



PA Ag. Ombudsman Program

BUILDING BRIDGES

Farmer*Municipalities*Citizens

www.paagombudsman.com

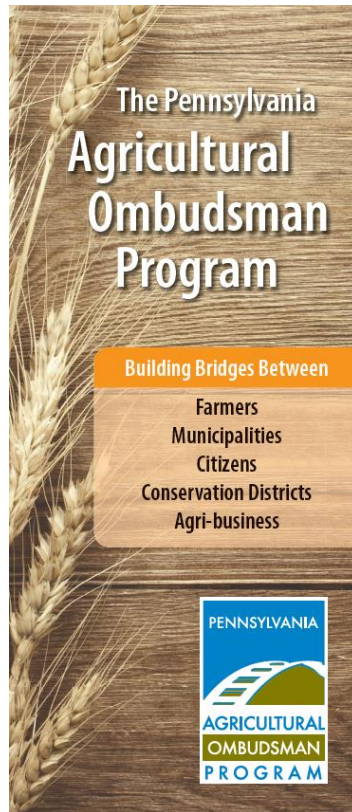
PA Ag. Ombudsman Program



- Shelly– Lancaster County Conservation District (eastern PA)
- Beth– Blair County Conservation District (western PA)
 - Public relations
 - Education
 - Conflict Management related to agriculture

Our Services and Approach

- 1- Facilitate and moderate discussions between farmers, neighbors, and municipalities in contentious situations.
- 2- Serve as neutral mediators, providing a platform for open dialogue and constructive communication.
- 3- Offer education and outreach through presentations, brochures, videos, and our website.
- 4- Act as impartial facilitators but refrain from speaking on behalf of individuals (we are not attorneys).



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Assist Conservation Districts

- Accompany staff during farm complaint visits.
- Facilitate connections between staff and technical resources including:
 - Penn State Extension
 - Pennsylvania Department of Agriculture (PDA)



Assist Local Government

- Provide guidance on Right to Farm & ACRE laws
- Review and offer feedback on existing ordinances

PA Right to Farm Act

- Protects agricultural operations from nuisance lawsuits if they follow standard farming practices.
- Applies to operations that:
 - Are at least 10 acres in size, OR
 - Generate an annual gross income of \$10,000 or more.



PA Right to Farm Act

The Right to Farm Act does not protect farming operations that:

- Pose a direct threat to public health and safety.
- Have been in operation for less than one year.
- Violate state or federal laws.
- Cause water pollution, including violations of the PA Clean Streams Law



PA Right to Farm Act Limitations

- Only provides protection against nuisance ordinance.
- Lacks adequate remedy for farmers to address unlawful ordinances enacted by the municipality

PA Act 38 - ACRE

- **Agriculture, Communities & Rural Environments Act (ACRE)**
- **Purpose:** Ensures municipalities cannot regulate normal agricultural activities more strictly than state regulations.
- **Farmer's Rights:**
 - Farmers can challenge illegal ordinances by submitting them to the State Attorney General's Office.
- **Attorney General's Role:**
 - Reviews the ordinance to determine if ACRE law is violated.
 - Contacts the municipality to request revisions if deemed illegal.
 - Covers legal costs if the ordinance is challenged in court.

PA Act 38 - ACRE

ACRE Law in Action:

- **Submit Ordinance for Review:** Farmers can submit the ordinance in question to the Pennsylvania Attorney General's Office for evaluation.
- **Attorney General's Response:** If the ordinance is accepted, the Attorney General's Office will contact the municipality to resolve the issue and ensure the ordinance complies with state law.
- **Find Accepted/Rejected Ordinances:** Visit the Attorney General's website to view examples of accepted and rejected ordinances.

<https://www.attorneygeneral.gov/resources/acre/>

Develop
Educational
Material
&
Host Workshops

- **Focus Areas of Education:**

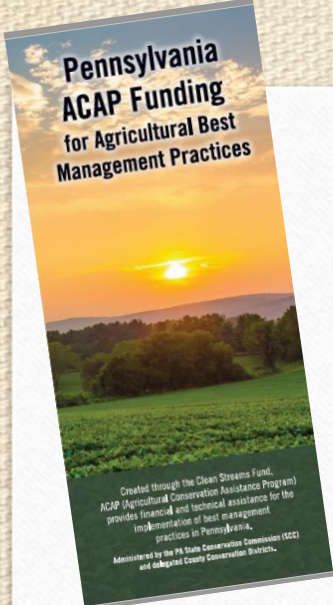
- **Manure Management:** Best practices for storage, handling, and application to prevent pollution.

