



**Testimony of State Senator Mike Brubaker (PA), Chairman
Chesapeake Bay Commission
Before the Subcommittee on Conservation, Energy and Forestry
U.S. House Agriculture Committee
November 3, 2011**

Good morning, Chairman Thompson, Ranking Member Holden, and members of the Subcommittee. Thank you for the opportunity to present my testimony before you today.

My name is Mike Brubaker. I am an agronomist by training, and after serving as CEO of private agricultural consulting firms, I now serve as a Pennsylvania State Senator, representing the 36th Senatorial District covering parts of Chester and Lancaster counties. I am also honored to serve this year as Chairman of the Chesapeake Bay Commission, a tri-state legislative commission representing the General Assemblies of Pennsylvania, Maryland and Virginia, on matters of Bay-wide concern. Individually, the members of the Commission represent distinct areas of the watershed and bring an intimate knowledge of the local residents and their social, economic and environmental challenges. Collectively, the 21 members share the perspective of the full watershed and provide the least parochial and most comprehensive outlook among the leaders of the Bay Program.

The Commission is now in its 31st year; it is important to note that its establishment pre-dates that of the Chesapeake Bay Program, of which we are a member. This history demonstrates the commitment that state government and state legislators, in particular, have to the restoration of this National Treasure.

Our members are not term-limited, and we have a mix of new members as well as members who have served for more than two decades. Consequently, the Commission has witnessed first-hand the evolution of the Bay restoration effort, from the first gathering of a few concerned state legislators, to the current effort which is heavily influenced by an ambitious Total Maximum Daily Load (TMDL).

I have been asked by this Sub-Committee to review the implementation of Phase II of the Chesapeake Bay TMDL Watershed Implementation plans and its impact on rural communities. That impact will be felt by all sectors, and we need to achieve reductions from all sectors, if our water quality goals are to be met. However, because the jurisdiction of this subcommittee relates to agriculture, I have chosen to focus my remarks primarily on agricultural implementation.

To begin with, while ambitious, our water quality goals, and the level of activity needed to meet them, are necessary if we are to achieve clean water in the Chesapeake Bay and the rivers and streams that feed it. Clean rivers and streams as well as a clean Chesapeake Bay are not only important environmental goals, but also important economic goals. Whether it be fly fishing in the cool streams of

Pennsylvania or cruising down the Bay on a summer evening, clean rivers and a clean Chesapeake supports critical economic, recreational, environmental, and aesthetic elements of our lives.

The question is: how can we best support and promote clean water in a time of challenging budgets and a struggling economy? In answer, I offer four recommendations:

1. Innovation

Innovation is needed not only in the technology and practices used to achieve nutrient and sediment reductions, but also in the ways that we fund the implementation of those practices.

To date, innovation has provided some of the greatest strides in nutrient and sediment reduction to date. The phosphate detergent bans that replaced the phosphorus in home laundry and dishwashing detergents with a less-polluting surfactant; and “phytase,” a feed additive for poultry which reduced both the phosphorus in the manure and the cost of feed to the farmers are both examples of gains made through innovation.

Emerging technologies continue to offer new promise. Farmers are increasingly implementing precision agriculture techniques, which improve the nutrient efficiency of both livestock growth and cropping systems. These practices produce benefits for both the environment and the farmer’s bottom line – benefits that could help to redefine the sustainability of agriculture. For example, by combining farmer judgment with GPS technology, operators can now avoid double or even triple seeding when the tractors are turning around. The same is true for fertilizer and pesticide application with the result being a 5-32% savings in the fields. But we currently lack the technical assistance needed to show individual farmers how these and other technologies can be applied on their own farm and thus achieve widespread adoption. Furthermore, we lack a clearly verifiable and transparent mechanism to accurately track implementation of these practices that will allow our farmers to get credit for their improved environmental performance.

On the horizon are advanced manure-to-energy systems that will allow for more efficient recycling of nutrients, thus mitigating the nutrient imbalances that currently exist in the Chesapeake watershed. These systems have the additional benefit of providing a reliable, domestic source of renewable energy. Future technologies can be supported through policies that generally support entrepreneurship, as well as a review process that can quantify credit for nutrient and sediment reductions based on sound science and verification.

