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deferred by two years.

What is unclear and could cause some legal problems from those rejected from getting an extension on compliance, is that the term isn't clearcut, from a legal view, as to how the commission would determine what is a "substantial" expense.

That issue was considered still open for discussion with the Attorney General's office. It was expressed that perhaps that concern from the Attorney General could be worked out without causing any changes to the regulations.

Any changes to regulations during the approval process requires those changed regulations to be resubmitted through the approval system. As a result, delays in finalizing regulations could scuttle plans to get public educational programs offered during critical months.

What was cause for most unresolved discussion during Wednesday's board meeting was a request to alter another set of regulations involving the Nutrient Management Act.

According to the Act, the Department of Agriculture was to promulgate regulations in order to certify nutrient management specialists.

The PDA was given that responsibility, since, in opinions expressed by the authors of the Act, the PDA has already been certifying pesticide applicators it should be able to create and administer a similar certification system for nutrient management.

Work on those regulations was done by PDA in consultation of the advisory board and its subcommittee. The board then recommended them for approval to the SCC.

However, advisory board member William Brubaker on Wednesday requested that the board now consider recommending a change to those proposed regulations.

Brubaker is involved in crop consulting and has been involved in the formation and continuation of a commercial industry program that tests and certifies crop consultants.

As a board member, Brubaker recommended that those receiving a certificate as a recognized crop consultant be given pre-certification status for nutrient management. That entitled those people to get special attention from the state and receive training and information that could advance them toward full certification as a nutrient management specialist.

The pre-certification — meaningless except for receiving educational efforts from the state — was used to expedite the creation of a sufficient cadre of qualified and trained specialists so that those farms required to have nutrient management plans can have the planning service when it is needed.

Also, it was the consensus of the board that the educational and training process should not have to wait until the certification regulations were finalized.

While none of that has changed, Brubaker's recommendation to the board was to do something extra in order to prevent public employees — namely conservation district employees who, as it stands, could be qualified to write and review nutrient management plans — from offering free planning services.

The majority of board members held silent or balked at Brubaker's requests to alter the regulations so that only commercially certified nutrient management specialists could write plans.

The Nutrient Management Act is specific in that it calls for in the creation of a certification program for commercial, public and private planners.

In the regulations already recommended by the board, the three categories are separate in what is required in fees. Commercial and public specialist share almost equally in the amount of proven expertise required, though a public specialist would be required to show competency to review a plan.

However, the certification fee for a commercial planner is proposed as \$100 every three years, while the public planner would be

charged \$10 every three years. (That's a paperwork payment, since it would be the government's collected tax money being used to pay the government for certification of a public employee.)

While Brubaker specifically made a motion before the board for the word "develops" to be dropped from the definition of a public nutrient management specialist, the intent as he expressed it, was to "level the playing field."

He recommended that the conservation district be required to pay the same commercial fee, or that they be required to test and certify separately as a commercial planner.

He told the board that without some measure to ensure that the private sector would be able to get enough income from completing the training and certification process, that the board risked not having sufficient planners.

He also suggested that those board members employed by nonprofit organizations didn't understand his position because they "weren't in private industry."

The way Brubaker suggested the board deal with the issue was to prevent all public employees from performing free planning services, even though qualified and even if they would have time to actually do it for free.

Despite a series of proposals from the conservation districts that outlined that the districts would consider free planning as a lowest priority and that the districts would require people to seek out the private sector, and that the districts would provide lists of names and phone numbers of commercial

planners to farmers needing the work done, Brubaker called on the board to do something to ensure that the private sector be able to make some money or else they would not be around to help administer the program.

Though more than an hour past the scheduled meeting end, five of eight board members voted to approve Brubaker's request. However, that was insufficient to carry the motion, since the bylaws require a two-thirds majority of the board to pass such a measure, not just approval from a simple majority of a quorum.

Early in the development of the regulations, Brubaker voiced similar concern that unless the regulations were written so as to ensure

that public service could not compete with commercial service, that the private sector would not invest its people, money or time.

However, for those areas of the state that private business does not now serve because of low customer density, most board members and advisors expressed concern that if the regulations did reflect Brubaker's request then some farmers would be without planning services.

In other business, the board spent the majority of the morning reviewing its strategy for holding public meetings on the Nutrient Management Act and what it means.

The board is to meet again Dec. 20, at a place to be determined.

Ag Secretary Appoints Food Safety Director

HARRISBURG (Dauphin Co.)—Agriculture Secretary Charles C. Brosius has announced that Leroy C. Corbin Jr. has been appointed director of the Bureau of Food Safety and Laboratory Services.

"Leroy Corbin has protected the interests of Pennsylvania's farmers and consumers for many years," Brosius said. "We are delighted to have an individual with his ability and commitment serve in this important position."

Corbin, a York County resident, has been employed by the department for 25 years.

After being hired as a food inspector in 1969, Corbin was promoted to regional supervising food inspector in 1971, and then to

chief of the Division of Food Control in 1976.

In 1987, Corbin was named director of the Bureau of Foods and Chemistry, which was renamed to the Bureau of Food Safety and Laboratory Services last year. Corbin was appointed acting director of the bureau earlier this year.

Prior to his employment with the department, Corbin was a food inspector for the United States Air Force. He has taken a number of educational courses dealing with the food industry and is affiliated with the Association of Food and Drug Officials, the Central Atlantic States Association of Food and Drug Officials and the Susquehanna Association of Food and Drug Officials.



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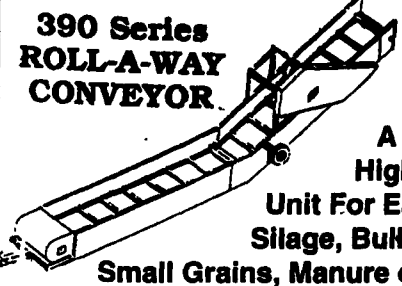
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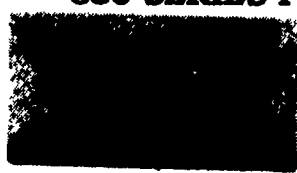


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