- **Nutrient Management:** Efficient use of fertilizers to enhance crop yields and protect water quality.

- **Odor Management:** Mitigation strategies to address and reduce odor impacts on communities.

- **Agricultural Erosion Control:** Methods to prevent soil erosion and safeguard farmland sustainability.

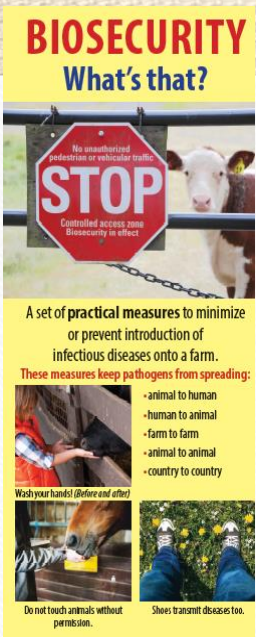
Pennsylvania ACAP Funding for Agricultural Best Management Practices



Created through the Clean Streams Fund, ACAP (Agricultural Conservation Assistance Program) provides financial and technical assistance for the implementation of best management practices in Pennsylvania.

Administered by the PA State Conservation Commission (SCC) and designated County Conservation Districts.

BIOSECURITY What's that?



A set of practical measures to minimize or prevent introduction of infectious diseases onto a farm.

These measures keep pathogens from spreading:

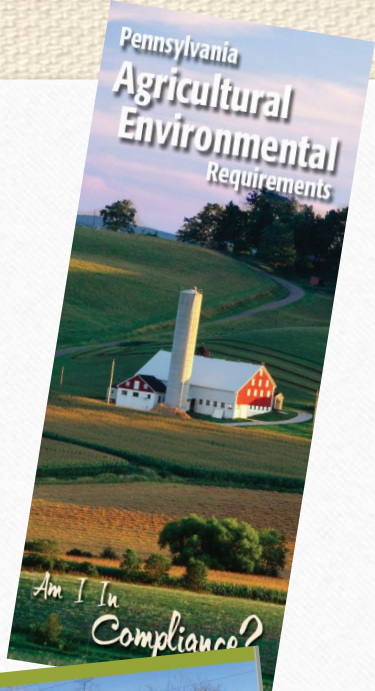
- animal to human
- human to animal
- farm to farm
- animal to animal
- country to country

Wash your hands! (before and after)

Do not touch animals without permission.

Shoes transmit diseases too.

Pennsylvania Agricultural Environmental Requirements



Am I In Compliance?

PA's Manure Haulers and Brokers are Key!



Helping Farmers Meet Their Manure Handling Requirements

The Time is Now



Pennsylvania's Agricultural Compliance Action Plan

Issued 2017

The Basics of Agricultural Erosion and Sedimentation Requirements



Areas lacking vegetation must be added.

Additions and changes to long-standing PA Chapter 102 regulations addressing Ag Erosion and Sediment (EAS) Control and Stormwater Management took effect on November 19, 2010.

All farms are required to develop and implement a written plan to reduce erosion when plowing and tilling (includes no-till cropping).

Chapter 102, since 1972, always stated plowing and tilling needed a conservation plan; now Animal Heavy Use Areas (AHUAs) also must be covered by a conservation plan or Ag EAS plan.

AHUs are defined as "stallyard, feedlot, loading areas, exercise lot or other similar areas on agricultural operations where due to the concentration of animals it is not possible to establish and maintain vegetative cover of a density capable of minimizing accelerated erosion and sedimentation by usual planting methods."

A farmer must prevent pollution to a water body from AHUA runoff.

The written plan must address Animal Heavy Use Areas (AHUA).

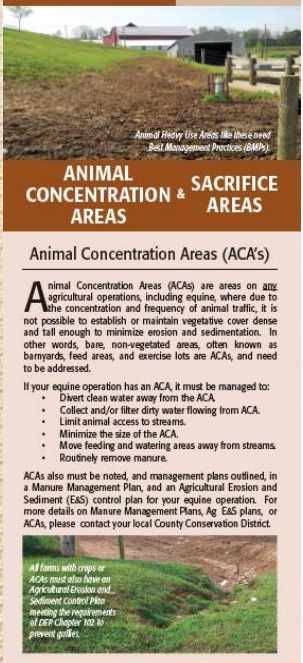
Areas within 100 feet of a stream must maintain a minimum of 25% plant cover or crop residue or additional Best Management Practices (BMPs) will be required.