In times of thin budgets, we should also look for innovative methods of funding. Instead of programs that focus on one goal, funding priority should be given to projects that aim to achieve multiple goals, such as manure to energy projects which can provide energy independence and water quality benefits while strengthening agricultural sustainability.

Nutrient trading is another example of an innovative funding strategy. Instead of focusing on specific practices or technologies, trading allows the market to reward the most cost-effective strategies. However, as mentioned above, an effective market can only be achieved when the credits can be quantified through a review process based on sound science and verified implementation.

2. Clear, predictable goals based on performance, not prescription

The existing Watershed Implementation Plan (WIP) process established under the Chesapeake Bay TMDL allows states to develop clear actions for attaining necessary pollution reduction goals. It also allows the state to prioritize these specific actions. This is a sound approach, and one that should also extend to implementation at the municipal and farm level. While there should be certain basic standards to be met for compliance, the actual practices required to meet those standards will vary from town to town and farm to farm. Local choice is the key.

Similarly, farmers who voluntarily step forward and “do the right thing,” and then verify the implementation of those practices to achieve necessary WIP pollution reductions, should receive a level of certainty or predictability, for a time certain, that they will not be subject to new or more rigorous standards if the federal government changes its mind about what is the expectation for compliance under the WIP. While our knowledge and understanding of the Bay will change over time, resulting pollution reduction demands should be deliberative and predictable to those already acting in a responsible manner.

A process is currently underway among our state governments to define what a certainty program might look like for the region. While there may be a place for federal action on this matter, we ask that both Congress and EPA consider the outcome of this state-led effort before finalizing any action.

3. Technical Assistance

The key to the success of all implementation is the presence of knowledgeable people – boots on the ground – who make it happen. Local USDA and conservation district staff, and other technical service providers, deliver locally-relevant and science-based information to farmers and other landowners. Regardless of cost-share assistance, the presence of trusted local partners is imperative to success.

While technical assistance funding associated with cost-share through programs such as EQIP and CBWI is important, traditional planning support through the Conservation Technical Assistance budget, and targeted supplemental support such as that provided through the SWAT (strategic watershed action teams) is also critical. Historically, technical assistance funding has not significantly increased, despite an increasing need (see Figure 1).

Additionally, efforts should be made to assure that technical assistance is available throughout the life of a cost-share contract. Although practice contracts can last 3-5 years, technical assistance is funded year-to-year, leaving a project vulnerable to a lack of planning or engineering to see it through.

4. A strong partnership across all levels of government

The current WIP process, which provides a clear federal standard and allows for state flexibility in implementation, is now moving to a new phase where the important role of local partners is being acknowledged and enhanced. However, this process should not result in the responsibility merely being passed down the chain. Each level and branch of government has an important role to play in support of the common goal.

At the local level, planning, coordination and implementation will result in the lasting change we desire, but people are key to making it happen. Both state and Federal governments can support local efforts through financial incentives, technical assistance and providing flexibility. This support can take the form of direct funding or program assistance, or eligibility for enhanced support that could be dependent on the implementation of ordinances or other actions.

At the state level, we have the responsibility to directly engage local governments and other partners to be clear about what must be accomplished. As we explore and evaluate the many ways we can support local efforts, we must consider flexibility that enables cost-efficiency. This approach should be applied broadly to include actions such as the authorization of stormwater authorities, the eligibility criteria for state funding, the establishment of clear statewide standards for pollution reduction, and the development of robust trading programs. The state's role is critical for coordinating our funding programs to leverage their value and achieve multiple benefits.

At the federal level, USDA conservation programs, including technical assistance, remain the single biggest source of support for implementation of non-point source best management practices (BMPs). Nationwide programs such as EQIP (Environmental Quality Incentives Program) and the regional Chesapeake Bay Watershed Initiative (CBWI) have been a critical source of support for our farmers.

Created in the last Farm Bill, through the bi-partisan leadership of the Congress, including key members of this subcommittee, CBWI has uniquely demonstrated the success of targeted conservation. Not only does CBWI target federal money to a region with a significant need for additional conservation, CBWI allows that money to be further targeted to the sub-watersheds and specific BMPs that will achieve the most cost-effective reductions. It is the combination of Technical Assistance with cost share dollars that provides the magic.

