

The Maryland Farm Bureau Hotline

Legislative proposals that impact Maryland's farm community



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National Update

Green House Gas Bill in Mark-Up

The House Energy and Commerce Committee yesterday continued marking up H.R. 2454, legislation introduced by Chairman Henry Waxman (D-Calif.). The bill would cap the amount of carbon-based emissions from certain sectors of the U.S. economy, leading to an overall reduction of 83 percent by the year 2050.

The following Farm Bureau supported amendments are expected to be offered today (Thursday):

1. Rep. Zack Space (D-Ohio) amendment that would allow “early actors” (those who have been engaging in certain carbon reduction/sequestration practices prior to enactment of the bill) to be eligible to provide offsets.
2. Rep. Lee Terry (R-Neb.) amendment that would explicitly exclude agriculture as “covered entities” under the cap-and-trade provisions.
3. Rep. Fred Upton (R-Mich.) amendment that would provide that if China and India have not adopted greenhouse gas restrictions within five years, the cap-and-trade program would stop.

Action Request:

Farm Bureau strongly supports these amendments, and requests that Farm Bureau members contact their members on the Energy & Commerce Committee and urge them to vote “yes” when the amendments are called up.

The only Maryland member on the Energy and Commerce Committee is Rep. John Sarbanes. You can reach Rep. Sarbanes office at (202) 225-4016 or through his website at www.sarbanes.house.gov and click the “E-mail Me” button on the front page. All Maryland Farm Bureau members should put a call or email into Rep. Sarbanes office, not just those of you who live in his district.

The committee considered several amendments of interest to Farm Bureau yesterday. Rep. Cliff Stearns (R-Fla.) introduced a Farm Bureau backed amendment that would have effectively included nuclear energy as a renewable energy source. The amendment was defeated 26-30, with five Democrats supporting the amendment. An amendment was offered by Rep. Lee Terry (R-Neb.) that would have prevented the Environmental Protection Agency (EPA) from using international indirect land use calculations in determining compliance with greenhouse gas emission standards. EPA is currently engaged in a rulemaking on this issue, and the agency is using this controversial method in its

calculations. Farm Bureau strongly supported the Terry amendment, which was defeated, 20-36, with four Democrats (Zack Space (D-Ohio), Mike Ross (D-Ark.), John Barrow (D-Ga.) and Baron Hill (D-Ind.)) voting in favor of it. Finally, Rep. Marsha Blackburn (R-Tenn.) offered an amendment that would strengthen language to ensure that the enactment of legislation would preempt regulation by EPA of greenhouse gases under the Clean Air Act. Farm Bureau supported this amendment, because it would prevent costly and burdensome regulation on farmers and ranchers on top of the adverse economic impacts that will occur from this bill. The amendment was defeated 23-33.

AFBF and Maryland Farm Bureau strongly oppose H.R. 2454. The provisions of the legislation will impose enormous constraints on the U.S. economy, including agriculture, resulting in a net cost to the sector.

Oklahoma Court Ruling Favorable for Animal Agriculture

Last week, a federal court in Oklahoma rejected efforts by the Oklahoma Attorney General Drew Edmondson (D) to block poultry concentrated animal feeding operations (CAFOs) from spreading manure as fertilizer, a practice the state argues is polluting the water and threatening human health. The U.S. Court of Appeals for the 10th Circuit in the case *Oklahoma v. Tyson Foods Inc.* ruled to uphold the district court's decision against the state's request for a preliminary injunction under the Resource Conservation and Recovery Act (RCRA), which would have blocked the practice of land-applying poultry waste until the state's broader case, including cleanup and damages claims under Superfund law, is resolved. Last fall, Edmondson requested the injunction that was rejected by the U.S. District Court for the Northern District of Oklahoma.

This decision is good news because should such a case ultimately prove successful, other municipalities and states may bring similar lawsuits. Livestock and poultry operations are threatened by potential liability for emissions or discharges from manure produced or used in their operations. AFBF and a coalition of other producer groups are urging Congress to clarify that it never intended to regulate manure under the Comprehensive Environmental Recovery, Compensation & Liability Act (CERCLA) or the Environmental Protection & Community Right-to-Know Act (EPCRA). These two statutes are commonly referred to as Superfund. AFBF policy supports amending CERCLA and EPCRA to exclude agricultural operations. A bill has not yet been introduced in this Congress to clarify that animal manure is not subject to fundamental liability or regulation under any of the Superfund related laws.

State Conservation Funding Update

Low Interest Loans for Conservation Projects Available

Low Interest Loans for Conservation Projects are available to help farmers install best management practices on their farms or purchase conservation equipment. Loans are typically offered at 3 to 4 percent below market rates and are available through Farm Credit and several other lending institutions throughout the state.

Farmers may use these loans to pay for their share of government cost share to install BMPs or to pay for components not eligible or to pay for conservation equipment. Although priority is given to loans for manure management practices and equipment, a number of other conservation measures are eligible. Examples of eligible BMPs include: animal waste management systems, manure spreaders, erosion control structures, composting facilities, water saving irrigation systems, and conservation tillage equipment. If you have a project that is not listed it may still be eligible. Farmers may contact their local soil conservation district for assistance with eligible practices and to complete eligibility forms.