Fencing livestock out of streams is good for livestock health and good for local stream water quality. Streambank fencing is not required for pastures, but using fencing as a BMP is an option to meet some of the regulatory requirements in Ch. 102.

The National Pollution Discharge Elimination System (NPDES) permit for construction activities contains federal and state requirements for earth disturbance activities that disturb 1 acre or more. Activities like plowing and tilling do not require an NPDES permit, but agricultural construction which will disturb 1 acre or more (including a permit). The permit covers runoff created during construction and stormwater management after the construction Plan, as part of the permit. A Post-Construction Stormwater Management Plan is required, along with an EAS Control construction project. Be sure to allow adequate time for completion of all permits when planning a construction project.

Agricultural construction activity affecting 1 acre or more may require a Stormwater Management Plan and an NPDES permit, the same as required for all other construction projects.

ANIMAL CONCENTRATION & SACRIFICE AREAS



Animal Heavy Use Areas (AHUAs) like these need Best Management Practices (BMPs).

Animal Concentration Areas (ACA's)

Animal Concentration Areas (ACAs) are areas on any agricultural operations, including equine, where due to the concentration and frequency of animal traffic, it is not possible to establish or maintain vegetative cover dense and tall enough to minimize erosion and sedimentation. In other words, bare, non-vegetated areas, often known as barnyards, feed areas, and exercise lots are ACAs, and need to be addressed.

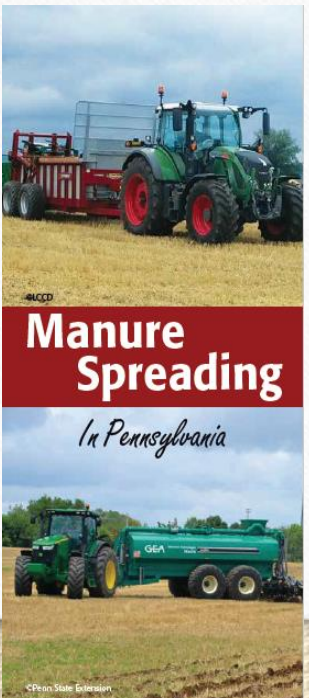
If your equine operation has an ACA, it must be managed to:

- Divert clean water away from the ACA.
- Collect and/or filter dirty water flowing from ACA.
- Limit animal access to streams.
- Minimize the size of the ACA.
- Move feeding and watering areas away from streams.
- Routinely remove manure.

ACAs also must be noted, and management plans outlined, in a Manure Management Plan, and an Agricultural Erosion and Sediment (EAS) control plan for your equine operation. For more details on Manure Management Plans, Ag EAS plans, or ACAs, please contact your local County Conservation District.

All farms with crops or ACAs must also have an Agricultural Erosion and Sediment Control Plan meeting the requirements of Chapter 102 in present order.

Manure Spreading In Pennsylvania



© Penn State Extension

MANURE SPILLS RESPONSE in Pennsylvania



FLY MANAGEMENT IN PENNSYLVANIA

...when spreading manure!



Avoid Transporting and Spreading Unwanted Guests!

GRAZING & PASTURE MANAGEMENT



Grazing

Controlled or rotational grazing of pasture grasses for pennycress cover areas to permanently remain ungrazed for regrowth of grass.

Generally in the Northeast US, for regrowth of grass, 2-3 weeks of good pasture rest is needed for summer feeding purposes.

A good management tool for horse facilities on limited acreage is to provide at least one (all-weather paddock) for low or no-weather paddocks (or low weather paddocks). Known as a sacrifice lot, this area takes the worst wear to preserve grass in the remaining paddocks. This ungrazed sacrifice lot should be located away from water bodies, and should have green vegetation surrounding it to act as a buffer, to catch any runoff water, nutrients and sediments.