Let me take a minute to illustrate just how important this targeted approach has been to the agricultural progress made thus far. The agricultural community has contributed handsomely to achievement of our water quality goals, with the sector more than half way to the goal line, thanks in large part to the funding provided via EQIP and CBWI.

In the USDA Conservation Effects Assessment Project (CEAP) report for Chesapeake Bay, the agency concludes that 810,000 acres of farmland have a high level of need for conservation practices, while a moderate level of need exists on approximately 2.6 million acres. All totaled, to make our water quality goal, NRCS has committed to applying 4 million acres of new conservation by 2025. Translated, this will mean that NRCS must apply conservation practices on a minimum of 270,000 acres each year from 2010-2025. Since 2009, CBWI funds have been used to develop contracts for treating approximately 510,000 acres of working lands and account for 74% of NRCS's annual "acre goal" for 2010 and 2011. EQIP and other conservation support programs round out the difference and provide the foundation for meeting state implementation goals.

If CBWI funding were to be continued in the 2012 Farm Bill at an annual rate of \$50 million baseline, and carried forward from 2013-2025, NRCS could fund approximately 16,250 more contracts to treat about 2.34 million additional acres in priority watersheds. Other financial assistance funds provided via the formula allocations of such programs as EQIP are also spent in priority watersheds. However, CBWI forms the core of the agency's financial assistance in these areas.

These dollars are further leveraged through word of mouth and changing definitions of normal practices within the agricultural community itself. Only a decade ago, farmers practicing no-till were the exception. Today, after targeted outreach efforts about this practice coupled with cost-share assistance, a majority of our crop acres are no-tilled. And, most of these acres have been converted to no-till without direct cost-share.

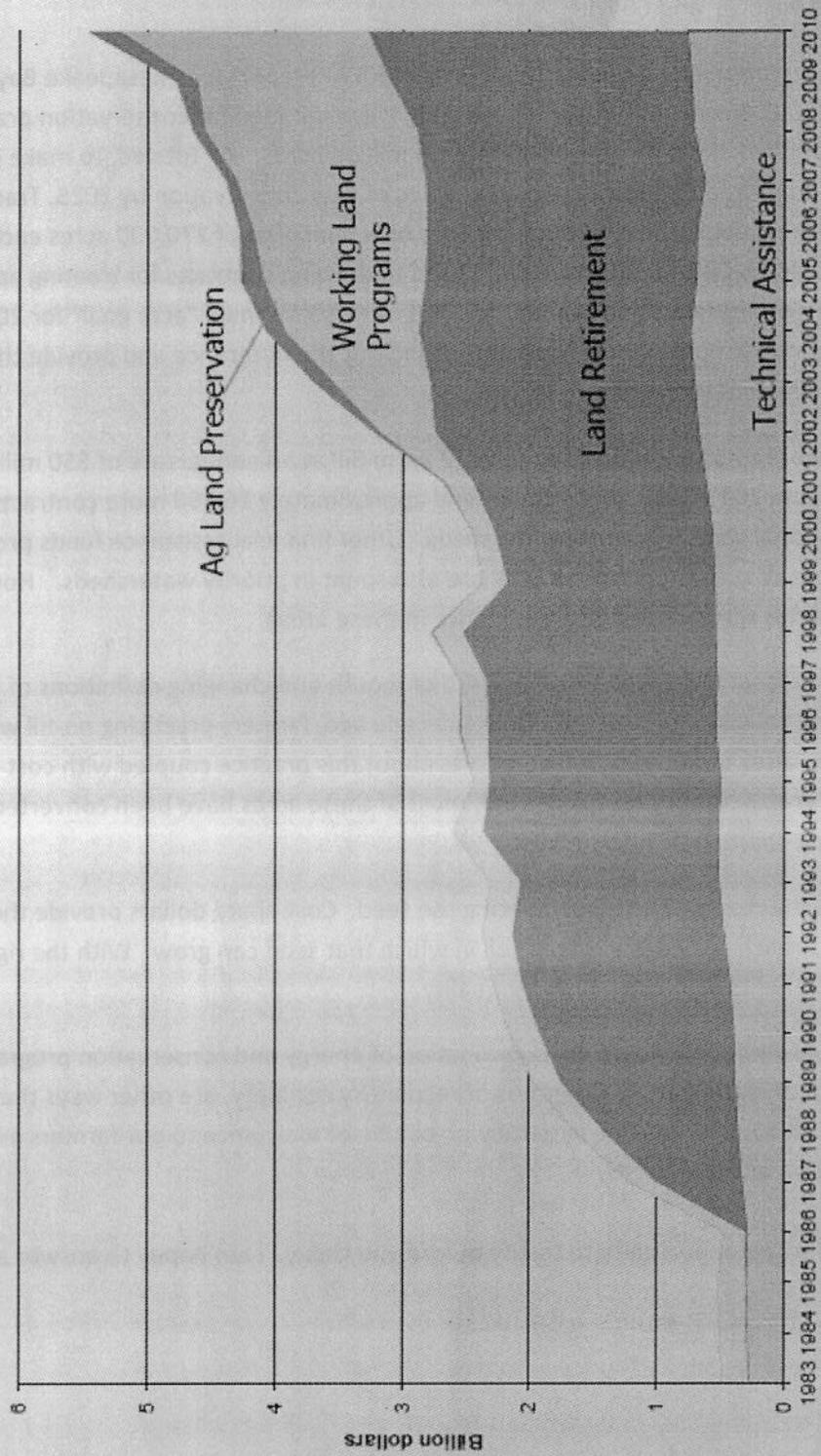
You cannot harvest a crop without first planting the seed. Cost-share dollars provide the seed, technical assistance and outreach provides a robust soil in which that seed can grow. With the right combination, we can reap the benefits of improved water quality.

