

ENVIRONMENTAL SYNOPSIS

The Chairman's Corner

Rep. Scott E. Hutchinson, Chairman



Here's a question to ponder. If a government agency told you to limit your contact with a particular item, would you find yourself wondering about the safety and goodness of that item? Or, put another way, if guidance is offered to you, which would be the less alarming and more consumer-friendly method to do so – negative or positive reinforcement?

I suspect if you're like most people, including myself, the answer to question one is a resounding yes and the answer to question two is that positive reinforcement is positively more reassuring, friendly and helpful.

These questions are among a number of very serious concerns facing the state's aquaculture (fish farming) industry. That industry, by the way, is not small fry by any stretch of the imagination. According to the Pennsylvania Aquaculture Association (PAA), Pennsylvania is the second leading state in trout sales and the fifth largest in trout production, supplying about 75 percent of the trout in the Northeastern United States. The Commonwealth is also a major exporter of live fish throughout the world and has one of the globe's largest goldfish farms. According to the Pennsylvania Department of Labor and Industry, Pennsylvania is home to 70 aquaculture operations with sales valued at just over \$9 million. The Agriculture Department reports only 64 operations but agrees on the sales figures, noting that 82 percent of sales are for

food, the remainder being for sport or ornamental uses.

Pennsylvania goes to great lengths to support its land agriculture industry, to preserve farmland and to urge people to purchase and consume choice, high quality "Pennsylvania Preferred" products. Well, Pennsylvania's aquaculturists also produce a choice, high quality safe product, but they do it in water rather than on land. One would expect that the state would also be singing the praises of the aquaculture industry's product and seeking to grow the industry further.

Instead, Pennsylvania aquaculture is subject to fish consumption advisories that "encourage" people to limit their intake of fish to so many per week or per month. For example, the 2004 Pennsylvania Department of Environmental Protection (DEP) Public Health Advisory website page notes that, "On April 11, 2001, Pennsylvania issued a general, statewide advisory for recreationally caught sport fish. That advice is that you eat no more than one meal (one-half pound) per week of sport fish caught in the state's waterways."

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NOTES FROM THE DIRECTOR

CRAIG D. BROOKS, DIRECTOR

Can you guess which product is the most recycled in the United States? While Americans are accustomed to recycling newspapers, plastic bottles and glass containers, it appears that the most widely recycled product in terms of both percentage and tonnage is actually asphalt pavement...That's right...asphalt pavement. A Federal Highway Administration report shows that 80 percent of the asphalt pavement that's removed each year during road widening and resurfacing projects is reused. The 80 percent rate for using reclaimed asphalt pavement (RAP) is substantially higher than the U.S. Environmental Protection Agency's (EPA) recycling rates of 56 percent for newsprint, 37 percent for plastic soft drink bottles, 31 percent for glass beverage containers and 23 percent for magazines.

The extent to which RAP is reused isn't widely known by the average citizen. In a survey commissioned by the National Asphalt Pavement Association (NAPA), Americans ranked asphalt pavement as the least recycled among nine products. When asked which of the nine products is recycled the most, 35 percent of the respondents said paper, followed by 31 percent for aluminum and 21 percent for plastic. When asked which is recycled the least, 29 percent said asphalt pavement, followed by 18 percent for rubber and 16 percent for yard waste.

Admittedly, asphalt pavement isn't at the top of everyone's radar screen for recycling, but every year about 73 million tons of reclaimed asphalt pavement are reused. That's nearly twice as much as the combined total of 40 million tons of recycled paper, glass, aluminum and plastics.

In the meantime, EPA figures show that Americans recycle only about 28 percent of items in the municipal solid waste stream. EPA hopes to increase that amount to 35 percent by 2005. For every ton of municipal solid waste (MSW), the nation as a whole

generates about 35 tons of non-hazardous industrial solid waste such as asphalt pavement.

Landfills would be overwhelmed if it weren't for large scale recycling efforts of industrial products like asphalt. Asphalt pavement accounts for 92 percent of the nation's highways and roadway, and RAP is used as part of new pavement, roadbeds, shoulders and embankments. Using RAP has both environmental and economic benefits for taxpayers. Less virgin materials are used, and reuse avoids repeated trips to landfills and tax dollars diverted from transportation fuel costs.