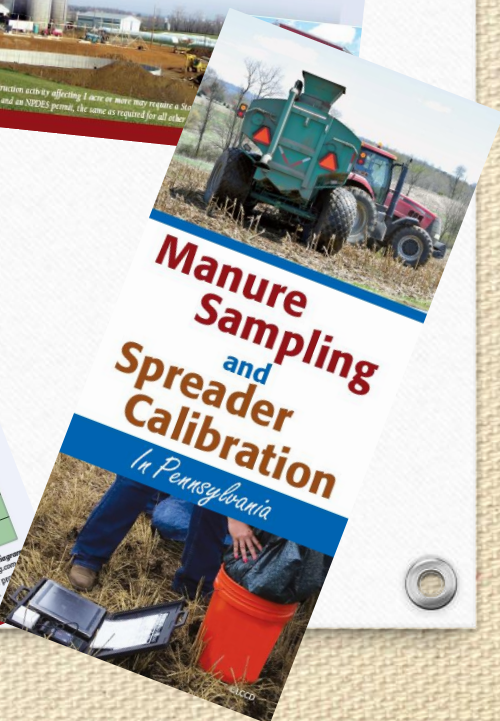
A rotational grazing system is the best way to maximize pasture production and storage production and consumption on limited pasture. A group of paddocks escape. A group of paddocks horses can graze a paddock for a few days, then be moved to a fresh paddock (rotated) to a fresh paddock.

Rotational Grazing (not to scale)

- Consider possible fencing for rotational grazing can be moved as required.
- Allow for easy access to all paddocks at all times.
- Gates each paddock for a short time. Move horses to next paddock.
- This gives each paddock a time to recover and re-grow.
- The holding and sacrifice area can be used in wet weather to prevent pasture or used to hand feed & pastures become overgrazed.



Manure Sampling and Spreader Calibration In Pennsylvania



© Penn State Extension

MISSION of Education:

- Empower farmers to understand and comply with agricultural regulations.
- Assist CD staff with farmer outreach and provide resources for educational programs.





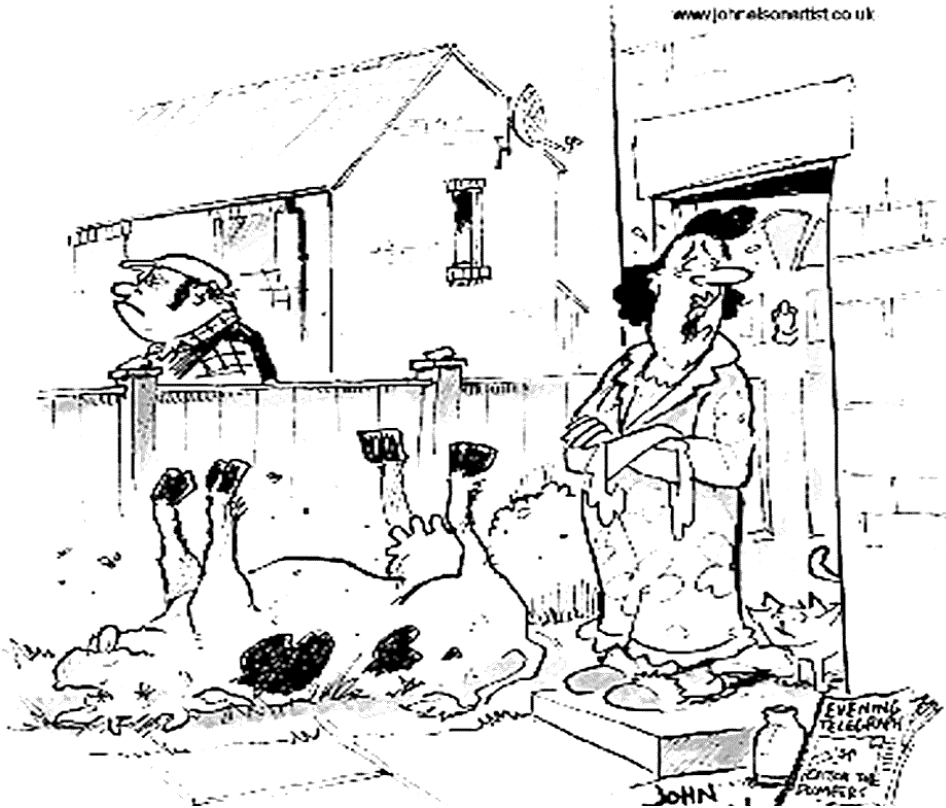
Conflict Management

We run middleman ground. We give people a place to vent. It can be conflicts between farmer/farmer: farmer/neighbor(s): farmer/municipality.

