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HOUSE ENERGY AND COMMERCE COMMITTEE APPROVES FOOD SAFETY ENHANCEMENT ACT OF 2009

by Christine Arena

The U.S. House of Representatives Energy and Commerce Committee unanimously approved the Food Safety Enhancement Act of 2009, H.R. 2749, on June 17. The bill, introduced by Rep. John D. Dingell (D-MI), is a compilation of several recently proposed food safety acts, most notably the Food Safety Modernization Act of 2009, H.R. 875, and the Food and Drug Administration Globalization Act of 2009, H.R. 759. The bill proposes many significant changes that will impact food production facilities worldwide including the introduction of an annual registration fee of \$500 per facility, the issuance of unique identification numbers, and the authorization for the Food and Drug Administration (FDA) to issue mandatory recalls and quarantines of specific geographic areas. In addition, the bill will increase the frequency of food facility inspections. Currently, food facilities are inspected by the FDA only once every ten years on average. The bill also allows for criminal and civil sanctions for violations including up to ten years imprisonment or a \$100,000 fine for an individual. Opponents of the bill find the provisions burdensome and overreaching, and they are concerned about the impact that it will have on small farmers. Another criticism of the bill is that it does not create a new, independent agency to handle food safety. Most meat, poultry and egg products are not covered by the bill and will continue to be regulated by the USDA. The bill is currently pending a vote by the entire House of Representatives. For more information on food safety, visit www.foodsafety.gov.



Photo by Black Star/Michael Falco for FDA

HOUSE OF REPRESENTATIVES PASSES FIRST U.S. CLIMATE CHANGE MITIGATION BILL

by Richard Lupinsky, Jr.

On June 26, 2009, the American Clean Energy and Security Act (ACES), H.R. 2454, passed the U.S. House of Representatives by a 219-212 margin. Sponsored by Rep. Henry Waxman (D - CA) and Rep. Edward Markley (D - MA), ACES establishes a cap and trade system for carbon reduction aiming to slow global warming. ACES passed primarily on party lines with 44 Democrats voting against it and eight Republicans supporting it. ACES does not apply the cap and trade requirements to agricultural producers and provides for a carbon offset program administered by the United States Department of Agriculture. Opponents of the bill, like the American Farm Bureau Federation, argue the bill will drive up overall energy costs, jeopardizing the viability of agricultural producers. Other opponents claim that higher energy costs will shift jobs to countries with less domestic financial constraints on energy and argue that any U.S. reduction in greenhouse gases will be insignificant if developing countries like China and India refuse to cut their own emissions. Some supporters of greenhouse gas reduction such as Rep. Dennis Kucinich (D - OH) also voted against ACES, claiming that it will provide too many subsidies to the coal industry. The bill now heads to the Senate where it likely will require 60 votes to overcome a Republican filibuster. Information on the bill can be found on the [House Committee on Energy and Commerce](http://www.energycommerce.house.gov) Web site at www.energycommerce.house.gov.



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**PENNSYLVANIA HOUSE PASSES BILLS
PROPOSING TO AMEND CLEAN AND
GREEN ROLLEBACK TAXES**

by Joshua Wilkins

The Pennsylvania House of Representatives passed House Bills 984 and 1394 on June 23, 2009, that propose to amend the Farmland and Forest Land Assessment Act of 1974, 72 PA. CONS. STAT. §§ 5490.1-5490.13, also known as Clean and Green (CG). A parcel enrolled in CG is preferentially assessed, lowering the property taxes. If a parcel no longer meets the requirements of CG, rollback taxes can be imposed to collect the tax differential for the prior seven years. As natural gas exploration has increased in Pennsylvania, individual counties have varied in their imposition of rollback taxes. Some counties have calculated the rollback on the entire parcel, while others imposed it only for the portion of the parcel used for natural gas activity. The bills provide for uniform statewide application of rollback taxes, with the rollback assessed only upon the portion of a parcel used for oil and gas operations. The bills provide similar treatment for alternative energy generation and small non-coal surface mining. For more on CG, visit the [Agricultural Law Center's Clean and Green Resource Area](#).

**EUROPEAN COUNCIL ADOPTS
REGULATION REVISING HUMANE
SLAUGHTER REQUIREMENTS**

by Ross Pifer

At a meeting on June 22, 2009, the Council of the European Union reached political agreement on a new regulation addressing the humane treatment of animals prior to slaughter. Effective January 1, 2013, each slaughterhouse in the European Union (EU) must establish and follow a standard operating procedure (SOP) to address animal welfare throughout its facility. Under the new law, each facility must designate an Animal Welfare Officer to be responsible specifically for animal welfare practices. Moreover, all staff who handle animals must receive a certificate of competence regarding animal welfare. In addition to its application to slaughterhouses within EU countries, exporters to the EU must comply with animal welfare standards similar to those in the law. Exemptions are provided in the law for small slaughterhouses as well as for animals killed through hunting, bullfighting, or at an animal shelter. For more information on animal welfare in the EU, visit the [European Commission Animal Welfare Web site](#) at www.ec.europa.eu/food/animal/welfare.

**NATURAL GAS SEVERANCE TAX
APPROVED BY HOUSE
ENVIRONMENT COMMITTEE**

by Robert Jochen

On June 23, 2009, the Pennsylvania House of Representatives Environmental Resources and Energy Committee approved the Natural Gas Severance Tax Act, H.B. 1489. If enacted, the legislation would impose a 5% tax on the gross value at the wellhead as well as 4.7 cents per 1,000 cubic feet of natural gas extracted. Sixty percent of the tax revenue is to be directed to the state's General Fund, and all counties and municipalities in which natural gas is extracted are to receive some portion. Pennsylvania remains the only top-15 gas producing state that does not have a severance tax. The Act's proponents believe that the tax is necessary to protect state residents from costs that could accompany gas drilling, including building new roads and bridges to accommodate equipment. Opponents of the Act argue that a severance tax could drive new gas companies away from Pennsylvania, and that it would produce only a fraction of the projected revenue. For more information on natural gas issues, please visit the [Agricultural Law Center's Natural Gas Exploration Resource Area](#).

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**THE AGRICULTURAL LAW
RESOURCE AND REFERENCE CENTER**

207C Lewis Katz Building
University Park, PA 16802
Phone: 814-865-3723
Fax: 814-863-7274
www.law.psu.edu/aglaw

Center Director

Ross H. Pifer, J.D., LL.M.
Email: rpifer@psu.edu

Research Assistants

Christine Arena
Robert Jochen
Richard Lupinsky, Jr.
Joshua Wilkins

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