The amount of recycled asphalt pavement dwarfs that of paper, glass, aluminum and plastics combined

Other NAPA survey findings suggest that 46 percent of Americans rated their own interest in recycling as high or very high, while 33 percent said it was average and 20 percent low or very low. They gave even lower marks to their community's interest in

recycling. Only 36 percent rated their community's interest in recycling as high or very high while 37 percent said it was average and 23 percent said it was low. Interest in recycling was higher in the Northeastern than the Western United States.

Much like the Joint Committee's recent environmental index survey results, the NAPA survey showed that many Americans take part in at least some sort of recycling program. More than three-quarters (77 percent) said they recycle at least some aluminum cans. About two-thirds (67 percent) said they recycle newspapers, along with 65 percent who said they recycle plastic bottles. Sixty percent of those surveyed said they recycle glass bottles; 58 percent, magazines; 55 percent plastic bags; and 53 percent said they recycle white office paper. Contrary to actual recycling results, the NAPA survey found that Americans see the United States as having made improvements in recycling in the past 10 years. The survey was the result of random interviews with 1009 adults and has a sample error of +/- 3 percentage points.

RESEARCH BRIEFS

Each month, the committee's staff researches and prepares a number of "briefs" on several topics relevant to the Joint Conservation Committee's mission. Very often, these briefs include references to reports and further research on the topics so that readers may pursue issues on their own.

Commercial Ships Belch One Million Tons of Smog Annually

— Tony M. Guerrieri, Research Analyst

As states inch closer to a deadline to clean up their smog, a report by Washington D.C.-based Environmental Defense, suggests that increasing commercial shipping into the nation's ports is a significant source of ground-level ozone precursors. The report, *"Smog Alert: How Commercial Shipping is Polluting Our Air"*, argues that the great progress that is being made by reducing emissions from vehicles on the nation's highways will all but be negated by commercial shipping activities.

From gigantic tankers to small tug boats, U.S. waterways teem with marine vessels delivering goods, supplies and people around the country. But these boats and ships also deliver significant amounts of pollution. Commercial vessels often burn heavy, high sulfur diesel fuels and unlike their land-based counterparts, are not subject to emission regulations, meaning there are few, if any, emissions controls on ships.

Commercial shipping discharges about one million tons of smog forming pollution in U.S. waters every year, according to the report. The diesel engines of commercial ships emit nitrogen oxides, sulfur dioxide, and particulate matter. Nitrogen oxides and sulfur dioxide are major contributors to ground-level ozone which can trigger serious respiratory problems. Particulate matter is a pollutant that includes both solid particles and liquid droplets found in the air. Particulate matter is associated with serious health effects including increased hospital and emergency room visits for people with respiratory and heart disease.

Part of the reason that boat and ship pollution is getting more attention is that cars and trucks are getting cleaner. The U.S. Environmental Protection Agency (EPA) estimates that nationally, ship pollution will increase more than fourfold in the next two decades, increasing from 6.6 percent of the total smog-forming pollution generated from the transportation industry in 1996 to about 28 percent in 2030. By comparison, emissions from vehicles on the nation's highways are expected to

drop from 70 percent of transportation pollution in 1996 to about 37.5 percent in 2030.

On April 15, an EPA determination found that some 159 million Americans in 474 counties live in areas with unhealthy ozone smog pollution levels. The determination brought 31 states under the nation's smog pollution abatement program. In many communities, especially some of the nation's highly polluted urban centers, all major sources of smog-forming pollution will need to clean up to aid in the fight for cleaner, healthier air.

Many of the nation's largest coastal and inland ports have unhealthy smog levels, including: Houston, Beaumont and Port Arthur, Texas; Baton Rouge; Long Beach; Los Angeles; Oakland; New York; Boston; Philadelphia; Baltimore; Hampton Roads, Virginia; Pittsburgh; St. Louis; Chicago; Detroit; Cincinnati; Cleveland; Toledo; Huntington, West Virginia; and Memphis.

Commercial shipping discharges about one million tons of smog forming pollution in U.S. waters every year and is largely unregulated

The report suggests that the smog forming pollution from ships is comparable to hundreds of thousands of vehicles operating on roads and highways (including passenger cars, sport utility vehicles (SUVs), freight trucks and diesel buses). For example, the five deepwater ports of the Lower Mississippi region together form the largest port complex in the world. In this region alone, commercial shipping accounts for the same amount of pollution created by 585,000 trucks and SUVs. The report suggests that while environmental agencies have developed plans to reduce emissions from land-based vehicles, marine vessel emissions have gone largely unregulated.

