I want to instead highlight the legislative efforts we are supporting that will help solve the problem.

- **HB 305**, introduced by Rep. Pam Snyder. This bill would require the Department of General Services to audit all state-owned assets that could be used to host broadband technology. We will push for a final vote in the Senate to get this bill to the Governor.
- **SB 835**, introduced by Sen. Wayne Langerholc, would create a fund that can be used as seed money for companies looking to expand service into underserved rural communities. We will be working with Senate and House leaders to make sure this legislation is adopted in 2020.
- **HB 2055**, introduced by Rep. Pam Snyder, would give municipal authorities the ability to establish broadband services. This legislation would amend the municipal authorities act to allow such entities to create broadband services in the communities they serve. It's been more than 10 years since Pennsylvania last updated its broadband regulations to encourage the deployment of high-speed internet service across the state. Private companies have not expanded services to rural and low-population centers. Municipal authorities can step in to fill that void. We will be working with Senate and House leaders to make sure this legislation is adopted in 2020.

Solving the rural broadband problem in Pennsylvania will take an “all of the above” solution. Along with seed money to encourage deployment of service, we believe there are regulatory and legal barriers that must be removed to speed the deployment of service. Above all, we hope the General Assembly makes broadband a key legislative agenda item this year.

UNEMPLOYMENT TAX REFORM

Pennsylvania Farm Bureau is pushing for a change in our state's unemployment compensation law that will help farmers who rely on immigrant labor. House Bill 2032, which was recently introduced in the House, will change unemployment compensation requirements for farmers who use the federal H2A labor system.

For those unfamiliar with farm labor, the H2A system allows farmers to hire temporary workers, typically for fruit, vegetable and Christmas tree production. Workers who come in under H2A come into the country on a contract basis. They are guaranteed a minimum number of hours and wage rate, and will be paid that amount. Therefore, they are not allowed to collect unemployment compensation. The federal government has recognized this is a unique situation and has exempted farmers from having to pay into the federal unemployment compensation fund for these workers. However, our state government still requires that farmers pay into the state unemployment compensation fund, even those these workers can never qualify for compensation. We believe this is bad public policy that needs to change, so we are asking lawmakers for the swift passage of HB 2032.

Thank you again for providing us the opportunity to discuss our legislative priorities. 2019 was an exceptional year for agriculture and we are thankful for the efforts that you all made to ensure that the needs of farm families were addressed. We remain committed to working with you all again to achieve even more victories in the year ahead.

Sincerely,



Rick Ebert
President, Pennsylvania Farm Bureau