

June 24, 2010

Senate Environment and Public Works Committee
United States Senate
Washington, D.C. 20510

Dear Senator:

As a member of the Senate Committee on Environment and Public Works, you will soon consider S. 1816, the Chesapeake Clean Water and Ecosystem Restoration Act. The undersigned organizations representing broad interests in the Chesapeake Bay Watershed urge you to vote “No” on this legislation.

Each of the undersigned organizations supports the goal of improving water quality in the bay and its tributaries. Every year, farmers throughout the region are adopting new practices designed to improve water quality. But we ask you to oppose S. 1816 because it will institute sweeping changes in the Chesapeake Bay and create broad new authority under the Clean Water Act that could jeopardize the existence of many farms in the watershed.

The legislation grants the Environmental Protection Agency (EPA) the authority to impose total maximum daily load (TMDL) limits and a federal implementation plan in the bay and all its tributaries. This will give the EPA the ability to override Clean Water Act provisions that have been in place since the legislation was enacted. It would also lead to broad new EPA permitting authority for agricultural activities, as well as the potential for citizen action suits against farmers if water quality standards are not met. As a result, we are concerned the bill will force farms out of business.

Agricultural and rural communities will also be impacted in other profound ways. It will make it harder for small businesses to operate. It will make it more difficult to build homes. It will hinder economic development. These consequences are no mystery; the bill’s proponents have themselves said that is exactly what will happen. In fact, consequences of such a policy were made clear by EPA’s assistant administrator for water, who said last September that “If you take that bold step to say that you’re not going to have, for example, new permits or any expansion of existing permits, that’s almost growth limiting. That relates to not giving any new building permits, which is obviously a political issue and an economic issue -- especially now with the way the economy is.”¹

The agriculture industry has done more than any sector of the economy in the past decade to reduce nutrient and sediment loading in the bay. However, existing modeling does not accurately give credit to farmers for the ongoing voluntary conservation practices that have become widely adopted in recent years. We urge Congress not to base policy decisions on flawed and incomplete data.

¹ InsideEPA publishers; Water Policy Report, Monday September 28. 2009 – Whitefish Montana

S. 1816 would enact far-reaching reforms in the application of the Clean Water Act to the Chesapeake Bay. It would grant the EPA unprecedented authority to control agriculture, basic economic activity and land-use policy in the region. Furthermore, these policies have nationwide implications because many in the environmental activist community want to see them duplicated nationwide. For these reasons, we urge you to vote “No” on S. 1816 when it is brought up in committee.

Sincerely,

Agricultural Retailers Association
American Farm Bureau Federation
The Fertilizer Institute
National Agricultural Aviation Association
National Association of Wheat Growers
National Cattlemen's Beef Association
National Chicken Council
National Corn Growers Association
National Council of Farmer Cooperatives
National Milk Producers Federation
National Turkey Federation
National Pork Producers Council
National Water Resources Association
Public Lands Council
U.S. Poultry & Egg Association
United Egg Producers
USA Rice Federation
Western Growers Association

Cc: Sens. Byrd, Rockefeller, Webb, Warner, Schumer, Mikulski, Casey and Kaufman