Commercial shipping extends well beyond seaside ports. The report highlights the city of Pittsburgh as the second busiest inland port in the nation and the 13th busiest port of any kind. According to the report, while Pittsburgh suffers from chronic air quality problems there has been no inventory of commercial marine emissions.

The report suggests that shipping ports develop accurate inventories of marine vessel emissions. Only a few ports have developed comprehensive and updated inventories that accurately characterize the full extent of ship emissions and the types of engines and activities that cause the most pollution. Accurate, comprehensive inventories such as those prepared for Los Angeles, Houston-Galveston and New York-New Jersey are a necessary first step in controlling commercial marine vessel pollution in areas facing the most challenging air pollution problems.

The report also recommends federal, state, and local governments must work together to cut the airborne contaminants from both new and existing high-polluting marine diesel engines. It recommends that the EPA set rigorous national particulate and nitrogen oxide emission standards for new marine engines to aid state and local governments in restoring healthful air.

For more information and a copy of the full report please visit this Internet address: http://www.environmentaldefense.org/documents/3807_smogalert_2004060.pdf.

Beach Closings on the Rise

— Craig D. Brooks, Executive Director

As fall looms around the corner and the beach season nears its close, it is unfortunate that pollution related beach closings and advisories in 2003 were higher than any previously recorded year. That according to the National Resources Defense Council's (NRDC) annual report on beach water quality, which points out that there were more than 18,000 closings and advisories at ocean and Great Lakes beaches – an increase of more than 51 percent from 2002. For more than a decade, NRDC's report, *Testing the Waters: A Guide to Water Quality at Vacation Beaches*, has prompted much needed improvements in beach water monitoring and caused several states and local beaches to adopt better practices.

Why the dramatic rise in closings and advisories? Part of the answer lies in increased monitoring, better testing standards for pathogens and more thorough reporting, prompted by a fairly new federal mandate that aims to protect public health at the nation's beaches. The Clean Water Act was amended by the Beaches Environmental Assessment and Coastal Health Act (BEACH). The federal BEACH Act of 2000 required states to adopt the U. S. Environmental Protection Agency's (EPA) recommended health standard, or

standards equally stringent, by April 2004. It also encouraged states to monitor beach water quality and notify the public of possible health risks from pollution.

Aside from requiring states to adopt federal beach water quality standards, the act also directs EPA to perform monitoring activities in waters that do not have a program consistent with EPA's performance criteria, using grant funds that would otherwise be available to participating states. At least 12 states initiated or expanded monitoring programs from 1991 and the passage of the BEACH Act. Three states - California, Florida and Massachusetts - passed laws requiring regular beach monitoring and improved health standards. As a result of federal grants that are now available to states through the Beach Act, nearly every coastal and Great Lakes state is in the process of either initiating or expanding current monitoring and public notification programs.

There were more than 18,000 beach closings and advisories in 2003 – a 51 percent increase over 2002 and higher than any previously recorded year

Eighty-eight percent of the beach closings and advisories in 2003 were the result of monitoring that detected bacteria levels that exceeded beach water quality standards. Six percent were precautionary due to heavy wet weather episodes that are known to carry pollution into coastal waters and six percent were attributed to other sources such as dredging, algal blooms or other known pollution events. Some closings and advisories actually begin as precautionary measures due to rain or a known contamination event and are then extended due to the prolonged elevated bacteria levels or other contamination. However, most beach closings are a result of high bacteria levels from human and animal wastes. These wastes typically enter coastal waters from discharges of untreated or partially treated wastes from sewage treatment facilities and combined or sanitary sewer overflows, septic systems, and urban and suburban storm water runoff.

Episodic sewer overflows are becoming a more common occurrence. Sewage plants in coastal areas tend to serve densely populated, rapidly growing urban areas. When too many homes and businesses are connected to treatment facilities that lack proper treatment capacity, untreated releases occur. Compounding the problem is the estimate of the National Oceanic and Atmospheric Administration that between 1990 and 2010 the coastal population will grow from 112 million to more than 127 million – an increase of almost 13 percent.

