



Statement of the Onondaga Farm Bureau

**To the House Committee on Oversight and Government Reform
Subcommittee on Regulatory Affairs, Stimulus Oversight
and Government Spending**

“Regulatory Impediments to Job Creation in the Northeast”

**Presented by Nancy Hourigan;
Onondaga County Farm Bureau**

Wednesday, April 20, 2011

Thank you for inviting me to testify before you today. My name is Nancy Hourigan, and I am a member of Onondaga County Farm Bureau and on the Board of Directors for the New York Agricultural Land Trust. [My husband John, son Matt and I farm 8000 acres of land in Onondaga County and operate a dairy farm.](#)

My family and I are proud of our farm, and the time and hard work that we have put into the operation to make it a successful, growing business. Our heritage and our roots are in the community and our farm, and we want to see this business succeed at what is our core mission – producing healthy, local milk for our neighbors and fellow citizens of New York. [We sell to Byrne Dairy so our milk stays local](#)

But the family farm has changed significantly over the years, as we've had to grow in order to keep up with ever increasing regulatory burdens, and a price received for our milk that is at the mercy of global market conditions even though our cost factors are particularly influenced by being in a state like New York - where all businesses face an unreasonably high cost of taxes, energy and labor, and regulatory compliance. While I can and will expand upon some specific topics that are of concern to me, the single biggest point that I want to make at this hearing is that the amount of actual time that I and my family have to spend complying with various federal regulations has escalated to the point where I spend more time in an office, on a computer, and filing paperwork, than I do actually working with the cows, crops, and personnel that it takes to run my farm. Each and every hour I spend filing paperwork to comply with various federal regulations, and each and every new piece of paper I have to put up on my central posting area on the farm has a cost to it that is profound and can never be recouped. The cost is my time, and my husband's time. No amount of cows or crop land added to the farm to ensure our financial stability will enable us to recoup the time that we have to spend filing ever increasing paperwork with various agencies.

I do not believe that each federal Agency that we deal with has a comprehensive understanding of what it is like to try to farm in this environment. I have to meet mandates from the U.S. Department of Labor, (for wage and hour paperwork) the Homeland Security Office (for completion of I-9 forms), the U.S. Department of Agriculture, (for various conservation and sanitation issues) the U.S. Department of Transportation (for DOT truck numbers, hours of service regulations) the Environmental Protection Agency (for nutrient management issues) as well as the various state compliance issues. While President Obama discussed this issue in his State of the Union speech in January, I can tell you that on the farm itself, we have not felt much if any impact from a lessening of governmental regulations and paperwork. Clearly we need to have government engaged in ensuring safety for consumers in the food they purchase,

the roads they travel on, and the environment. However, the current emphasis on simply putting more and more regulations and paperwork on farms and small businesses like mine is, quite simply, out of control. I will never regain the time I have lost, and continue to lose, in making sure that I am complying with everything I have to file with the various federal agencies.

So how can the federal government help New York State family farms like mine? First and foremost, just stop imposing new mandates. Follow the spirit of the Regulatory Review Commission that President Obama discussed and actually implement the recommendations to reduce the amount of time I spend filing paperwork.

Secondly, I would also like to suggest that the federal government ramp up its activity in re-directing farmland protection dollars to New York State. As stated, I serve on the Board of Directors of the New York Agricultural Land Trust. It is clear to me that with the vulnerability of New York's farm land to development, made more acute by the barriers placed on farmers by the cost of complying with regulatory mandates, the existing funds from the United States Department of Agriculture have not been directed to New York as they have to other states, where farmland is not so acutely in danger of being lost to parking lots and housing developments. When farmland is conserved in the local community, not only does the land provide wildlife habitat and improved water quality, it also ensures that a locally produced food supply is secured and a family farm can remain on the land. I would strongly suggest that the formula that drives the allocation of funds to the various states be reviewed, with an eye towards ensuring that farmland that is particularly threatened by development (such as my farm with the proximity to the city of Syracuse, or farm land in Long Island and the Hudson Valley) receives priority.