We don't have enforcement authority. We aim for civil dialogue and keeping communications going.

We often contact the respective Conservation District where the conflict is, for "local flavor" since we don't know all situations in all counties.

Bert.... remember you dumped your old car in that farmer's field?



Conflict Management

Steps to resolve conflict:

- During a farm visit– check manure management & E/S plans.
- Assure neighbors or municipalities the farmer is abiding by State Regulations.
- Educate neighbors and municipalities about farmer's rights to farm.
- Discuss mutual respect with both farmer and neighbor.



Conflict Management

Typical ag-related complaints include:

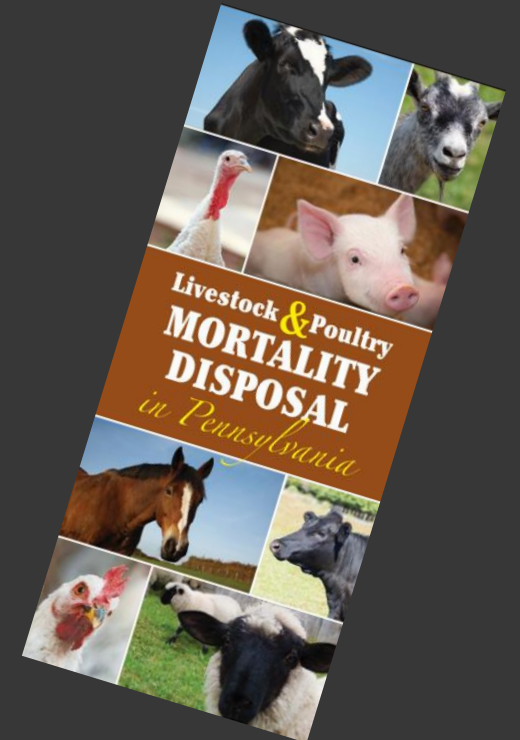
- Manure and Odor– Contact CD to assist
- Deadstock– Gather information about the complaint and refer to PDA
- Flies– Coordinate fly complaint response, make farm/neighbor visits, partner with PSU Extension

Conflict Management Issues

Deadstock

We go to Pennsylvania's Regulation for Livestock Mortality Management- PA Domestic Animal Law

- Handled by PA Department of Agriculture
- A dead farm animal must be removed within 48 hours
- Legal Options:
 - Rendering
 - Incineration
 - Burial (including licensed landfills)
 - Composting





Composting

- We work with PDA and Penn State Extension to host composting workshops
- Inexpensive
- When done properly – a good environmental choice
- Convenient, especially when the ground is frozen
- After 6 – 12 months the farmer has a nice product for nutrients and soil improvement

Fly Complaints

- Flies can travel over one mile from a manure source to nearby residential areas.
- This can cause an unacceptable number of flies invading family picnics, entering homes, and leaving dirty black spots on neighbors' houses.
- There are no State Regulations regarding fly control.



Conflict Management Issues

We coordinate fly complaint response in PA.

- Municipalities, PADEP, Neighbors, and Conservation Districts call us.
- We take the information and log in the complaint.
- We evaluate the severity
 - Is there a lot of flies or is this a neighbor dispute??
 - This information goes to our fly experts at Penn State Extension
- We explain the life cycle of flies to the caller and provide options for them to kill and minimize fly numbers
- We talk to the farmer to gather their manure management information. We also ask about unusually wet areas or leaks around the barn
- We use Penn State University and Penn State Extension for technical response and provide follow-up advice to the farmer
- Any on-going and long-term issues requires a visit from us and/or Penn State Extension
- We basically give people a place to vent, and to help them feel like there is light at the end of the tunnel.



Conflict Management Resolutions

The PA Ag Ombudsman Program offers training to farmers on good neighbor relations.

