

## **AFBF: EPA Chesapeake Bay Regs Threaten Agriculture**

WASHINGTON, D.C., March 16, 2011—America’s farmers and ranchers are being challenged by an onslaught of regulations, guidance and other requirements being issued by the Environmental Protection Agency, according to Carl Shaffer, president of the Pennsylvania Farm Bureau.

In testimony today on behalf of the American Farm Bureau Federation before a House Agriculture subcommittee, Shaffer said that nowhere is the impact of EPA activity more obvious than in the Chesapeake Bay watershed, where EPA’s recently finalized Total Maximum Daily Load (TMDL) guidelines could push hundreds of thousands of acres of farmland out of production.

“EPA itself projects that roughly 20 percent of cropped land in the watershed (about 600,000 acres) will have to be removed from production and be converted to grassland or forest in order to achieve the required loading reductions,” said Shaffer, a member of the AFBF board and executive committee.

Shaffer said EPA’s over-reaching focus on agriculture is particularly troublesome because agriculture has worked successfully with the Agriculture Department to reduce its environmental impact on the Chesapeake Bay.

“Use of crop inputs is declining,” Shaffer said. “No-till farming has reduced soil erosion and resulted in more carbon being stored in the soil. Milk today is produced from far fewer cows. Nitrogen use efficiency has consistently improved. Farmers are proud that their environmental footprint is dramatically smaller today than it was 50 years ago, and we are committed to continuing this progress.”

Shaffer, a Columbia County (Pa.) green bean, corn and wheat farmer, said agriculture’s success in reducing nutrients in the Chesapeake Bay is well

documented, but EPA has ignored the substantial effort and progress of recent years. A new report from USDA's National Resource Conservation Service outlines the progress made by agriculture.

"EPA moved forward with an aggressive and unnecessarily inflexible new plan to regulate farming practices in the Chesapeake Bay watershed," Shaffer said. "In the last two years, EPA has set in motion a significant number of new regulations that will fundamentally alter the face of agriculture, not just in the bay, but nationwide. These new regulations will determine how farmers raise crops and livestock and will increase the likelihood of expensive lawsuits filed by activist organizations."

Shaffer warned that policies already in place or being considered by EPA will greatly extend federal control over crop farmers and livestock producers, regardless of their size or footprint.

"Farm Bureau believes that EPA is intentionally working to circumvent Congress' deliberate decision to leave regulation of non-point sources to the states," Shaffer said.

In his testimony, Shaffer said EPA's "pollution diet" for the Chesapeake Bay unlawfully micromanages states, as well as the farmers, homeowners and businesses within the region by imposing specific pollutant "allocations" on activities such as farming and homebuilding, sometimes down to the level of individual operations.

"The federal Clean Water Act does not authorize such binding (EPA) allocations," Shaffer testified. "Instead, the Clean Water Act requires that states decide how to improve water quality, including allocations of loading among sources, and to take into account economic and social impacts on local businesses and communities. EPA claims to be working in 'partnership' with the states, but by including its own

‘allocations’ in the TMDL, it is exercising control by unlawfully limiting the states’ flexibility to change and adapt their plans. We believe EPA should be held accountable to the laws that prescribe how it regulates production agriculture and that it should rely on sound science in its proceedings.”

AFBF and the Pennsylvania Farm Bureau recently filed suit challenging the EPA’s authority to implement its TMDL measure in the Chesapeake Bay watershed.