The report offers the following suggestions for improving beach water quality:

- ◆ Conserve water
- ◆ Reduce runoff to sewers and streets by directing runoff from roofs and driveways to lawns and gardens
- ◆ Maintain septic systems by monitoring tanks on an annual basis and removing sludge and slurry every five years to prevent malfunctioning
- ◆ Curb your pets by picking up animal wastes when walking pets
- ◆ Practice proper lawn care by using natural fertilizers such as compost and minimize the use of chemical fertilizers, pesticides and herbicides
- ◆ Practice proper marine and recreational boating waste disposal by discharging sewage into onshore sanitary facilities

The report recommends that people choose their swimming locations carefully and learn about the water quality at local beaches before going swimming. Also wading or swimming without submerging your head is suggested if you feel it's possible that a local beach does not meet water quality standards.

A copy of NRDC's report may be obtained from their website at <http://www.nrdc.org/water/oceans/nttw.asp>.

Report Recommends Better Presentation of Superfund Information

— Tony M. Guerrieri, Research Analyst

Today, more than 1,200 sites remain on the U.S. Environmental Protection Agency's (EPA) National Priorities List (NPL) including hazardous waste sites, mining sites, chemical facilities, wood preservers, and contaminated landfills. America's Superfund program – intended to clean up contaminated sites across the U.S. – is being hampered by a lack of up-to-date and reliable data and by inadequate measures of success, according to a report by Resources for the Future.

Public perception about the pace of cleanup at superfund sites tends to run the gamut from alarm to hysteria. The report, "Success for Superfund: A New Approach for Keeping Score", argues that there is a need for a standardized set of core data for all contaminated sites on the NPL, as well as a more accurate way to measure program and site progress.

To correct the situation, the report recommends that the EPA implement three separate tools to facilitate monitoring of progress at Superfund sites. According to the report, the EPA should create a standardized NPL Scorecard for each NPL site that contains concise, up-to-date information on site progress, lists key attributes that will help policy makers gauge progress being made and that informs the public about whether cleanup goals are being met. The NPL Scorecard for each priorities list site should contain six categories of information, including background information on the site, site progress to date and expected future actions, baseline contamination and population data, risk reduction accomplishments, post construction activities needed, and cost information. Scorecards should be updated at least quarterly, the report suggests.

The EPA should also develop a one-page NPL Report Card, which would include a subset of information from the NPL Scorecard containing the most important measures of site progress, along with a small amount of background information. It would provide a snapshot of how the program in general or a particular region is doing.

The report also recommends that the EPA institute a web-based Superfund annual report that would include summary information on site progress, as well as other indicators of program performance. The annual report would be similar to the formerly issued Superfund Annual Report to Congress. This report presented information annually on response activities and accomplishments and compared remedial and enforcement activities with those undertaken in previous fiscal years. As part of this new report, the EPA would include an annual – or biannual – program evaluation agenda. This agenda should identify the key issues that are ripe for an in-depth qualitative or quantitative evaluation and make public the topics and schedule for these evaluations. To develop this agenda, the EPA staff would regularly solicit suggestions from states, tribes, local community representatives, environmental groups, industry, external experts, and other stakeholders.

News to Use in the Environmental Synopsis... share it with a friend

The *Environmental Synopsis* is issued monthly.

The newsletter examines timely issues concerning environmental protection and natural resources.

If someone you know would like to receive a copy of the *Synopsis* each month, please contact the committee office at 717-787-7570.



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All of these reports, the report stresses, should be posted to the EPA website and be publicly available. Providing a core set of data for all sites can serve multiple purposes and audiences. For example, for a member of a community near a site, it can provide an easily accessible and concise source of critical site-specific information.

The report, which was funded by the EPA, echoes concerns of the agency itself that its current main measure of progress, construction completion, does not communicate other site successes, such as risks reduced or the completion of other steps in the cleanup process. The EPA has recently voiced that concern after being criticized for a slowdown since 2001 in yearly construction completions. The number of construction complete projects is the yardstick commonly used to judge the success of Superfund.

A "construction complete" designation means that any necessary physical construction at a site is complete, even if final cleanup levels or other requirements for the site have not been met, according to the EPA. The classification does not communicate when cleanup goals have been achieved or when human health or the environment has been protected.

