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DAIRY CRISIS PROMPTS IMPLEMENTATION OF SHORT-TERM MEASURES IN PENNSYLVANIA, UNITED STATES, AND EUROPEAN UNION

by Ross Pifer

The continued depression of worldwide dairy prices has prompted a number of recent measures by various governmental entities at the state, national, and international levels. Most of the governmental attention within the past month has been focused on short-term measures to assist dairy farmers through the payment of direct price supports and the governmental purchase of excess supply. On October 21, 2009, President Obama signed the 2010 Agriculture Appropriations Act, P.L. No. 111-80, 123 Stat. 2090, which contains \$350 million in support for the dairy industry. Of this sum, \$60 million will be used to purchase dairy products for government food programs, and \$290 million will be used for the direct financial support of dairy farmers. USDA has not yet determined the precise manner in which this direct support will be distributed. In addition to this federal action, on October 23, 2009, the Pennsylvania Milk Marketing Board exercised its authority under the Milk Marketing Law, 31 PA. CONS. STAT. § 700j, to require that prices received by Pennsylvania farmers be increased by fifty cents per hundredweight during the months of November and December. Similarly, in Europe, member states have been authorized to make emergency direct payments of up to €15,000 per producer, and the time period during which surplus dairy products can be purchased for public storage has been extended.



Above: Photo courtesy of Penn State College of Agricultural Sciences.

NEW YORK RELEASES DRAFT ENVIRONMENTAL IMPACT STATEMENT SUPPLEMENT FOR MARCELLUS SHALE NATURAL GAS WELLS

by Robert Jochen

On October 5, 2009, New York State’s Department of Environmental Conservation (DEC) re-released its draft Supplemental Generic Environmental Impact Statement (SGEIS) with regard to Marcellus Shale operations for public review and comment. In New York, a Generic Environmental Impact Statement (GEIS) is utilized to evaluate all wide-reaching activities that may have one or more significant adverse effects on the surrounding environment. The SGEIS is a DEC proposal to address aspects of Marcellus Shale wells that are not covered under the GEIS, including: (1) the amount of water needed in Marcellus well operations, (2) watersheds which may be affected by Marcellus activities, and (3) the duration of drilling activities for multiple horizontal Marcellus wells. Before drilling permits are issued, the draft SGEIS proposes several requirements relating to the composition of the hydraulic fracturing fluids to be used, the identification of public and private water supplies, and the proximity of the proposed well site to water supplies. Prior to drilling, private water wells that may be affected by drilling operations must be tested and the accompanying report must be submitted to the county’s health department. Further, the SGEIS would set out procedures designed to mitigate and reduce noise and visual impacts on the environment. The draft SGEIS will be open for public comment until December 31, 2009. For more information, please visit DEC’s [Draft SGEIS](#) Web page.



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USDA PROPOSES NEW PROGRAM UNDER "KNOW YOUR FARMER, KNOW YOUR FOOD" INITIATIVE

by Christine Arena

On October 20, 2009, USDA's Food Safety and Inspection Service (FSIS) announced proposed regulations for a new voluntary cooperative meat and poultry inspection program. 74 Fed. Reg. 47,648. The regulations are in response to provisions of the Food, Conservation, and Energy Act that allow for such cooperative programs. Pub. L. No. 110-246, 122 Stat. 1651. The program will train state inspectors to comply with federal inspection requirements of the Federal Meat Inspection Act, 21 U.S.C. §§ 601 - 695, and the Poultry Products Inspection Act, 21 U.S.C. §§ 451- 472. In participating states, selected state-inspected facilities with 25 or fewer employees will be able to ship meat and poultry products in interstate commerce. Currently, state-inspected facilities may only ship products intrastate. The program is part of the "Know Your Farmer, Know Your Food" initiative that was introduced by USDA in September to improve economic opportunities for American agriculture. For more information, visit USDA's [Know Your Farmer, Know Your Food](#) Web site at www.usda.gov/knowyourfarmer.

UNITED STATES SEEKS WTO PANEL TO RESOLVE POULTRY TRADE DISPUTE WITH EUROPEAN UNION

by Joshua Wilkins

The United States has filed a formal request for the establishment of a panel with the Dispute Settlement Body of the World Trade Organization (WTO) over a poultry trade dispute. WT/DS389/4 (Oct. 12, 2009). The U.S. seeks a ruling by WTO judges on European measures in place since 1997 that prohibit the importation of poultry processed with pathogen reduction treatments (PRT). In the request, the U.S. notes that it has specifically requested approval of certain PRTs by the European Union (EU), but these were rejected. Various EU agencies have issued reports indicating that there is no scientific basis for banning these PRTs as risks to human health. During the October 23, 2009, meeting of the WTO Dispute Settlement Body, the EU blocked the request for a panel submitted by the U.S. The U.S. may renew the request as soon as the next monthly meeting, which the EU cannot block a second time. This request for a panel follows the earlier request by the U.S. for consultations with the EU on the disputed measures. WT/DS389/1 (Jan. 20, 2009). For more information on this dispute, visit the [WTO Dispute Settlement Body](#) Web site.

PA CLIMATE CHANGE ADVISORY COMMITTEE RECOMMENDS WORK PLANS FOR AGRICULTURE

by Richard Lupinsky Jr.

On October 9, 2009, the Department of Environmental Protection (DEP), working with the state Climate Change Advisory Committee's Agriculture and Forest Subcommittee, has recommended five work plans that would effectuate reductions of greenhouse gases produced by Pennsylvania agriculture. The work plans address a food shed development strategy, next-generation biofuels, management intensive grazing, manure digester implementation support, and regenerative farming practices including soil sequestration from continuous no-till agronomic systems. The agricultural work plans are part of a larger Climate Change Action Plan (CCAP) mandated by the Pennsylvania Climate Change Act of 2008, 71 PA. STAT. §§ 1361.1 - 1361.8. Though not binding, the CCAP may provide the Pennsylvania legislature with a basis for drafting future climate change bills. DEP is scheduled to deliver a final version of the CCAP, inclusive of public comments, to the governor, legislature, and public by December 18, 2009. For more information on the CCAP, visit DEP's [Climate Change Advisory Committee](#) Web site.

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