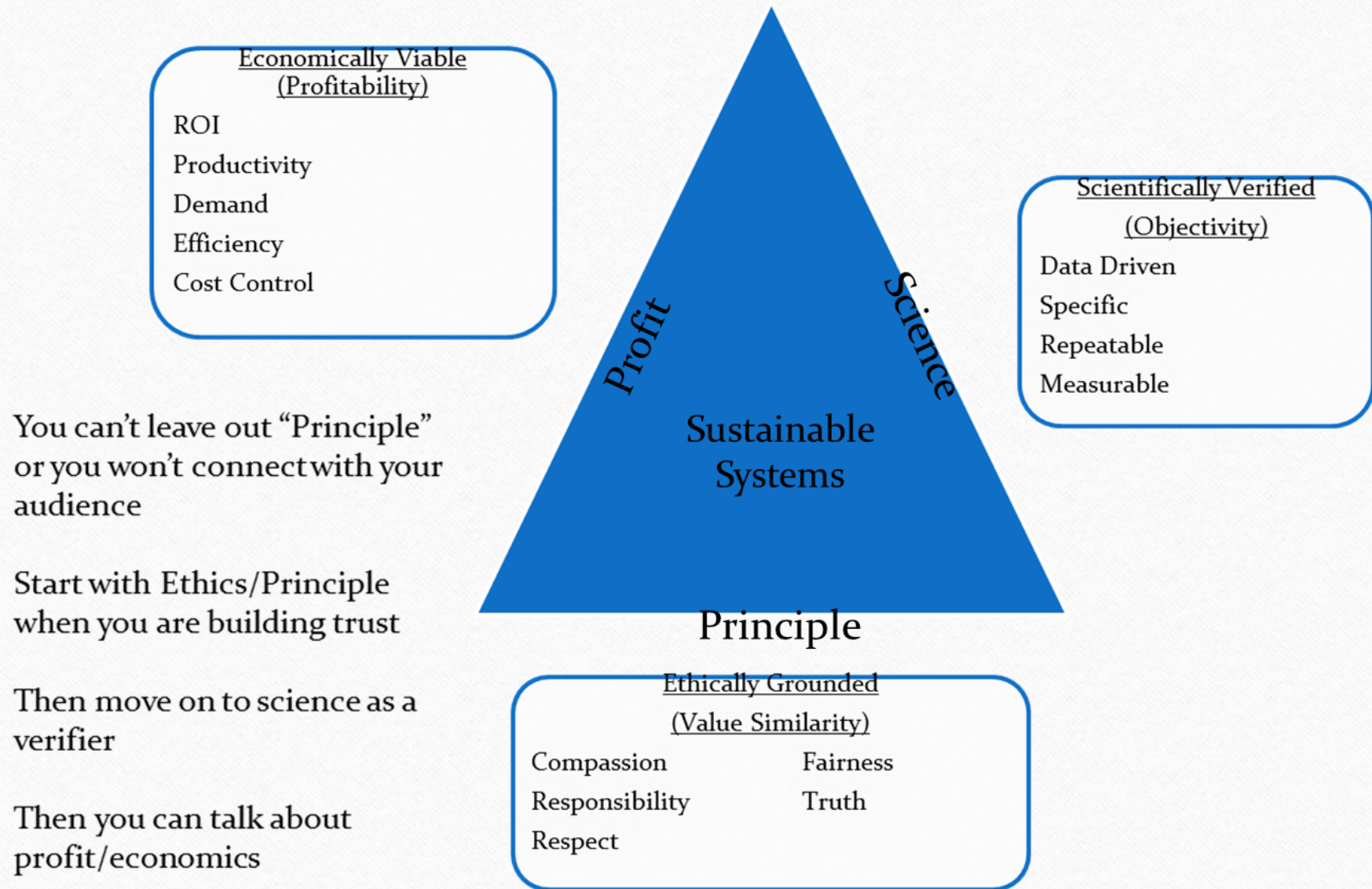
Some main points we stress to farmers:

- We will never gain the trust of the more radical people of groups.
- We must instead, work to gain the trust of the reasonable majority around us.
- The majority around us are our neighbors. They tend to be those we touch through our daily lives and socialization.

Conflict Management Resolutions

How we Build Trust Between Neighbor and Farmer?

- Confidence – We can usually determine farmer and neighbor's values are similar
 - Responsibility to care for family and self
 - Personal liberty
 - Work
 - Spirituality
 - Honesty/Integrity
 - Fairness/Equality
- Competence – WE depend on the CD to make sure the farmer uses best practices, is in compliance with ag regulations, has appropriate certifications, and does continued education.
- We ensure the neighbor that the farmer is following all regulations needed.
- They don't care how much you know until they know how much you care!





PA Ag. Ombudsman Program

Thank you.

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