The Resources for the Future report, "Success for Superfund: A New Approach for Keeping Score", is available at <http://www.rff.org/rff/Publications/Success-for-Superfund-A-New-Approach-for-Keeping-Score.cfm>

Paper Recovery Reaches an All Time High

— Craig D. Brooks, Executive Director

While recycling and consumer recovery for beverage containers and other recyclables has been on the decline, more than half of the paper consumed in 2003 was recovered. Described as an all-time high in the paper recovery industry, the American Forest & Paper Association's latest report suggests that 49.3 million tons of paper, or 50.3 percent of the paper consumed in the United States in 2003, was recovered. The association had met its 50 percent recovery goal set in 1995 and will work toward the 55 percent recovery goal set for 2012.

According to the association, with few exceptions, paper recovery has generally been on the rise during the past 15 years. Paper and paperboard accounted for more than 75 percent of all packaging material recovered in 2003, making paper the most recovered material. Recovery of old corrugated containers alone rose

2.2 percent in 2003 with a record high of 23.7 million tons. This recovery rate reached nearly 76 percent in 2003, up from 54 percent in 1990.

Far more paper is being recovered, sent to waste-to-energy facilities or used in construction projects than is being sent to landfills

The overall 2003 recovery rate reflects an increase of 69 percent from the 1990 level of 33.5 percent and a 3.4 percent increase from the 2002 rate of 48.2 percent, or 47.6 million tons. Far more paper is being recovered, sent to waste-to-energy facilities or used in construction projects than is being sent to landfills. According to the association, only 37.7 million tons were landfilled. The association also reports that every ton of paper recovered for recycling saves 3.3 cubic yards of landfill space. These numbers are even more impressive when you consider that 10 percent of all the paper and paperboard products cannot be recycled because it becomes contaminated through use in oil filters and other products.

More than 80 percent of all the paper mills in the United States use recovered paper to make their products. This recovered paper represents 37 percent of the raw material used to make new paper and paper products. The remaining 13 percent of the more than 50 percent recovered is targeted for other uses such as insulation. As more paper products enter the home and workplace, there is additional potential for greater recovery of high quality products such as white computer paper, copier paper, office stationery and paperboard packaging. Greater recovery of these paper products will help ensure a steady, reliable supply of recovered paper for paper manufacturers.

To help achieve the targeted 55 percent goal for 2012, the association has entered into a public/private partnership with the U.S. Environmental Protection Agency, Keep America Beautiful, CarrAmerica and others to encourage schools, office buildings and individuals to recover more high-quality paper in their communities and workplaces. For example, the association began working with EPA's WasteWise Program, a program launched in 1994 that has partners commit to initiating, expanding, or improving company programs to collect recyclables. As a partner, the association is working to set goals for the forest and paper products industry to develop and market recyclable corrugated shipping pallets, and to identify customers with significant waste associated paper products, as well as integrating recycling services into expanding businesses.

A copy of the American Forest & Paper Association's report, "Recovered Paper Statistical Highlights" is available on the Association's website at <http://www.afandpa.org>. Click on "Environment and Recycling", then "Recycling" and then "Resources".

ON THE HORIZON . . .

A LOOK AT UPCOMING EVENTS

✓ **Monday, October 18, 12 noon, Room 205, Matthew J. Ryan Building – Environmental Issues Forum.**

The Pennsylvania Hardwoods Development Council will make a presentation on the council's activities and the hardwood industry. The Pennsylvania WoodMobile traveling educational exhibit will also be available for visits during the day.

COMMITTEE CHRONICLES . . .

REVIEW OF SOME MEMORABLE COMMITTEE EVENTS

As described in The Chairman's Corner, the Joint Committee held a public hearing on August 20 in Mount Pocono on the topic of aquaculture and fish consumption advisories. The committee took testimony at the request of Rep. Mario Scavello of the 176th District. In the photo at bottom left, Rep. Scavello (far right) joins committee member Rep. Julie Harhart (2nd from right), chairman Rep. Scott Hutchinson (2nd from left) and committee executive director Craig Brooks (left) in listening to testimony.

Among those testifying were (pictured at right) PA Secretary of Agriculture Dennis C. Wolff and (pictured at bottom right) aquaculturist Brent Blauch, president of Susquehanna Aquacultures, Inc.