As stated earlier, promoting innovation, coordination of energy and conservation programs, as well as acknowledgement of state-specific programs of regulatory certainty, are other ways that the federal government, and this Subcommittee in particular, can be of assistance to our farmers and local partners in their conservation efforts.

Thank you again for the opportunity to testify before you today. I am happy to answer any questions you may have.

Figure 1

USDA Conservation Funding 1983-2010



Source: ERS analysis of USDA budget summary data



Chesapeake Bay Commission

Policy for the Bay

Senator Mike Brubaker, Chairman

Senator Mike Brubaker was elected to serve as Chairman of the Chesapeake Bay Commission in 2011, and he was elected Chairman of Pennsylvania's Delegation to the Commission in 2010 and 2011.

Senator Brubaker is currently serving his second four-year term representing Lancaster and Chester County residents in the Pennsylvania Senate. Constituent service is Senator Brubaker's highest priority as a legislator. He holds monthly town hall meetings throughout the district to stay connected with local residents, and he enjoys taking part in a number of community events throughout the region.

Senator Brubaker serves as Chairman of the Senate Finance Committee, which is tasked with reviewing legislation affecting Pennsylvania's tax codes, including any future tax increases or cuts and local, municipal and school tax issues. The Committee also provides oversight over the Department of Revenue, the Pennsylvania Lottery and public pension programs. Senator Brubaker also serves as Vice Chairman of the Senate State Government Committee and a member of the Senate Committees on Agriculture and Rural Affairs, Appropriations, Game and Fisheries and Local Government.

Senator Brubaker served as Chairman of the Senate Agriculture and Rural Affairs Committee from 2007 through 2010. He created and serves as Chairman of the legislative Hunger Caucus and the International Commerce Caucus. He also has authored new laws to protect local consumers from mortgage fraud and help municipalities reduce energy costs to consumers.

Prior to his election to office, Senator Brubaker served as President and CEO of three private companies that offer expertise in agriculture development and engineering. Senator Brubaker is a graduate of Manheim Township High School and a recipient of the Manheim Township High School Distinguished Alumnus award, and he earned a Bachelor of Science degree in Agronomy from West Virginia University. He also completed the Program for Emerging Political Leaders at the University of Virginia Darden School of Business and the PA Rural Leadership Program. He lives in Lancaster County with his wife, Cindy. They have been married for 28 years and have three adult children.

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