



Defending Agriculture

Legal, environmental hot button issues that impact U.S. farmers.

EPA Faces Hostile Ag Congressmen

Posted on April 18, 2011 at 2:28 AM

[Click here](#) to view [recent posts](#)

"The EPA used heavy-handed tactics with states, flawed models and showed a disregard for costs in developing a new Bay cleanup plan, members of Congress and the agricultural community charged at a recent hearing," claims the Chesapeake Bay Journal in the April, 2011, edition.

The Congressional hearing the Bay Journal references included several hostile comments directed towards EPA's lack of authority to regulate nutrient runoff from our farms.

The dispute concerns EPA's efforts to impose Total Maximum Daily Load ("TMDL") requirements on water runoff from farmers who operate in the Chesapeake Bay area. I wrote about this dispute on January 13, 2011.

Several Congressmen claim EPA lacks authority to regulate farm runoff. (They are correct; It's called the Ag storm water exemption).

Carl Schaffer, president of the Pennsylvania Farm Bureau, was really blunt and claimed that EPA is like a person holding a gun to another person's head and forcing them to rob a store. Congressman Bob Goodlatte, R-VA, also claimed that EPA is exceeding its regulatory authority by going after agricultural nutrient runoff.

Defending agriculture on nutrient runoff is a new study issued last month by USDA's Natural Resources Conservation Service (NRCS). It's worth reading even though it is 158 pages. It's entitled, "Assessment of the Effects of Conservation Practices on Cultivated Cropland in the Chesapeake Bay Region".

This study is part of USDA's Conservation Effects Assessment Project (CEAP) and was initiated in 2003 to determine the effects of soil and water conservation practices on agricultural lands. The CEAP report is the second in a series of studies covering major river basins in the United States.

CEAP reports will be issued on both the upper and the lower Mississippi River basins. Every producer in the Midwest needs to follow this issue.

Agricultural producers will want to make sure that CEAP is properly funded in order to provide factual data to combat EPA holding a gun to agriculture's head. An example of this coercion was EPA demanding that states develop detailed Watershed Implementation Plans (WIPs). Each state in the Chesapeake Bay region submitted an initial WIP; EPA found all of the plans inadequate. In fact, EPA threatened the states with tougher actions if the states did not develop tougher nutrient goals. If the goals are not achieved EPA promises increased regulation.

Voluntary conservation works

CEAP finds that voluntary incentive-based conservation is working, not withstanding EPA's claims. In fact, it claims "Farmers have made good progress in reducing sediment, nutrient, and pesticide losses from farm fields through conservation practice adoption throughout the Chesapeake Bay region."

CEAP further claims "Nearly half of the cropland acres are protected by one or more structural practices, such as buffers or terraces. Reduced tillage is used in some form on 88% of the cropland." EPA of course, assumes that 50% of the row crop land in the Chesapeake Bay region is being moldboard plowed. You can see why we need the research and study from USDA's CEAP project to combat EPA's misrepresentation of the facts.

According to CEAP, conservation practices in the six Chesapeake Bay states have reduced sediment losses from runoff by 55%, reduced nitrogen surface runoff by 42% and cut phosphorus losses by 41%. Even with these gains, USDA, through CEAP, suggests that there are further opportunities to reduce sediment and nutrient losses from cropland.

Even though EPA claims that 50% of the farms in the bay region are using conventional tillage, the CEAP study shows that only 19% of cropped acres (810,000 acres) in the six states "...have a high level of need for additional conservation treatment." The CEAP models show that if additional conservation practices were applied to 810,000 acres, edge of field sediment loss would be cut by an additional 37%, nitrogen losses by 27% and phosphorus losses by 25%. This type of targeting of critical acres makes sense, improves the effectiveness of conservation practices and improves water quality without EPA running our farms.

Moving to Midwest?

This common sense approach needs to be supported by all of us in agriculture. The battle being fought in the six states in the Chesapeake Bay region will soon be moving to the Midwest and the West.

EPA is moving to implement a regulatory approach. The process being used in the Chesapeake Bay basin to develop the Bay TMDL will be replicated by EPA in watersheds across the country unless agriculture stands up and defends itself with data from CEAP and USDA.

[Add a Comment](#)

Recent Posts

[Back to Top](#)

[EPA Faces Hostile Ag Congressmen](#)

Posted on April 18, 2011 at 2:28 AM

Congressional panel members claim EPA is exceeding its authority by ordering states to develop nutrient water runoff plans.

Category: [Issues](#)