

**Department of Environmental Protection (DEP) Agricultural Advisory Board (AAB) and
State Conservation Commission (SCC) Nutrient Management Advisory Board (NMAB)
Joint Meeting**

**August 18, 2022
9:00 AM – 12:00 PM**

**Pennsylvania Department of Agriculture
Room 309 and Virtual Zoom
2301 North Cameron Street, Harrisburg PA 17110**

Nutrient Management Advisory Board (NMAB) Chairperson, Brook Duer, called the meeting to order at 9:07 AM. This meeting was held in a hybrid format; in-person in Room 309 at the Department of Agriculture and virtually on Zoom.

Seven members of the AAB were present, which did not constitute a quorum.
Ten members of the NMAB were present, which did constitute a quorum.
The following NMAB members and Advisors were in attendance:

NMAB Members:

- Nathan Richard – Livestock (Egg Poultry) Producer Representative
- Dr. Fausto Solis De Los Santos – Feed Industry Representative
- Brook Duer – Non-Farmer Citizen Representative
- Adam Serfass – Non-Farmer Citizen Representative
- Charles Stowe – Local Government Representative
- Mike Brubaker – Livestock (Meat Poultry) Producer Representative
- Robb Meinen – Academia Faculty Animal Odor PSU
- Brian Campbell – Environmentalist
- Ed Hartman – Livestock (Dairy) Producer Representative (joined late)
- James Adams – Livestock (Swine) Producer Representative
- Dr. John Clune – Hydrologist

NMAB Advisors:

- Dr. Charlie White – Penn State University (PSU)
- Donna Faulk – PSU Equine Advisor
- Mark Goodson – NRCS Advisor
- Chris Snyder – PACD Advisory

Introductions: Brady Seeley, NMAB Liaison with the State Conservation Commission (SCC), introduced newly appointed and reappointed members to the NMAB. They are:

- James Adams – Livestock (Swine) Producer Representative
- Dr. John Clune – Hydrologist

- Daniel Peachy – Fertilizer Industry Representative
- Brian Campbell – Environmentalist
- Ed Hartman – Livestock (Dairy) Producer Representative
- Dr. Fausto Solis De Los Santos – Feed Industry Representative

Brady also announced that Dr. Sarah Dohle is stepping down from the NMAB due to taking a new job out of state which makes her ineligible to serve. Nominations to fill her role of Academia Faculty in Agronomy will requested from Delaware Valley University.

Comments: There were no public comments or comments from NMAB or AAB members.

April 2022 NMAB Meeting Minutes: Brook Duer, NMAB chairperson, called for a review of the April 2022 NMAB meeting minutes. After review of the minutes, a motion to approve was made by Brain Campbell (NMAB) and second by Chuck Stowe (NMAB). Motion passed unanimously.

The AAB did not have any minutes for action.

Regulatory Revisions: Frank Schneider, Director of the Nutrient and Odor Management Programs with the SCC informed the NMAB that the State Conservation Commission approved at their July 2022 meeting to open the following regulations for revisions:

- Title 25 (DEP)
 - Chapter 83 State Conservation Commission; Subchapter D; Nutrient Management
 - Chapter 83 State Conservation Commission; Subchapter E; Nutrient Management Funding Program – Statement of Policy
- Title 7 (PDA)
 - Chapter 130b; Nutrient Management Certification
 - Chapter 130f; Odor Management Certification
 - Chapter 130e; Commercial Manure Hauler and Broker Certification

Frank gave a brief history of steps taken to opening the regulations and gave a proposed timeline for the revision process. He also outlined the outreach strategy that is planned for the revision process of how the SCC plans to keep various agencies, groups, and other organizations informed and involved. Frank proposed the formation of workgroups to handle the regulatory revisions rather than having the entire NMAB meeting to discuss revisions. An individual workgroup is proposed for the Chapter 83 revisions and each individual Certification revision for a total of four workgroups. Workgroup membership would include SCC staff, DEP staff, NMAB members, AAB members, PA Farm Bureau, Penn Ag Industries, Penn State University, private sector planners, plan reviews, manure haulers and brokers, and DEP/PDA legal staff.

Robb Meinen (NMAB) provided a comment that forming workgroups for this process would be the more efficient route to go with the regulatory revisions. A motion to form workgroups as outline by Frank for the regulatory revision process was provided by Adam Serfass (NMAB) and a second was provided by Chuck Stowe (NMAB). Motion passed unanimously.

