



## **Environmental Protection Agency (EPA)**

### **Overview**

- Environmental issues are rising to the top of major concerns for our feedyards. These issues make a direct hit on the bottom line of the cattle industry.
- We believe that a large majority of our producers are good stewards of the land. They work hard every day to preserve the land for future generations.
- There seems to be a perception, however, that feedyard operations are problematic for the environment. And there is a big push by activists and some EPA staff to regulate them to the point of bankruptcy.
- While NCBA understands that some regulations are necessary and justified, we hope and expect that any decision-making by the EPA with regard to feedyards will be based on an accurate reading of the law, sound science, and the availability of economical solutions.
- We need the EPA to take reasonable and fact-based approaches to environmental issues; and are hopeful that activist agendas will not play a big role in the Obama Administration.

### **Agricultural Counselor to the Administrator**

- We hope that one of the priorities for the new EPA Administrator will be to bring in a knowledgeable Agricultural Policy Counselor.
- This position ensures that the Administrator and EPA staff, are educated on agricultural issues.
- Agriculture is different from smokestack industries that EPA has a lot of experience regulating. Unlike smokestack industries, agriculture is all about biological systems that are subject to the whims of Mother Nature.
- In addition, our agriculture industry feeds our country and much of the rest of the world. Ensuring the continued viability of our agricultural producers is pretty important to our national security.

### **Clean Water Act Concentrated Animal Feeding Operation (CAFO) Rule**

- In November, the EPA issued the long-awaited Clean Water Act CAFO rule. This rule is very strict and comprehensive; and will ensure that no CAFO operation discharges anything into a water of the U.S.
- The rule is essentially a zero-discharge rule, except in the most extreme weather-related circumstances.



- It is our hope that you give the CAFO rule time to work and not attempt to rework its components. We believe that, given time, the EPA and the environmental community will be satisfied with the result.

### **Oberstar Legislation to Redefine Waters of the United States**

- Chairman Oberstar introduced legislation last Congress to redefine waters of the United States. He would remove the word “navigable” from the definition and make all wet areas “waters of the U.S.” In addition, he would regulate “activities” that affect those waters.
- This issue goes directly to the core of private property rights.
- If the federal government goes onto a ranching operation and tells an owner that cattle-raising is considered an “activity” affecting wet areas; and that in order for cattle to be located any place where there are wet areas, the owner will need to get permits for each of those areas.
- I hope that the Obama Administration will recognize that not all waters are equal in their environmental value, and that States should rightly have the opportunity to decide which waters should be protected within their borders.
- No rancher will dispute that navigable waters and wetlands provide elevated environmental value, but there are other wet areas that States are fully equipped to evaluate for protection.
- Contrary to some misperceptions, non-federal waters do not go unregulated. They are appropriately regulated by the States.
- We believe leaving the word “navigable” in the statute is important, and that the solution to the federal jurisdiction issue is for the EPA to issue guidance to clarify that jurisdiction.

### **Climate Change**

- Agriculture is a minor emitter of greenhouse gases. According to the EPA, the entire agriculture sector accounts for only 6.4% of total greenhouse gas emissions. The livestock sector accounts for only 2.5% of greenhouse gas emissions.
- We hope the EPA will consider agriculture to be part of a solution to the climate change issue, instead of part of the problem.
- We believe the agriculture sector is well-suited to provide offsets to enable regulated industry to comply with any cap on emissions that Congress may set.
- Agriculture offsets can be created by sequestering carbon in rangeland and cropland soils, and by creating alternative forms of energy through the use of methane digester and manure combustion technologies.



- NCBA is strongly opposed to the regulation of greenhouse gases under the Clean Air Act. The ANPR pointed out the economy-wide economic devastation that would occur if the EPA were to go that route.
- Cap-and-trade legislation that Congress is considering is much more appropriate for this purpose.