

ROBERT E. WALLS
STATE REPRESENTATIVE
Thirty – Third District



HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

COMMITTEES
Agriculture, Chair
Education
Energy
Health & Human Development
Natural Resources
Transportation, Land Use &
Infrastructure

Agriculture Committee
Meeting Minutes
June 2, 2010

Chairman Walls called the meeting to order at 4:34pm. Members present included Representatives Outten, Atkins and Thornburg. For a list of guests, please see attached.

After calling the meeting to order, Chairman Walls brought up **HB 402 AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF AGRICULTURE**, and explained the bill changed the time period for seed testing.

Rep. Atkins motioned to release the bill from committee; Rep. Outten seconded the motion. The bill was released from committee on a vote of 4-0-0.

Next, Chairman Walls brought up **HB 403 AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF AGRICULTURE**, and explained that the bill created a 30-day hearing period for the Department of Agriculture.

Rep. Atkins motioned to release the bill from committee; Rep. Outten seconded the motion. The bill was released from committee on a vote of 4-0-0.

Next, Chairman Walls brought up **HB 404 AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF AGRICULTURE**, and explained that the bill removes outdated pieces of the Delaware Code.

Rep. Atkins motioned to release the bill from committee; Rep. Outten seconded the motion. The bill was released from committee on a vote of 4-0-0.

Next, Chairman Walls brought up **HB 405 AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF AGRICULTURE**, and explained that the bill the changes the licensure and certification procedures for nurseries.

Rep. Atkins motioned to release the bill from committee; Rep. Outten seconded the motion. The bill was released from committee on a vote of 4-0-0.

Next, Chairman Walls brought up **HB 406 AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF AGRICULTURE**, and explained the bill eliminates needless references within the Delaware Code.

Rep. Atkins motioned to release the bill from committee; Rep. Outten seconded the motion. The bill was released from committee on a vote of 4-0-0.

Next, Chairman Walls brought up **HB 407 AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF AGRICULTURE**, and explained that the bill extends regulation of honey bees to all bees.

Rep. Atkins motioned to release the bill from committee; Rep. Outten seconded the motion. The bill was released from committee on a vote of 4-0-0.

Next, Chairman Walls opened up the floor for discussion on the upcoming CAFO regulations and recognized Bill Vanderwende, the chairman of the Delaware Nutrient Management Commission. Mr. Vanderwende explained that the commission has worked with the EPA for the better part of the last two years and that a number of concessions have been made for the betterment of the state of Delaware. Mr. Vanderwende also explained that the commission is in the process of closing out discussion with the EPA to create a finished product.

Chairman Walls asked about the upcoming deadlines. Ed Kee, Secretary of Agriculture, responded that the nutrient management commission will review on June 15 and vote on a set of regulations. Secretary. Kee explained that all of July will be a month of public hearing with a special session on July 20. David Baker, the vice chairman of the Delaware Nutrient Management Commission, also explained that although there are tight timelines, the NMC is extremely interested in working with the public in what time is left.

Chairman Walls then asked about the issues with the zero runoff provision in the regulations. Jennifer Walls of the Delaware Department of Natural Resources and Environmental Control explained that best management practices will mitigate runoff and that there is a zero runoff production area for large CAFOs. In addition, Mr. Baker and Mr. Vanderwende explained some of the concessions that have been made by the EPA throughout negotiation.

Secretary Kee then went more into depth about the timeline for the passage of the CAFO regulations. Secretary Kee explained that all CAFO permits in Delaware will expire on September 11 and without a CAFO regulation solution in place, farmers will be liable in lawsuits and will fall under the federal regulation by way of the EPA.

Chairman Walls then opened the floor to comments and questions from the public and recognized Keith Johnson, a Delaware farmer. Mr. Johnson explained the history of the effect that CAFO regulations and the EPA has had upon his business. In addition, Mr. Johnson explained that he will have to downsize his operation to comply with regulations and that added expenses from the regulations as well as the zero runoff laws will pose problems for his farm.

Chairman Walls then recognized Ted Babola, who explained that cover crop initiative will be extremely expensive in his line of farming. In addition, Mr. Babola explained that future pest and no-till farming initiatives could have a large effect upon the expenses of his farm.

Chairman Walls then recognized New Castle Councilman Bill Powers, who is also a Delaware farmer, who explained how CAFO regulations have had a large effect upon other states' agriculture. Councilman Powers also explained that this will require a large scale investment and could possible hurt future generations.

Chairman Walls then recognized Ed Justice of the Delaware Farm Bureau. Mr. Justice cited a settlement in New Orleans that instructed the EPA to make guidelines on how to implement these regulations and stressed the fact that more time is needed to discuss these regulations due to their importance. Mr. Baker responded that the NMC has no power over the EPA and that Delaware is in a unique position in having the ability to actually enter into negotiations with the EPA to find some compromises with regard to the CAFO regulations.

Rep. Thornburg then explained that it is extremely important to educate the Delaware agriculture community to changes that have been made in the CAFO regulations and that it is important to continue with the public hearing process. Rep. Thornburg also asked for specifics on the timeline of public hearing. Secretary Kee responded that the public hearing period is scheduled for all of July and explained that the settlement referenced by Mr. Justice doesn't give Delaware additional time. Secretary Kee explained that these regulations will provide protection for the Delaware farming community from lawsuits and further federal regulation. Secretary Kee also explained that in his opinion Delaware has the best CAFO regulations to date and that this has been possible due to the hard work of all those involved and compromises that have been made through negotiation.

Chairman Walls asked if these regulations were set in stone once they have been passed. Secretary Kee responded that no the regulations are not set in stone. Chairman Walls responded that if regulations are not on the books by September 11, the EPA will send down regulations without any regard for concerns of the state.

Rep. Thornburg asked if all of the changes would be available online. Secretary Kee responded that everything will be posted online including all changes to the revised document.

Rep. Thornburg thanked Chairman Walls for holding the meeting to air concerns with the upcoming CAFO regulations. Chairman Walls thanked all of the citizens for coming and voicing their concerns.

Chairman Walls adjourned the committee meeting at 5:54pm.

Respectfully Submitted,

Christopher Lang