A motion to approve the layout and concept of the four different workgroups as well as approve the current appointees to the workgroups and future appointees to the workgroups will be affirmed at a later meeting was made by Chuck Stowe (NMAB) and a second was provided by Adam Serfass (NMAB). Motion passed unanimously.

Frank asked if any NMAB or AAB members wanted to volunteer to serve on a workgroup. Brady Seeley informed Frank that Nate Richard (NMAB) volunteered via chat to serve on the Act 38 regulation revisions workgroup.

HPAI Update: Jennifer Reed-Harry, chairperson of the AAB, introduced Dr. Kevin Brightbill, State Veterinarian at PDA, for a presentation and update regarding the Highly Pathogenic Avian Influenza (HPAI) outbreak in Pennsylvania that occurred in the spring and early summer of 2022. There was a total of 17 control areas and 4.4 million commercial poultry were euthanized to control the HPAI outbreak in Pennsylvania. Dr. Brightbill then went over all the various lessons that were learned during the outbreak which will help PDA's response in the future if outbreaks occur again. Dr. Brightbill and Jennifer Reed-Harry stressed the importance of good biosecurity practices on poultry operations going into the fall, winter, and next spring and stressed that good biosecurity practices should always be present even when risk of HPAI is lower.

Robb Meinen (NMAB) asked for Dr. Brightbill to confirm that only one backyard flock was ever detected to have a non-negative test of HPAI and Dr. Brightbill confirmed that only one backyard flock was detected. Robb also asked what the main source of infection into these facilities appeared to be. Dr. Brightbill explained that for the backyard flock, a dead black vulture was discovered in the duck pen so that is the most likely source of infection for that flock. For some commercial flocks, wild bird introduction into the flocks were most likely sources of infection as well as lateral infection between facilities.

Noxious Weed Law and the process for listing new weeds: Trilby Libhart, Botany Weed Specialist with PDA, gave a presentation regarding the Controlled Plant and Noxious Weed Law and the process for listing new noxious weeds. Trilby explained exactly what noxious weeds are and the concerns they cause in our environment. Trilby provided an overview and history of the Controlled Plant and Noxious Weed Program. It originally began as the Noxious Weed Act of 1862 and has since evolved into the Controlled Plant and Noxious Weed Act signed into law on October 30, 2017. There are currently 48 plants listed as controlled or noxious.

Christopher Uhland (AAB) asked about commercial cultivars listed and the grace period associated with them. Trilby explained that the grace period allows nurseries or suppliers to sell their current stock but prohibits them from producing or acquiring new plants.

Donna Faulk (NMAB) asked if there are NRCS programs that help to control noxious weeds on farms. Trilby explained that there are no programs within PDA to help farmers control noxious weeds and Tim Peters with NRCS will follow up with Donna to address this question.

2023 PAG-12 update: Kate Bresaw, Environmental Group Manager in the Chesapeake Bay Office with DEP, provided an update with the PAG-12. Kate provided the accomplishments to date, went over the project timeline, summary of the comments received, and proposed changes in the pre-draft of the PAG-12.

Evin Fitzpatrick of Country View Family Farms asked if the NOI timeframe being extended in this new draft is because of historic volume of NOIs being submitted and received. Kate confirmed that is the reasoning for the NOI timeframe being extended.

Jennifer Reed-Harry provided an additional opportunity for comment prior to adjournment of the meeting. Frank Schneider (SCC) provided a comment to give a brief update of the Agricultural Conservation Assistance Program (ACAP) that was included in the newly passed state budget. The State Conservation Commission was given \$154 million to implement the ACAP program and an additional \$22 million in the Nutrient Management Fund. Work is currently being done to develop policies and guidelines for the ACAP program and an update will be provided at the October NMAB meeting.

Robb Meinen (NMAB) asked the boards to recognize Jerry Martin of Penn State Extension, who is retiring in August, for all of his work in various programs, specifically the Nutrient Management Program and Manure Hauler and Broker Program.

Written Reports: No written reports were provided to the NMAB or AAB.

A motion was made to adjourn the meeting by Matt Matter (AAB) and second by Dr. Charlie White. Motion passed unanimously and meeting was adjourned.

The next NMAB meeting is October 20, 2022 at 1:00 PM at PDA, Room 309 and a virtual option will be provided.

The next AAB meeting is October 20, 2022 at 9:00 AM at DEP South-Central Regional Office, Susquehanna Conference Room B and a virtual option will be provided.