

March 11, 2019

U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Mail Code 2221A
1200 Pennsylvania Avenue NW.
Washington, DC 20460

Re: Docket ID No. EPA-HQ-OECA-2018-0843; Public Comment on EPA's National Compliance Initiatives for Fiscal Years 2020-2023; 84 Fed. Reg. 2848, February 08, 2019.

The undersigned agricultural organizations laud EPA's proposal to return agriculture to the standard compliance assurance ("core") program. Farmers and ranchers have a significant stake in the outcome of this rulemaking as they are subject to enforcement under the Clean Water Act, Clean Air Act, and other statutory authorities administered by the EPA. The core program will be protective of our nation's environmental resources. And importantly, it will do so without overburdening our nation's farmers and ranchers with heightened enforcement.

Farmers and ranchers are committed to continual improvement and are particularly mindful of the importance of natural resource stewardship. Farmers and ranchers own and manage considerably more land than any other industry in the country. Some of the biggest challenges and threats to the agricultural industry come from the loss of our natural resources. Since the livelihood of producers is made on the land, being stewards of our natural resources not only makes good environmental sense; it is fundamental for the agricultural industry to remain strong. Farmers and ranchers strive to operate as environmentally friendly as possible, and it is through voluntary conservation programs that producers will continue to be a proud partner with the government to reach our environmental conservation goals.

The EPA's proposal to eliminate the agricultural enforcement initiative and return enforcement and compliance activities to the core program allows voluntary initiatives undertaken by the EPA to play out and succeed on their own merit. In February 2018, the Office of Water issued a memorandum to EPA Regional Offices, revising the outdated 2003 EPA Policy on water quality trading programs.¹ This policy shift will stimulate nutrient trading programs by fostering collaboration between farmers and traditionally regulated sources like wastewater treatment facilities. This change has the potential to unleash economic drivers for farmers and ranchers to enhance efforts to keep agricultural nutrients where they belong, on farm and rangeland.

¹ U.S. Environmental Protection Agency, Updating the Environmental Protection Agency's (EPA) Water Quality Trading Policy to Promote Market-Based Mechanisms for Improving Water Quality (2019).

The EPA is also taking action to develop nutrient recovery and removal technologies that can achieve both environmental and economic goals. One such effort, the Nutrient Recycling Challenge², has fostered collaboration between EPA and the agricultural community to accelerate the development of technologies, increase awareness of issues and opportunities related to manure management, connect innovators and agricultural stakeholders, and stimulate markets for products generated by nutrient recovery technologies.

EPA is making good on its commitment of partnering with states through the implementation of state nutrient reduction strategies³ that will improve nutrient retention on agricultural land. These science and technology-based frameworks assess and reduce nutrients to state waters from both point and nonpoint sources in a scientific, reasonable, and cost-effective manner. These state-developed strategies were reviewed and approved by the EPA and many of them incorporate provisions and practices to reduce nutrient losses from agriculture and animal waste.

The undersigned agricultural organizations agree with EPA's assertion that court rulings have limited the scope of the agency's permitting program for Concentrated Animal Feeding Operations (also known as the "CAFO Rule"), thereby lessening the need for a heightened enforcement and compliance resource designation.⁴ Courts have reduced the number of operations that fall under the purview of the federal CAFO Rule, enabling EPA to properly enforce the CAFO Rule with the resources available in the core program.

In summation, the regulatory and strategic building blocks are currently in place to improve the issue of nutrient loss from agriculture. Now, the best strategy is to implement these initiatives and allow them to succeed on their own merit. EPA's proposal to return the agricultural enforcement initiative to the core program will allow that strategy to come to fruition.

² EPA's Nutrient Recycling Challenge, <https://articles.extension.org/pages/74365/epas-nutrient-recycling-challenge> (last visited March 8, 2019).

³ Hypoxia Task Force Nutrient Reduction Strategies, <https://www.epa.gov/ms-htf/hypoxia-task-force-nutrient-reduction-strategies> (last visited March 8, 2019).

⁴ National Compliance Initiative: Preventing Animal Waste from Contaminating Surface and Ground Water, <https://www.epa.gov/enforcement/national-compliance-initiative-preventing-animal-waste-contaminating-surface-and-ground> (last visited March 8, 2019).

Sincerely,

National Cattlemen's Beef Association
AgriMark
American Dairy Coalition
American Farm Bureau Federation
American National CattleWomen
Colorado Livestock Association
Dairy Producers of Utah
Exotic Wildlife Association
Florida Cattlemen's Association
Idaho Dairymen's Association
Illinois Beef Association
Kansas Livestock Association
Krentz Ranch LLC
Maryland Cattlemen's Association
Mississippi Cattlemen's Association
Missouri Dairy Association
National Chicken Council
National Council of Farmer Cooperatives
National Milk Producers Federation
National Pork Producers Council
National Turkey Federation
Nebraska Cattlemen
Northeast Dairy Farmers Cooperatives
North Carolina Cattlemen's Association
Oregon Cattlemen's Association
Oregon Dairy Farmers Association
Pennsylvania Cattlemen's Association
Siskiyou County CattleWomen
South Dakota Cattlemen's Association
St. Albans Cooperative Creamery, Inc.
The Cowbelles
United Egg Producers
U.S. Poultry & Egg Association
Upstate Niagara Cooperative, Inc.
Washington Cattle Feeders Association
Washington Cattlemen's Association
Wyoming Stock Growers Association