

Talking Points
in Opposition to the Rendell Administration’s “ACRE” Initiative
and its’ Agricultural Review Board

Prepared by the Pennsylvania Family Farm Coalition

‘ACRE’ – A Frontal Attack on Local Control

Introduction: On June 7th, the Rendell Administration introduced its “ACRE” (Agriculture, Communities, and Rural Environment) Initiative into the Pennsylvania House as House Bill 1646. The primary sponsor of the Bill is Rep. Art Hershey (R-Chester), and the first sponsor is Pete Daley (D-Fayette). A meeting of the Agriculture Committee, scheduled for June 8th, was cancelled after Rep. Hershey learned that he lacked the votes necessary to refer the Bill to the full House. Both Republicans and Democrats on the Committee oppose the Bill for a variety of reasons – mostly due to the Bill’s attack on local control and the subsidies that the Bill provides to corporate farming operations.

Close to a third of original co-sponsors of the legislation have already pulled their names from this controversial Bill.

Ostensibly, the Initiative was intended to provide additional environmental regulation for large scale livestock operations in the Commonwealth. The Initiative, however, proposes the creation of an “Agricultural Review Board” which would empower a Board of five political appointees to stop the enforcement of – and adoption of – local laws adopted by municipal governments intended to control large-scale and corporate farming operations. The Initiative also seeks to preempt communities from adopting local laws regulating noxious odors emanating from corporate farming operations.

The Pennsylvania Family Farm Coalition, a statewide coalition of family farm organizations, municipal governments, and conservation organizations, is opposing the creation of the Agricultural Review Board. In addition, the Family Farm Coalition is urging legislators to **return “ACRE” to the drawing board** – because key farming, municipal, and conservation organizations were left out of the drafting process. These *Talking Points* provide a summary of the main reasons for legislative opposition to the ACRE Initiative. The Coalition has also prepared an in-depth Briefing Paper, entitled *Corporate Farming, Family Farming, and ACRE’s Agricultural Review Board* for distribution to legislators.

Over a dozen family farm organizations have now announced their opposition to ‘ACRE’. Over fifty other organizations, including the Pennsylvania State Association of Township Supervisors (PSATS), have announced their strong objections to legislation.

Main Reasons to Oppose ACRE’s Agricultural Review Board

1. It would ***enable five political appointees to override*** – and enjoin the adoption of – local laws adopted by democratically elected municipal governments. It is the antithesis of local control and represents a serious threat to democratic decisionmaking by Pennsylvania communities.

2. It would ***guarantee that local laws controlling corporate farming would be overturned*** because three of the five members of the proposed Board have already publicly announced their opposition to local control over corporate factory farming operations.
3. It would ***subsidize a handful of agribusiness corporations*** – which currently control over 70% of most types of agricultural production in the Commonwealth - by enabling those corporations to circumvent the courts by using the Agricultural Review Board to overturn local laws that regulate and control corporate farming operations. That subsidy will continue the elimination of independent family livestock farmers – ***over 3,500 independent family livestock farmers have already been eliminated*** over the past fifteen years.
4. It would enable ***the Executive branch of government to usurp the Judicial branch*** because the Board will be composed of five individuals selected by the Governor, and all disputes must be channeled through the Board for its review prior to the review by any court.
5. It would ***increase the cost to municipal governments to defend local laws*** by forcing municipalities to first participate in an informal hearing, then a formal administrative hearing, and then file an appeal to the Board’s decision in an appellate court. Far from saving any money for municipalities, the process would actually increase the expense of defending local laws.
6. “ACRE” was drafted ***without any input from statewide family farm organizations, conservation groups, or municipal governments*** impacted by the provisions of the proposed legislation.
7. The proposed Agricultural Review Board ***is modeled after a New York law that empowers the New York Department of Agriculture to routinely overturn local laws*** that regulate and control corporate farming. That law has been used extensively over the past decade to overturn laws adopted by rural communities to control and regulate corporate farming.
8. The proposed budget for the ACRE Initiative is ***\$13 million annually*** - monies that could be used to promote and enhance independent family farmers in the Commonwealth, rather than shield agribusiness corporations from local laws. Those monies are being taken from an already diminished Department of Agriculture budget.
9. The real result of the adoption of the ACRE Initiative - and the creation of the Agricultural Review Board - will be to ***“chill” the adoption of laws at the local level necessary to control and regulate corporate farming operations***. That “chilling” effect will result in a continued corporate concentration of agricultural production, with resulting adverse impacts to local control, property values, and quality of life of rural communities.