Others testifying included John Arway, Chief of Environmental Services of the PA Fish and Boat Commission, Charles Conklin II, president of the PA Aquaculture Association, Todd Powless, senior research associate with Zeigler Bros., Inc. and Cathy Curran Myers, Deputy Secretary for Water Management in the PA Department of Environmental Protection.



Joint Committee Chair Named to Environmental Advisory Panel...

Congratulations to Joint Conservation Committee Chairman Rep. Scott Hutchinson (R-64th). Scott was recently selected by House Republican leadership to serve on the state's Green Ribbon Commission, an advisory group to study and develop recommendations for enhancing environmental programs and to determine their best funding options. The commission is made up of members of the House and Senate as well as gubernatorial appointees.

There are some legitimate reasons to regulate fish consumption but the problem in Pennsylvania is this. The statewide, one-size-fits-all advisory fails to take into account the high quality and safe product that Pennsylvania's aquaculturists produce and regional differences in water purity and quality, and sends a message of negative reinforcement, not positive encouragement to fish consumers.

The Joint Conservation Committee held a public hearing into the aquaculture industry and fish consumption advisories in Mount Pocono last month and heard some interesting testimony. For example, the agencies that cooperatively issue the advisories admitted that they are intended to only offer guidance and are not standards, rules or regulations. While the intent of the advisories is not to alarm, the committee shares the industry's strong feeling that they do alarm. As I stated initially, if a government agency advises you to "eat no more than...", your response is very likely to be that this must not be healthy for me and so I just won't eat any.

The blanket advisories fail to communicate that Pennsylvania-raised fish exceed by far the lone standard for food safety that is out there, that promulgated by the U.S. Food and Drug Administration (FDA). From a marketing standpoint, why not say enjoy a meal of Pennsylvania-raised trout every week of the year rather than "eat no more than one meal..."? Why single out fish for consumption advisories when other foods contain PCBs and mercury but are not subject to any advisories? In his testimony, Pennsylvania Agriculture Secretary Dennis Wolff stated, "Farm-raised fish do contribute to a healthy overall diet."

Why does Pennsylvania use the "Protocol for a Uniform Great Lakes Sport Fish Consumption Advisory" which may have no relevance to much of the state's waters and which relies on levels which have been and continue to be ratcheted down lower than FDA's? Even the U.S. Environmental Protection Agency (EPA), which also continues to tighten its risk factors in its advisories, has encouraged at-risk populations (pregnant women, nursing mothers and young children) to eat up to two meals of fish per week of a variety of fish and shellfish lower in mercury than four specific species of commercial fish.

"...Our...concern is that Pennsylvania is wasting opportunities to grow an industry that...has a good reputation for high quality and could be part of the national growth pattern."

Rep. Scott E. Hutchinson

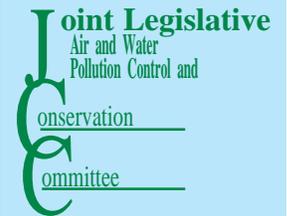
Opening Remarks, Aquaculture Public Hearing - August 20, 2004

Among other questions the committee is seeking answers to is what is the appropriate role of private sector aquaculture in Fish and Boat Commission fish purchases for stocking, and what needs to be done to give in-state producers a fair shake in bidding to supply fish? A contract that provides fish to be supplied solely by North Carolina is not acceptable.

I am pleased to say that the government agencies involved did seem receptive to listening to industry concerns. John Arway, chief of the Pennsylvania Fish and Boat Commission's Environmental Services Division stated, "We agree that we must improve the communication of this information and will continue to work...to do this." He also noted that "The fish the commission produces are safe to catch, handle and eat...We agree that there may be better ways to present this information to the public so that everyone, including the aquaculture industry, is informed and not alarmed."

DEP Deputy Secretary for Water Management Cathy Curran Myers testified, "It is possible, however, that the advisory message could be refined in order to address the negative connotation of the consumption advisories perceived by the aquaculture industry. To that end, the agencies are actively discussing improved communications strategies..."

And, Agriculture Secretary Wolff noted that aquaculture operations would be eligible for economic development assistance through the First Industries Fund, part of the economic stimulus package approved by the General Assembly this spring. The possibility exists that fish produced by Pennsylvania aquaculture operations may also become part of the "Pennsylvania Preferred" agricultural commodities market development and promotion campaign.



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