Thirdly, I would like to discuss one issue with the Environmental Protection Agency that has me extraordinarily concerned because of the precedent setting nature of the Agency's actions. A section of Onondaga County is located within the Chesapeake Bay watershed area. My farm is not located within that watershed but the issue is particularly important to me, as my family is connected to other farm families who are in the watershed, and rely on us to provide cow feed and do custom work planting and harvesting, that allows their farms to prosper and grow. While I am certainly not opposed to improving water quality in the Chesapeake Bay, it strikes me as odd that all of the environmental stewardship practices that I have put in place on my farm (or my neighbors have put on their farms) were not originally recognized in the EPA's overly zealous desire to clean up the Bay by imposing strict regulations on agriculture. On my farm alone, I have spent tens of thousands of dollars to construct a nutrient management storage

facility and am a partner in a community digester, whereby waste from our farm and several other farms, will help generate energy for county facilities.

As a family farmer, I and my neighbors care about the environment that we leave for our children to farm. We are not going to tolerate sloppy behavior, nor are we going to fail to do what is right on our farms to protect the environment, even when such practices are expensive to implement and are not paid for by the consumer dollar. However, the EPA's over-reach on this issue is frightening to me, and to my fellow farmers, as with one single regulation originally proposed in the draft TMDL the EPA was willing to sacrifice over 900 farms in the Chesapeake Bay watershed. I am pleased that the state Department of Environmental Conservation and the EPA, in consultation with New York Farm Bureau and others came to an agreement to accept New York's Watershed Implementation Plan, but I realize that this WIP may still impose significant regulatory burdens on some smaller family farms, and so I need to urge you to continue to work for conservation dollars in the next Farm Bill cycle for on-the-farm environmental stewardship measures. But the main point I want to make is that knowing that the federal government can act this precipitously and unfairly, and jeopardize my own and my neighbors farm operation by issuing one poorly thought out regulation, makes me lose sleep at night and question the long term ability of my family to keep our farm in operation for the next generation.

The last issue I want to discuss, briefly, is the need for a realistic and not clogged with paperwork guest worker program. I understand from my neighbors who do utilize the H2a program that it has become more difficult to use, as the federal Department of Labor keeps imposing additional paperwork requirements and costly mandates on the system. As a dairy farmer, it would be difficult for me to access another costly, filled with paperwork, program. However, I would like to ensure that as a dairy farmer I can gain access to this program in case I need it to keep running the farm. Currently, I am largely excluded from utilizing the program. A statutory or regulatory change should be made in order to allow farms like mine to access the program in the event there is not enough local labor. Unfortunately, New York State has been losing population in the demographic that farms like mine seek to employ – younger individuals with agricultural and manual labor skills. Unless and until New York reduces the high cost of living, and doing business, in the state, that key demographic will continue to be increasingly difficult for me to find, so I would like to have the option to utilize the H2a program in the event that I run out of local labor to meet my farm's needs.

Thank you for the opportunity to speak with you today and to present testimony, from the farmer's perspective, of the serious and ever-increasing federal barriers to growth. I appreciate

your taking the time to listen to me, and your consideration of my own time, as a farm family business in New York State, to try to reduce the time I spend in compliance costs.

Nancy Hourigan Biography

Nancy Hourigan is a partner with her husband John and son Matt on an 8000 acre crop farm and dairy farm. She helps manage every aspect of the farm, including payroll, bookkeeping, human resources, as well as general farm work.

Nancy has served as a member of the New York Farm Bureau for over 40 years, on various committees, doing outreach, education and promotion of NY agriculture. As a founding member of the NY Agricultural Land Trust, Nancy has dedicated much time and effort to farmland conservation throughout NY State. She also served for 8 years as the chair of the United States Department of Agriculture Farm Service Agency State Committee.